

LEGISLATIVE COUNCIL

Tuesday, October 18, 1977

The PRESIDENT (Hon. F. J. Potter) took the Chair at 2.15 p.m. and read prayers.

QUESTIONS

GOVERNMENT CARS

The Hon. C. M. HILL: I seek leave to make a short statement before asking a question of the Minister of Health, representing the Premier, about the Government's policy of purchasing large and expensive Ford motor cars for its Ministerial fleet.

Leave granted.

The Hon. C. M. HILL: I notice that the Government is continuing to purchase large Ford cars; indeed, they are the largest and most expensive models in the Ford range.

The Hon. F. T. Blevins: Pretty well the same as the type of car you had when you were a Minister.

The PRESIDENT: Order! Interjections are out of order. I ask the Hon. Mr. Hill not to reply to that interjection.

The Hon. C. M. HILL: As part of my explanation I point out that for many years, particularly from 1968 to 1970, Ministerial cars were Chrysler vehicles and, to the best of my knowledge, they were manufactured in this State.

It must be borne in mind that Chryslers and General Motors-Holdens make excellent vehicles here in South Australia, and there is a need for the State Government to show faith in and loyalty to South Australian industry through purchasing products manufactured in South Australia. Further, Chrysler cars and G.M.H. cars use less fuel than the type of Ford vehicle to which I have referred, and they therefore contribute to energy conservation. Perhaps more important than anything else is the fact that the South Australian motor vehicle industry is at present hit with severe and disastrous unemployment. As a gesture of good faith in the management and workers connected with South Australia's motor vehicle industry and as a gesture of good faith as regards the cause of conservation, will the Government change its plans and bring down a firm policy that all newly purchased Government cars must be manufactured in South Australia?

The Hon. D. H. L. BANFIELD: Of course, the Government is concerned about employment levels at General Motors-Holdens and Chryslers. If the honourable member considers the large number of Government cars purchased, he will realise that many Chrysler cars and G.M.H. cars are in the fleet. Where the Government is using Ford cars of the type referred to, it is doing so because it believes that that type of car is the most suitable for the job. Regarding the question of the relative fuel consumption of the different types of car, I disagree with the honourable member; for a given type of model, they are on a par. So, we are at no disadvantage in that respect. On the matter of whether the Government will change its attitude as regards purchasing some types of Ford car, I will refer the honourable member's question to my colleague.

MANNUM RETRENCHMENTS

The Hon. N. K. FOSTER: I seek leave to make a short statement prior to asking a question of the Leader of the Government regarding unemployment and redundancy at Mannum.

Leave granted.

The Hon. N. K. FOSTER: I noticed in this morning's press an item covering a public meeting held last night in regard to unemployment in the Mannum area. The article referred to the fact that there were about 100 vacancies in the Mannum area and 50 vacancies in the Murray Bridge area which would apparently be available to the redundant workers in Mannum. According to the press report, one of the areas of employment available in Murray Bridge was Monarto. If figures cannot be made available stating the number of registered male and female unemployed in Murray Bridge prior to the redundancy measures taken by the company concerned in Mannum, and the number of retrenched employees from Monarto in recent weeks, are those retrenched workers or those workers to which the article referred at Monarto, employed through the Murray Bridge area, and who I understand are seeking re-employment at Monarto, going to be superseded, or is there any priority to be given to those people over those who have been registered unemployed in Murray Bridge, over those who are more recently redundant and who are unemployed in the agricultural town of Mannum?

The Hon. D. H. L. BANFIELD: This is a matter for my colleague, the Minister for Labour and Industry. I shall refer the honourable member's question to him.

PRINCE OF WALES VISIT

The Hon. N. K. FOSTER: I seek leave to make a short statement, prior to directing a question to the Leader of the Government regarding a proposed visit to South Australia of the Prince of Wales.

Leave granted.

The Hon. N. K. FOSTER: I understand, from a person to whom I spoke over the weekend, that there was some degree of concern being expressed in an eastern suburbs high school which was visited in the last couple of weeks by the Commonwealth Police in connection with a proposed visit of His Royal Highness, the Prince of Wales, in regard to Her Majesty's jubilee celebrations. Can the Minister ascertain whether there is an insistence on the part of the Commonwealth Police that the rumble strips leading into the high school are to be removed because the Prince does not like bumps? I thought that the Prince was a man of the sea. Seriously, however, I hope that this is not an attitude displayed by those responsible for the visit, rather by those who feel responsible for security. It seems to be a needless waste of money to remove such rumble strips on the basis that there may be some discomfort caused to the visiting Prince.

The Hon. D. H. L. BANFIELD: I am not aware that this is the case, but I will seek information for the honourable member.

LAND TAX BILL

The Hon. R. C. DeGARIS: I direct a question to you, Sir. As amendments were moved and carried by the Council to clause 7 of the Land Tax Bill, can you inform the Council whether those amendments should be suggested amendments or, in your opinion, is clause 7 not a money clause?

The PRESIDENT: The honourable member asks for my opinion concerning clause 7 of the Land Tax Bill. I am prepared to give him such an opinion, for what it is worth at this stage of the proceedings. It is not to be treated as a ruling because the opportunity or need for me to rule on the matter has passed. It is obvious that the Land Tax Bill

is a money Bill but that does not mean that every clause contained therein is a money clause. *Prima facie* clause 7 is not a money clause in my opinion and the Council did not treat it as such when amending the same. However, I have no doubt that a case could be argued that clause 7 of the Bill has little or no meaning without being read in conjunction with clauses 5 and 6 of the Bill and that they must be read as a whole. Clauses 5 and 6 of the Bill would be money clauses within the definition of section 60 (3) of the Constitution Act if the Council was satisfied that those clauses provided for the regulation of taxation.

The Hon. D. H. L. BANFIELD: You indicated, Sir, that this was not a ruling, and I should like to indicate that we are not at this stage taking it as one. I would not want it to be shown in *Hansard* that I did not draw your attention to the fact that the Government would not accept such a ruling if you gave it in future.

The PRESIDENT: It is not a ruling.

The Hon. D. H. L. BANFIELD: I know that, and you indicated that. I point out that, if it was a ruling, it was only a hypothetical one, it having been raised for future reference only. I did not want it shown in *Hansard* that you gave an indication of what you might do if you had to give a ruling without my saying something about it. You indicated that this was your viewpoint. If that is so, and you will not rule in accordance with that viewpoint when asked to do so, it seems to be a waste of time for you to get up and give a reply as you have done.

The PRESIDENT: Order! I suggest that the Minister read what I have said.

The Hon. D. H. L. Banfield: I heard what you said.

The PRESIDENT: I am sorry, but I must disagree with the Minister, who has completely misunderstood what I said. I gave an open-ended answer, without giving any—

The Hon. N. K. Foster: He was unfair to you, in accordance with the question.

The PRESIDENT: Order! I virtually said that the matter was an open question.

The Hon. D. H. L. Banfield: And I am virtually saying that, if and when you give such a ruling, we will question the line that you have taken this afternoon.

The PRESIDENT: I suggest that the Minister read what I have said.

IODINE IN MILK

The Hon. ANNE LEVY: There was a report on the A.B.C. last night and in today's *Australian* that quoted Dr. Gwyn Howells, the Chairman of the National Health and Medical Research Council, as saying that iodine levels as high as 1 024 micrograms a litre have been reported in milk in Australia. He further stated that the adult requirement of iodine was as little as 150 micrograms a day, that is, about one-seventh of the amount at present being found in milk. The report also states that such high levels of iodine in milk are due entirely to bad management practices in dairies, where iodophore-containing disinfectants were not being completely rinsed out of milk containers. With good dairy management, iodine levels should not rise above 200 micrograms a litre, that is, about one-fifth of what has been found. The level of 1 024 micrograms a litre is, apparently, a world record for iodine levels in milk, and it could have serious consequences for anyone who consumed more than a few millilitres a day over any lengthy period, as excess iodine can lead to much goitre trouble. Are any figures available on iodine levels in milk in South Australia, and are dairies here policed as to their management practices to ensure that such high iodine levels do not occur in milk in South Australia?

The Hon. D. H. L. BANFIELD: Testings made in South Australia by the Metropolitan Milk Board show an average of 270 micrograms a litre of iodine. The highest testing showed 420 micrograms a litre. These figures are below the safe upper level of 500 micrograms a litre that is recommended by the National Health Research Committee. The Agriculture Department and officers of the Metropolitan Milk Board have developed good agricultural practices aimed at reducing iodine levels in milk, and dairy farmers are being advised to follow these practices. There is no cause for alarm regarding the level of iodine in milk in South Australia.

PUBLIC SERVICE PROMOTIONS

The Hon. J. C. BURDETT: I seek leave to make a brief explanation prior to directing a question to the Minister of Health, representing the Premier. The subject matter of the question is appointment and promotion in the Public Service.

Leave granted.

The Hon. J. C. BURDETT: It is well known that at present, when a public servant is promoted to a higher position, anyone else in the Public Service may appeal against that promotion, but, when a person who previously has been outside the Public Service is appointed to a position within it, there is no appeal, so when a position in the Public Service is vacant and someone from outside is appointed, no other member of the Public Service may appeal against that appointment. This is understandable at the higher levels of the Public Service, so that the Government may have the advantage of engaging people from outside the Public Service with special expertise. However, it is difficult to understand in regard to the lower levels, where it also applies, because often in the lower levels the jobs are routine jobs and the knowledge of the routine in that branch of the service is desirable. Will the Government consider amending the legislation to allow appeals by public servants against appointments to Public Service positions of people from outside the Public Service?

The Hon. D. H. L. BANFIELD: I will refer the question to my colleague.

ROAD TAX

The Hon. A. M. WHYTE: I ask leave to make a statement regarding road maintenance tax before asking a question of the Minister representing the Minister of Transport.

Leave granted.

The Hon. A. M. WHYTE: Part of a report in the December issue of *Farmer and Grazier* states:

The appointment of the committee to review the Road Maintenance Contribution Act will bring the principle of a fuel tax a step closer to reality.

This was the import of a statement made by UFG general secretary (Mr. G. E. Andrews) to a meeting of the organisation's transport committee recently.

Although unable to divulge the Ministerially-appointed committee's recommendations, Mr. Andrews referred to the whole-hearted support which the Minister of Transport (Mr. Virgo) was giving to a fuel tax at meetings of State and Federal Ministers of Transport.

Everyone who pays road maintenance tax is interested in whatever progress can be made towards introducing a fuel tax in lieu of the present road maintenance tax, and I ask the Minister whether he can give me further up-to-date information regarding the workings of that committee and its approach to a fuel tax in lieu of a road maintenance tax.

The Hon. T. M. CASEY: I will refer the question to my colleague and bring down a reply.

SEXUAL TRAUMA CLINIC

The Hon. ANNE LEVY: I seek leave to make a short statement before directing a question to the Leader of the House regarding the Sexual Trauma Clinic at Queen Elizabeth Hospital.

Leave granted.

The Hon. ANNE LEVY: This morning's *Advertiser* contains a most extraordinary statement attributed to Mr. McLeay, M.H.R., in which he is reported as having said that the new Sexual Trauma Clinic at Queen Elizabeth Hospital is an example of the socialist phenomenon and is also a sop to the victim and a pandering to the perpetrator of violent crime. Can the Minister explain how such a clinic is an example of creeping socialism, and would the Minister not regard the clinic more as an expression of concern and care on the Government's part for victims of rape, with a view to helping them in every way possible? As most victims of rape are women, would he agree that Mr. McLeay's outburst showed that he is basically anti-woman and keen to protect from detection and conviction people who commit that crime?

The Hon. D. H. L. BANFIELD: There is no opinion to be expressed on this question at all. I am concerned that a man such as John McLeay is able to make such outlandish statements. He knew nothing of what he was talking about.

The PRESIDENT: Order! I do not think the Minister should comment in that way. I heard the Hon. Mr. McLeay on the air this morning, and he claimed he was completely misreported.

The Hon. D. H. L. BANFIELD: The fact remains that for many years John McLeay saw a communist under every table, under every bed and under every carpet.

The Hon. R. C. DeGARIS: On a point of order, Mr. President, Standing Orders preclude such a question and such a reply. It is an expression of opinion.

The PRESIDENT: Perhaps the Minister will explain the basis of his position.

The Hon. D. H. L. BANFIELD: The basis of the position is that John McLeay knew nothing about this matter. The establishment of the clinic at Queen Elizabeth Hospital will in my view be the means of possibly catching more offenders in the future than were caught in the past, because women will be encouraged to report to the clinic as soon as possible after an attack has been made, which will enable better evidence to be obtained rather than when an assault is reported three or four weeks later. If John McLeay was misreported he must have been really misreported.

The Hon. C. J. Sumner: The statement was read out.

The Hon. D. H. L. BANFIELD: True, and perhaps Mr. McLeay is now seeing a socialistic plot in the same places in which he used to see communists under the bed.

The Hon. C. M. Hill: That's why he's a Minister!

The Hon. D. H. L. BANFIELD: That is about the standard of a Minister in the Fraser Government.

SHOPPING HOURS

The Hon. J. A. CARNIE: Can the Minister of Health, representing the Minister of Labour and Industry, obtain information on the cost to the State of the recent Royal Commission into Shopping Hours?

The Hon. D. H. L. BANFIELD: I shall seek the information for the honourable member.

WHYALLA PUBLIC SERVICE EMPLOYMENT

The Hon. C. M. HILL: I seek leave to direct questions to the Minister of Health, as the Leader of the Government and in his capacity as Minister of Health. These questions concern serious rumours in Whyalla concerning the possibility of a cut-back in Government departmental officers employed at that city.

Leave granted.

The Hon. C. M. HILL: I have been reliably informed that much concern has been expressed about the possibility that the State Government intends to reduce its Public Service staff in that city, by either dismissal or by transferring employees to other parts of the State. First, does the Government intend to remove or decrease personnel from any departments at present located in Whyalla? Secondly, is the State Health Department from Whyalla to be centralised at Port Augusta and, finally, have tenders been called for the \$8 000 000 project to extend Whyalla Hospital, such extension being promised before the past two State elections in 1975 and 1977 respectively? If they have not, what is the reason for the delay?

The Hon. D. H. L. BANFIELD: Because of the numerous questions asked, the fact that the honourable member did not give me warning of these questions and as I am sure he would like a complete answer, I shall be willing to seek that information for him.

PITJANTJATJARA LAND RIGHTS

The Hon. A. M. WHYTE: Has the Minister representing the Chief Secretary a reply to my question concerning Pitjantjatjara land rights?

The Hon. D. H. L. BANFIELD: The Pitjantjatjara Council was formed in July, 1976. It seeks to represent the Pitjantjatjara people in South Australia, Western Australia and the Northern Territory and is evidence of the growing awareness by the Pitjantjatjara people of the need for political action to protect their customs and lifestyles, while at the same time organising themselves to accept and use the best benefits and services available from contact with the European society. It is not to be expected that all of the decisions or processes of such a group will be without some dissent, especially during its early, formative period.

Honourable members will be aware that fundamental to the Aboriginal life style is attachment to the land. It is to be expected therefore that the primary thrust of the Pitjantjatjara Council has been to gain freehold title to all Pitjantjatjara land. Members of the council have waited on the Government and have made written submissions. In a submission dated February 14, 1977, the council stated, *inter alia*:

Membership of the council rests on the fundamental oneness of the people, "waltja" or family, which links the people to each other and to the land irrespective of European State borders. Dreaming lines (iywara) link communities separated by the borders. Communities only a few miles apart are administered, funded and controlled by Governments and departments widely separated, with significantly different attitudes and policies. Ownership of land is the foundation stone of the Pitjantjatjara culture, which provides strict, viable and mutually accepted rules for the inheritance, management and use of land. Much of traditional Pitjantjatjara land has been alienated from the people since the coming of the Europeans. The council recognises that all traditional land may not be recovered. Its immediate aim is to gain full title to those lands still available to them.

In order to minimise the effects of being artificially "divided" by the European law into three parts, the council has resolved to approach each Government to seek the strongest possible uniform title to the land, and to reduce, so far as possible, the disruptive effects of the European presence. The majority of the land now claimed lies within that area known to Europeans as the North-West Aboriginal Reserve. Not all Pitjantjatjara Council member communities live within the reserve in South Australia. Fregon, Ernabella, Mimili and Indulkana are outside under various forms of lease-hold. The Pitjantjatjara Council seeks title which is communal; is in fee simple; inalienable; and carries with it the absolute right to all on and below the ground.

As suggested earlier, this move by the Pitjantjatjara Council has not received unanimous support at this stage. Pitjantjatjara people living at Yalata have made submissions expressing their concern about some of these proposals. For these reasons the Government has established a working party, which is meeting and consulting with all interested Aboriginal groups in order to ensure that the wishes and rights of all the people are understood and taken into account when recommendations are made about provision of Aboriginal land rights in that area.

SOIL CONSERVATION

The Hon. F. T. BLEVINS: I seek leave to make a short statement before asking a question of the Minister of Agriculture about soil conservation.

Leave granted.

The Hon. F. T. BLEVINS: During the recent election campaign there was some controversy about whether or not the South Australian Government was to receive a Commonwealth grant to continue soil conservation programmes in the North of this State. The then shadow Minister of Agriculture in another place claimed that South Australia had been guaranteed about \$30 000 in the Federal Budget, while the South Australian Minister of Agriculture claimed that no money had been made available by the Commonwealth and that, if any was made available, it would only meet shortfalls in the salaries of staff employed, with no funds to carry out actual soil conservation work. Can the Minister say whether any money has been made available from the Commonwealth Government and whether the programmes at Pisant Creek and Hermitage Creek will now be finished?

The Hon. B. A. CHATTERTON: The situation as regards soil conservation programmes in the Mid-North is extraordinary from the viewpoint of State-Commonwealth relationships. There was an indication that \$30 000 would be made available in this year's Federal Budget as a grant to South Australia for soil conservation projects. I will deal later with the question of whether that allocation was adequate to do any real work. I recently received from the Federal Minister for Primary Industry a copy of all the Budget documents that were published, together with other documents, titled Rural Industry Information Papers. In that publication at the bottom of the section dealing with soil conservation grants, the following statement is made:

The 1977-78 Estimates . . . are notional only and no commitment to the provision of the amount shown to each State is implied.

That is an extraordinary statement to put in a Budget document: the Commonwealth Government has allocated \$30 000 to South Australia, but it is a notional allocation only, and it does not imply any commitment at all!

The Hon. R. A. Geddes: The Commonwealth Government is conserving its money.

The Hon. B. A. CHATTERTON: The Commonwealth Government should be honest enough to say that it is not allocating any funds, rather than referring to notional funds.

The Hon. C. J. Sumner: What did the shadow Minister say during the election campaign?

The Hon. B. A. CHATTERTON: The shadow Minister said that I was misrepresenting the situation and that the Commonwealth Government was making \$30 000 available. The Commonwealth Government does not seem to realise that, if we cut a programme down sufficiently, we are able to pay only overhead costs, and no actual work is done. If the \$30 000 was to be made available for South Australian soil conservation, it would pay only part of the salaries of the officers concerned, and it would not be sufficient for any actual soil conservation work, contour banks or waterways. So, by cutting down the funds by 50 per cent or 60 per cent, the effective work is cut out by 100 per cent. This is a simple lesson that I do not think the Commonwealth Treasury has yet understood.

PORT PIRIE CULTURAL CENTRE

The Hon. C. M. HILL: I seek leave to make a short statement before asking a question of the Minister of Health, representing the Premier, about the proposed cultural centre for Port Pirie.

Leave granted.

The Hon. C. M. HILL: The *Port Pirie Recorder* has reported that last August the Premier visited that city and indicated that Port Pirie was to receive between \$2 000 000 and \$3 000 000 for the establishment of a cultural centre. The article in the *Recorder* states:

Mr. Dunstan spent the day in Port Pirie campaigning for the forthcoming State election.

He said, under the State Regional Cultural Centres legislation, a Port Pirie Cultural Centre Trust was currently being established.

As soon as the trust was set up, it could begin borrowing to build a new cultural centre in the city.

"We expect that the Trust will borrow \$1 million this year", he said.

"Once the trust is established and begins developing its plans, it will be able to borrow \$1 million each year over the next two or three years, and the State Government will service this loan.

"Until it is actually let as a contract, we will reinvest the money so that we make cash out of it.

"We are not getting any losses in that way. We have got the money there in a trust fund ready to go".

What is the current situation regarding the establishment of this proposed cultural centre at Port Pirie, and will the Premier name the trust fund to which he referred in his reported statement?

The Hon. D. H. L. BANFIELD: I will refer the honourable member's question to my colleague.

HOUSING INDUSTRY

The Hon. N. K. FOSTER: I seek leave to make a short statement before asking a question of the Minister of Agriculture, representing the Minister for Planning, about housing.

Leave granted.

The Hon. N. K. FOSTER: I wish to refer to a report in today's *Advertiser* of the keynote address given by an

Adelaide chartered accountant, Mr. B. R. Macklin, on "Avenues for the expansion of development in South Australia" at a conference of the Building Science Forum of Australia (South Australian Division). In the address it is stated that the housing industry has been over-producing and that interest rates are very high, as is unemployment; further, it is stated that costs continue to rise and productivity to fall. Would it not be a fact that housing is over-produced only in the economic sense and that it is grossly under-produced in respect of the community's needs?

Will the Minister of Agriculture endeavour to have the Minister for Planning draw attention again to the present economic policies of the Federal Government that have brought about the situation to which Mr. Macklin referred in his keynote address yesterday?

The Hon. B. A. CHATTERTON: I will refer the honourable member's question to the Minister for Planning and bring back a reply.

FUEL COSTS

The Hon. A. M. WHYTE: Will the Minister of Lands, representing the Minister of Transport, ask his colleague whether demands and requests from various organisations are being made to equalise the cost of fuel throughout the Commonwealth? Is South Australia also making such overtures to the Federal Government?

The Hon. T. M. CASEY: I will refer the honourable member's question to my colleague and bring back a reply.

INDUSTRY REPORT

The Hon. N. K. FOSTER: I seek leave of the Council to ask a question of the Leader of the Opposition. I refer to a report in the *Advertiser* today of a statement made by the Chairman of Broken Hill Proprietary Company Limited.

The PRESIDENT: Has the Hon. Mr. DeGaris made a statement on that?

The Hon. N. K. FOSTER: If he wants to decline, I will direct the question to the Leader of the Government.

The PRESIDENT: The Hon. Mr. DeGaris has no standing in this matter concerning the Council, or anything of that kind.

The Hon. N. K. FOSTER: I have been wanting the President to speak the truth concerning Mr. DeGaris ever since I entered this place. The President has now confirmed my belief and that of honourable members on this side of the Chamber that the Hon. Mr. DeGaris has no standing whatsoever. I direct my question to the Leader of the Government in the Council.

Leave granted.

The Hon. N. K. FOSTER: In the *Advertiser* this morning is a report on page 15, headed "Manufacturing is in disarray—B.H.P. chief." I quote from that report, in which Sir Ian McLennan dealt with this subject when he was addressing a manufacturing industry gathering last evening, and set out a plan to resurrect industry. The report states:

Greater dependence on local technology; Recognition that imported technology is still desirable; Positive encouragement from taxation; Development of specialised high technology products capable of international competition; Continued research and development so that competitive advantages are not risked; A redirection and co-ordination of government and private research and development resources.

The report continues:

Other reasons were the growth of the mining sector, which used much of the available risk capital . . .

Does the Leader of the Government agree that some points made by Sir Ian McLennan are an indictment against the present Federal Government, and that it is significant that the Chairman of B.H.P. did not say, as leading members of the Fraser Government have said, that industry is in such disarray as a result of a high wage factor, as a result of the component of wages being a high cost factor, and as a result of industrial disputes?

The Hon. D. H. L. BANFIELD: It would seem from the report that manufacturers (whom the Federal Government promised it would assist in the same way as the Government has made many other promises), have now reached the stage of losing confidence in the policies laid down by the Fraser Government.

HANSARD PULLS

The PRESIDENT: As I stated in reply to the Hon. Anne Levy on October 13, the Government Printer has changed to a new system for the printing of *Hansard*. The printing is now done by computer. I have been informed that the new system will not only bring about a lowering of costs but also will provide a more efficient service. However, members of the Government Printer's staff have, in the early stages of the introduction of this system, experienced minor organisational and technical problems, and these caused the slow delivery of proofs referred to by the honourable member last week. I have been informed that these problems are well on the way towards being solved and that honourable members should be able very soon to expect that the service will be greatly improved. I have also been informed that, when the problems I have mentioned have been overcome, the daily pulls will be available early on each morning after a sitting day.

MOUNT GAMBIER OUTFALL SEWER REPLACEMENT (STAGE II)

The PRESIDENT laid on the table the report by the Parliamentary Standing Committee on Public Works, together with minutes of evidence, on Mount Gambier Outfall Sewer Replacement (Stage II).

ADDRESS IN REPLY

Adjourned debate on motion for adoption.

(Continued from October 13. Page 193.)

The Hon. M. B. DAWKINS: I support the motion for the adoption of the Address in Reply. At the outset I hasten to affirm my loyalty to Her Majesty the Queen, to congratulate Her Majesty on the Silver Jubilee of her reign, and also to express the hope that the Queen may be able to visit us on many future occasions. I have already had the pleasure of privately congratulating His Excellency the Governor on the assumption of his high office. I now place that statement publicly on record in *Hansard*, and I express confidence that His Excellency will represent Her Majesty successfully and with integrity during his term of office, I wish him well in the discharge of his duties, and also thank him for opening this session of Parliament.

I should also like to place on record my appreciation of the service of Mr. Walter Crocker, C.B.E., who has been Lieutenant-Governor since 1973 and who continues in that office, but who has had a busy and onerous year as Acting Governor for several months: first as the Governor's Deputy during the illness of Sir Douglas Nicholls, and later for several months in the period between the unfortunate resignation of Sir Douglas Nicholls and the appointment of the present Governor.

The Lieutenant-Governor had an onerous task, which he discharged with distinction and to the benefit of our citizens. I thank him for what he did. I regret the briefness of the Speech made by His Excellency the Governor. However, that was not in any sense His Excellency's fault, as we all know that the Speech is prepared by the Government. It was regrettable that the Government did not see fit to spell out in detail its programme.

Although members on this side may not agree with much of it, it is incumbent on the Government, at the beginning of a new session of a new Parliament, to put its cards on the table in the Parliament, and not merely to rely on what it may have said in the previous session in the old Parliament or on what some individual may have said outside this place. If it was not an insult as the Hon. Mr. DeGaris thought, it was at least a most serious oversight and showed a complete lack of appreciation of what is correct and proper in this place.

The Speech, or lack of it, merits reply speeches of equal brevity, and perhaps those Government supporters, who apparently approve of such inadequate and brief comments as an Opening Speech, will support that belief by equally brief comments. However, that is perhaps too much to hope for, and we have seen no evidence of it thus far in the debate.

The Hon. Miss Levy in her speech made some statements that call for comment, not because of their value but because of their inaccuracy. The honourable member made much of the premise that the people of South Australia had on four successive occasions chosen Labor Governments. It suited her conveniently to overlook completely that the last Labor Government was a minority Government, which secured about 47 per cent of the vote of the South Australian people in both Houses. Twenty-three seats out of 47 seats in the House of Assembly is not a majority; nor is 47 per cent, 48 per cent, or even 49 per cent of the vote.

To say that the Labor Government won the 1975 election is ridiculous and completely false. To say that it hung on by the skin of its teeth and by the assistance of an Independent who had won his seat against the Australian Labor Party by virtue of a split Labor vote and much Liberal support in that electorate is more accurate.

When Sir Thomas Playford hung on in almost identical circumstances in 1962, the A.L.P. said that it was wicked. However, when Dunstan was in the same position in 1975, it was quite all right. When things are different, they are not the same! How hypocritical can anyone get. The Hon. Miss Levy's unrighteous indignation also found it convenient to overlook completely the 1966 Federal results, when the Liberal Party won eight out of 11 South Australian seats, or those of December, 1975, when the Labor Party was so decisively defeated.

Perhaps the Hon. Miss Levy is so indignant and one-eyed as to suggest that the Labor Party would have won a State election in March, 1976, when it should have been held. She surely knows that Mr. Dunstan had to go to the polls in July, 1975, or be defeated (as he really was but for the Independent member), rather than in 1976 when he certainly would have lost. We have also heard much indignation—her anger rises (that was the phrase she

used)—regarding simultaneous Legislative Council elections. She made much of her opinion (not that it is worth much) that the Legislative Council should have gone to the polls in the recent election.

The Hon. T. M. Casey: Of course it should have.

The Hon. M. B. DAWKINS: The Minister's opinion is not worth much, either. Members of the Legislative Council have a minimum term of six years, barring a double dissolution, and may it long remain so! The Hon. Miss Levy should look a little more closely at the reasons for Council members not having had to contest the recent election. If the honourable member wants to blame someone for that, that person is not hard to find. One person, and one person only, is responsible for Legislative Council members not coming up for re-election, and that one person is Don Dunstan. He has called two short-term elections, causing people to go the polls more often than necessary. Even now, it is only 4½ years since the 1973 election.

Don Dunstan called the 1975 election eight months early to save his political skin—he very nearly lost it, and he should have lost it. Mr. Dunstan called the recent election (the second successive short-term one) a little over two years from the previous one, to suit his own convenience. He, and he alone, is to blame for the complaint about which the Hon. Miss Levy is so angry: the reason for the Council not going to the polls at the recent election.

Two other comments in the honourable member's speech call for attention. One is, of course, that the honourable member complained about the information received recently that non-clinical grants for 1977-78 in relation to family planning are being cut in most States, and that the cut for South Australia was more than most other States. I am not denying that situation. My information is that the cuts were made on a needs basis and, as South Australia had \$12 000 unspent at the end of June last year, this affected South Australia's grant.

I am not advocating the needs basis as an ideal way of apportioning grants. However, let us remember (and I draw the honourable member's attention to this fact) that the needs basis was instituted by this Labor Government in relation to schools. Schools that had a Parents and Friends Association or a school council or both which had worked well for the school and which had money in kitty to do things for it were penalised by that Government on a needs basis because other schools that did not have money wanted it. Now, the Hon. Miss Levy is complaining about the very thing that her Government instituted.

I should like also to refer to another matter. The Hon. Mr. DeGaris asked the Hon. Miss Levy, "Don't you think that the Governor's Speech should have referred to the drought conditions in the North of the State?" That matter was completely ignored, as were so many other things. In reply, the Hon. Miss Levy said, "There is not much that the Government or the Governor can do about that." If that is not a typical A.L.P. attitude, I have never seen one. Primary production is still a most important part of the production of this State. In some other States, it is being overtaken by minerals, but that has not happened here. That is the sort of reply that one might expect from a Labor Party supporter, who apparently has no comprehension of the value of primary production to this State.

In a State which was industrialised by Sir Thomas Playford but which still has no production (of any great significance) of minerals, as other States have, primary production is still of vital importance. I can quote figures which show that mineral production of three of the other five States is about ten times South Australia's production.

Even Tasmania has a slightly higher production of minerals than has South Australia. In the situation in which we find ourselves, primary production is still of vital importance.

The Government can do many things to alleviate drought. However, the honourable member apparently, by her own words, has no comprehension of them. She follows the incompetence of her own Government in this regard. The Labor Government has completely ignored in the Governor's Speech the ravages of drought as, indeed, it has ignored so many things. Its lack of any positive policy for country areas is to be deplored.

This lack of Government policy for rural areas is admitted reluctantly and regretfully by Labor supporters in rural areas. This is highlighted by the remarks made by Mr. Jim Reese, the Labor candidate for Light in the recent election, who would seem to be a most likeable young man, a moderate Labor supporter from Eudunda.

I quote an article about the declaration of the poll in Light District held at Gawler. The following report appeared in the Gawler *Bunyip*:

Defeated Labor candidate for Light, Mr. Jim Reese, has attacked the Labor Party over its rural policies. Speaking at the declaration of the poll in Gawler on Thursday last week, Mr. Reese said the A.L.P. had orientated its election programme around the metropolitan area. Country people had received little consideration, he said. Country areas did not get good coverage, even in the Premier's election speech, he told electors.

The Hon. F. T. Blevins: On a point of order, he was misreported.

The Hon. M. B. DAWKINS: The report continues:

Dr. Eastick said it was the fourth time in 7½ years he had stood for the seat. He said there must be something wrong with the system to allow such frequent elections. Mr. Reese thanked Dr. Eastick for the fair manner in which the election was conducted.

He said that country areas did not get good coverage, even in the Premier's election speech. They are not my words: they are those of a Labor Party candidate. From what I can find out, Mr. Reese is a most likeable young man and I am sure that, if he was in our Party, he would be able to criticise his Leader and be allowed to do so, but in the Labor Party he will probably get his political throat cut. He may join our Party, because another prominent gentleman from that area, who was at one time a Labor candidate, is now a Liberal supporter.

The Hon. D. H. L. Banfield: He has too many brains to be in your Party. What about Chipp?

The Hon. M. B. DAWKINS: The one with the big "chip" on his shoulder in this place is the Leader of the Government. As we are referred to the Premier's policy speech by this Government in lieu of to a properly detailed Governor's Speech (a procedure that I consider to be totally wrong), we can, if Mr. Reese is correct, expect little or no consideration of rural problems by this Government, because, according to Mr. Reese, there is no comfort in the policy speech for country people. However, as much as I regret this situation, I congratulate the Government on winning the election, and I support the motion.

The Hon. J. R. CORNWALL: It is only a short time since the Address in Reply to the Speech opening the third session of the Forty-Second Parliament was delivered, and in the Address in Reply debate I gave a brief resume of the performance and standing of the two major Parties in South Australia. I concluded by saying that, because of the stability and competence of the Government, I looked forward to the State election with great expectation. Today I could open and conclude my remarks by saying, "I told you so." However, in the relative calm that prevails

after an election, it is an ideal time to take an overall view of the directions in which Parliament and the State may be heading.

Since Parliament last met, we have had appointed a new Governor, Mr. Keith Seaman. His appointment has been widely acclaimed throughout the State, and I am sure that he will carry out his duties with the dignity, compassion, and humility that always have marked him as an outstanding citizen. However, there are many aspects of the position itself that will make it an anachronism in 1977. The sycophantic expressions of continuing loyalty, dedication, and devotion to the Queen that are always so evident from members on the other side, like the Hon. Mr. Dawkins, on these occasions are both a cause of distress and amusement to me.

I want to make it clear that I have much respect and admiration for Her Majesty. I think that she carries out her onerous duties in a remarkably dignified and gracious way, but surely it is absurd for us to be still behaving like a colony of the British Empire, when we are in the last quarter of the 20th century. I submit that it is essential for us to ensure that the Governor is purely a ceremonial figurehead.

The Hon. R. A. Geddes: What is the alternative?

The Hon. M. B. Dawkins: Are you a republican?

The Hon. J. R. CORNWALL: I will come to that. I urge the State Government to pursue all necessary avenues open to it, despite the Statute of Westminster and the serious constitutional and legal difficulties, to achieve this basic democratic goal.

The Hon. R. C. DeGaris: Why the word "democratic"?

The Hon. J. R. CORNWALL: Because it is quite undemocratic to have a Head of State who can override any popularly-elected Government that has a majority on the floor of the popularly-elected House. If a Governor or a Governor-General can dismiss such a Government, we do not have a democracy. It is as simple as that and, if you do not have the common sense to see that after your years in politics, I am afraid I cannot help you.

The Hon. R. C. DeGaris: I am afraid I have more common sense than you believe.

The Hon. F. T. Blevins: You're showing no evidence of it.

The Hon. R. C. DeGaris: I'm a better man than you, brother.

The Hon. J. R. CORNWALL: We are led to believe that the Hon. Mr. DeGaris used to be something of a star in the old days, but in these days one wonders whether he knows when and how to come in out of the rain. It is impossible to consider these matters without also considering the role of the Legislative Council. It remains, in the worst sense, a relic of colonial days. It remains, for the worst reasons, as powerful as the Lower House.

Despite the Hon. Mr. Hill's pathetic defence of this Chamber last week, it remains a clear hangover from the days when the ruling classes, the landed gentry and the capitalist entrepreneurs, believed that they knew what was best for the rest of the community. It certainly remains as a last bastion for the defence of minority vested interest groups, and we have had evidence of that again as recently as last week.

The Hon. R. C. DeGaris: How?

The Hon. J. R. CORNWALL: I should think you might recall that, when the Land Tax Act Amendment Bill was introduced recently, Opposition members in the Legislative Council were at it again. In my maiden speech in August, 1975, I said that the future of this Chamber would be determined very much by the way in which it conducted its business. If it continued the role of obstruction and

obfuscation that it had carried out in the past, I predicted that its future would be very limited indeed.

Despite a certain increased vigour in the style of debate, the Opposition has continued to maul and emasculate Bills with as much alacrity as it did when it held 80 per cent of the seats with less than 40 per cent of the vote. On two occasions already this session it has attempted to flex its muscles. The muscles have atrophied very severely in recent years. Indeed, they resemble the final twitches before clinical death and rigor mortis.

However, despite their lack of unity on many matters, the Hon. Mr. DeGaris's little team can be relied on to unite and fight when privileged minority groups are under any pressure from Government legislation. I repeat that this Chamber should be abolished. In the event that a chance majority of Opposition members of any political Party at any time has control here, it will continually be an obstruction to Government business.

On the other hand, if the Government of the day has a majority in this place, it will be merely a rubber stamp. Taxpayers of South Australia should be aware that either exercise costs then about \$50 000 for each of the 21 members here. This is the estimated cost of paying and servicing the members in this Council and the total cost is about \$1 000 000 a year. That is an enormous amount to maintain this anachronistic and disreputable Chamber. Pending abolition, certain measures can be taken to make it more responsive to the prevailing political mood.

Several of these were foreshadowed in the Premier's policy speech. First, the Government intends to legislate to require members of Parliament to disclose their pecuniary interests to the extent necessary to ensure that no conflict of interest occurs between their private activities and their public interest.

The Hon. M. B. Cameron: I'll bet you did not vote for that.

The Hon. J. R. CORNWALL: I am perfectly happy to disclose the overdraft in my trading account. The Government's intention will apply to members of both Houses, but it will be extremely important and interesting in this place. Secondly, the Government will legislate for simultaneous elections for the Legislative Council and the House of Assembly. Thirdly, and consequentially, the Government will move for the abolition of the six-year minimum term for the Council. Fourthly, a referendum will be held to remove the Council's power to refuse Supply to a Government with a majority of support in the Assembly.

Combined with the democratic manner of election of members of this House, which will be completed by 1981, this will remove some of the objections to the Council, although I believe that supporters of this place should go much further. If the Legislative Council is to survive at all, the only tenuous justification for its existence is as a true House of Review.

To ensure this, two important things would have to happen: first, the Executive arm of Government would have to be removed from the Council (and legislation already exists to do this and I would support it) and, secondly, the power to reject legislation from the Assembly should be removed. This would require constitutional amendment. If this were done, the Council could resolve itself into a series of legislative committees to question Ministers and perform true review functions. Their reports could then be the subject of open debate.

This system would have several clear advantages. First, it would immediately remove the role of the Legislative Council as either an obstruction or a rubber stamp for Executive decisions. Secondly, it would remove the impotence of back-benchers presently experienced in the

Westminster system and, thirdly, it would have the potential to keep the electorate better informed. Finally, as expressions of opinion would not be a direct rejection or acceptance of legislation, it may make the discipline of the Party room on both sides of this Chamber less stringent.

I submit that, if members opposite are serious at all in their protestations supporting the continuing existence of this Chamber, then I challenge them to initiate and support the necessary constitutional changes required. Failure to do so will clearly be a frank admission that this Chamber is indeed a relic of colonial days and, once that is admitted, support for the Australian Labor Party's policy of abolition of this Chamber should be unanimous.

Turning to the recent State election, last week we were treated to one of the more amazing performances of that great democrat, the Hon. Mr. DeGaris, who has discovered Edgeworth's cube system for determining the bonus of seats derived in single-member electorates for each percentage point above 50 per cent of the vote. This method has been widely used by psephologists in both Britain and Australia. Statistically, two main factors are involved: first, a random distribution of voters and, secondly, electorates comprised as nearly as possible of equal numbers of voters.

The Hon. R. C. DeGaris: You've misread Edgeworth.

The Hon. J. R. CORNWALL: It was obvious to me from the Leader's comments the other day that he is no statistician, but I shall come to that. Both of these factors existed for the first time in South Australia at the State election in September, 1977. The principal variation from its predictions does not occur by "locking up" large numbers of voters for either of the two major Parties in particular districts, as alleged by the Leader.

The variations occur because of swings not being uniform throughout the State. Mount Gambier is the classic example. This is the accountability factor built into single-member constituencies; in other words, voters showing personal preferences or dislikes for a candidate or local member. Despite this minor deficiency, it is a useful measure of the fairness of any redistribution. It is especially useful in South Australia now that all preferences have to be distributed under the Electoral Act, and an accurate two-Party preferred vote is available for the first time after an election.

The Hon. Mr. DeGaris spent much time taking us down memory lane to 1938 and back in a vain attempt to rationalise the "Playmander". However, it is significant that, in a speech of more than an hour, the Leader spent no time discussing 1977 figures. Having discovered the cube rule, he did not apply it to 1977 figures but to elections 20 years or 30 years ago, in which accurate two-Party preferred vote figures were not available.

The Hon. R. C. DeGaris: That's not the way—

The Hon. J. R. CORNWALL: The Leader could not rationalise a majority vote. At every election since 1962 the A.L.P. has polled a majority of votes.

The Hon. R. C. DeGaris: That's not right: in 1975 it didn't.

The Hon. J. R. CORNWALL: In 1975, and this is a factor overlooked by members opposite, the Liberal Movement preferences were not distributed in metropolitan districts, so it is not possible to arrive at an accurate figure.

The Hon. R. C. DeGaris: In nearly all metropolitan districts they were allocated.

The Hon. J. R. CORNWALL: That is not so in metropolitan districts.

The Hon. R. C. DeGaris: What about Mount Gambier, Torrens and Glenelg?

The Hon. J. R. CORNWALL: Mount Gambier is not a metropolitan district and, if they were allocated in Torrens, that was the only metropolitan district in which they were.

The Hon. R. C. DeGaris: You're completely wrong; check your facts. In 50 per cent of the seats L.M. preferences were distributed.

The Hon. J. R. CORNWALL: I shall proceed to show the Leader's credibility gap. He was unable or unwilling to give us the mathematical formulae he used for his mystical, meandering "measuring stick". The only aspect clear to me was that it relies partly on the observations of scrutineers at Burrungule, Cobdogla and Terowie! In September, 1977, the primary vote and percentage obtained by all Parties was as follows:

Party	Votes	Percentage
A.L.P.	385 688	51.9
Liberal	305 138	41.10
Australian Democrats	25 621	3.45
Country Party	11 827	1.59
Workers Party	1 723	.23
Unendorsed Liberals	10 780	1.45
Communist Party	199	.02
Socialist Party of Australia	343	.04
Independents	952	.12

The two-Party preferred vote for the A.L.P. was 53.57 per cent. I seek leave to have inserted in *Hansard* without my reading it details of the two-Party preferred vote received by the A.L.P.

Leave granted.

Voting Details, September, 1977

Two-Party preferred A.L.P. Vote District	Percentage
Spence	77.32
Stuart	73.92
Whyalla	73.19
Elizabeth	72.30
Ross Smith	72.13
Semaphore	72.06
Napier	70.98
Price	69.38
Salisbury	68.13
Peake	67.42
Playford	67.03
Florey	67.02
Adelaide	66.20
Albert Park	64.10
Baudin	63.03
Gilles	62.79
Ascot Park	62.49
Mitchell	61.40
Hartley	60.43
Norwood	60.23
Unley	60.06
Newland	59.80
Henley Beach	59.33
Brighton	58.10
Todd	56.51
Mawson	56.46
Morphett	50.35
Coles	48.62
Mount Gambier	48.57
Torrens	47.50
Hanson	44.59
Eyre	44.07
Rocky River	41.77
Glenelg	40.53

Chaffey	40.36
Murray	39.97
Fisher	39.56
Light	39.35
Mitcham	37.77
Bragg	34.78
Victoria	34.64
Kavel	31.24
Alexandra	30.58
Mallee	27.15
Flinders	25.74
Davenport	25.81
Goyder	24.65

The Hon. J. R. CORNWALL: As a matter of interest, and of considerable satisfaction to me, the country swing to the A.L.P., despite what the Hon. Mr. Dawkins was on about, was 8.4 per cent.

The Hon. R. C. DeGaris: That's nonsense.

The Hon. J. R. CORNWALL: That is statistical fact. Those are the figures coming from returning officers, and it is stupid for the Leader to say that it is nonsense. The swing was 8.4 per cent in the country, whilst the urban swing was 4.1 per cent. Using Edgeworth's cube system, as distinct from the DeGaris measuring stick, the number of seats which should have been won in a 47-seat House by either major Party at 53 per cent, 53.5 per cent and 54 per cent of the two-Party preferred vote is as follows:

Percentage	No. of seats
54	29.04
53.5	28.37
53	27.6
53.57	28.5

I point out that 53.57 per cent was the actual two-Party preferred vote that the Labor Party received in 1977. In other words, there is a deficiency of one or two additional seats which the Labor Party could or should have won on the two-Party preferred vote which it achieved.

The relative accuracy of the cube system is shown by the very narrow margins in Morphett, Coles and Mount Gambier, where the two-Party preferred votes for the Labor Party were 50.35 per cent, 48.62 per cent, and 48.57 per cent, respectively. The question of accountability and performance of members and candidates is also demonstrated by the Morphett and Mount Gambier results. One can always afford to be magnanimous in victory and gracious in defeat. I concede that in Mount Gambier we did not perform particularly well. On the other hand, in Morphett the Labor Party candidate clearly out-performed his Liberal opponent and achieved a swing, based on 1975 figures, significantly larger than that applying in surrounding electoral districts.

In Mount Gambier, the sitting Liberal member had a swing against him substantially less than the Liberals' urban loss and also less than their country loss. The figures, in fact, were 2.3 per cent in the old subdivision of Mount Gambier and about 7 per cent in the new rural area. It is significant that, if one takes random sampling, had Nangwarry and Mount Burr been included in the new Mount Gambier District and had Tantanoola, Kongorong, and Glencoe been excluded, the Labor Party would have won that district. It must be borne in mind that these boundaries were drawn up by independent Commissioners.

It certainly appears that Mount Gambier in future will be won or lost within the city boundaries and in quite specific age groups and socio-economic groups. The Mount Gambier figures also bolster the argument I developed earlier about random distribution. The aspect of accountability and performance of individual members

is illustrated markedly if the Opposition Parties are allocated an 8 per cent swing to reverse the actual position.

Under the cube prediction, they should then win Morphett, Mawson, Todd, Brighton, Henley Beach, Newland, Unley, and possibly Norwood and Hartley. Their difficulties immediately become obvious not because of any supposed "gerrymander" factor but because they are faced with the formidable task of defeating members such as Molly Byrne, Hugh Hudson, Glen Broomhill, Gil Langley, Don Dunstan, and Des Corcoran. At least four of these members originally defeated sitting L.C.L. members many years ago, when we were overcoming South Australia's gerrymander the hard way. We had to pick off an electoral district at a time with outstanding candidates. We ultimately got into Government despite boundaries that were drawn cruelly and harshly against us.

All of the Labor Party members whom I have named have formidable records as local members and Parliamentarians, and the task of defeating them is daunting indeed. Their personal votes range from 5 per cent to 10 per cent. The only consolation I can offer the Opposition is that, although those Government members are apparently impregnable, at least they are not immortal. In South Australia only two sitting members have been defeated since 1970; both were Labor Party members and both held country seats.

I cannot leave this analysis without referring to the Riverland. In Chaffey, the overall swing to the Labor Party was 11 per cent, with 15 per cent in the Loxton subdivision. Had there been a simultaneous Legislative Council election, the Labor Party would have won a comfortable majority in either a single election or a double dissolution; in other words, a majority of seats in this Council either way.

The Hon. C. M. Hill: The Hon. Mr. Carnie was an endorsed Liberal candidate at a previous House of Assembly election.

The Hon. J. R. CORNWALL: But in extraordinary circumstances. On the Hon. Mr. Carnie's own admission, the Party did all sorts of dirty tricks to him. When I was making my point I was thinking of the situation where things were fair dinkum and reasonable. Honourable members should talk to the Hon. Mr. Carnie.

The Hon. C. M. Hill: You ought to be accurate; otherwise your case is on quicksand. You implied that the Hon. Mr. Carnie was not an endorsed candidate when he was defeated.

The Hon. J. R. CORNWALL: He was not a supported candidate. On his own admission, publicly and privately, his Party did some dreadful things to him. Perhaps, before the Conservatives obstruct every important piece of legislation that comes to this Council from the Assembly, they should ponder on the point I made concerning what would have happened if there had been a simultaneous Legislative Council election. Perhaps I should refresh the Hon. Mr. Hill's memory concerning the way in which the Labor Government's Cabinet is formed; it is a far more democratic way than the Liberal way. If a vacancy occurs, any member may run. We do not carry long knives in the Labor Party.

The most disturbing feature for members opposite must surely be that the Legislative Council seats would have been won comfortably by the A.L.P. because of its greatly increased country vote. Given the relative stability of the Labor vote in South Australia since 1962, it must be conceded that the future outlook for the Party is excellent. At each election since 1970, there has been a continuing influx of new Labor Party talent into this Parliament. There will certainly be no shortage of talent to fill any

vacancies which may occur in the Premier's eleven in the next three terms. None of this has happened by accident. Great credit must go not only to the Premier and his Cabinet, but to the continuing excellence of the Party organisation.

The other outstanding feature has been the co-operation between the industrial and political wings of the Labor movement in this State. The lines of communication are always open. The differences of opinion which inevitably arise in a Party as large and diversified as the A.L.P. have always been resolved by discussion and common sense. This is in remarkable contrast to the divide and rule policies of the Liberal Party at the State and national levels.

We live in increasingly difficult times, to say the least. Rural industry is in a state of crisis; secondary industry is chronically depressed. In the Western world we have surely reached J. K. Galbraith's *Age of Uncertainty*. The next decade may well bring social and economic changes the like of which have not been seen since the industrial revolution. Laissez-faire capitalism and conservative philosophies have been tried and found wanting, probably more so in this country in the last two years than anywhere else in the world. I have no doubt that people, not only in this State, not only in this nation, but throughout the Western world, will turn increasingly to the answers which the great Parties of social democracy, including the Australian Labor Party, have to offer. I support the motion.

The Hon. A. M. WHYTE: I rise to support the motion moved by the Hon. Mr. Creedon and seconded by the Hon. Anne Levy for the adoption of the Address in Reply. I add my support to the congratulations extended to Mr. Seaman on attaining the highly dignified and very important office of Governor of South Australia. I am aware of Mr. Seaman's fine record with the Central Mission and hope that his training, together with his religious background, will serve him well in all decisions he will be called upon to make for the welfare of this State. I wish both His Excellency and Mrs. Seaman well in this, the highest office in this State.

I add my appreciation of the fine service given to this State by Mr. Walter Crocker, not only as Lieutenant-Governor but as a distinguished South Australian in the many diplomatic roles he has held throughout the world. Much has been said publicly in recent months which reflects on the conduct of this Chamber and the misery of its petty personal attacks. With that in mind I hope that the mover of this motion, the Hon. Mr. Creedon, will not be offended if I say that he quite lost me in his rundown on local government administration. I would not mention this if it were a less important feature of our overall pattern of government. I am not clear whether he fully supports local government or not, or whether he supports a regionalisation of the present system, a system of commissions and commissars in lieu of the present councils.

I say this because I am firmly convinced that our system of government is still by far the most satisfactory in the world. I am also convinced that its shortcomings are not deficiencies in the system but can quite justly be attributed to the individuals who attempt to manipulate the system, to take away the privilege of the individual in the lust for more power. Lord Bryce, the British historian, said:

The tendency of all Governments is to increase their own powers. Every increase in the power of Government is at the expense of the power and the freedom of the individual.

This statement was backed by President Calvin Coolidge of the United States of America, who said in 1926:

No method of procedure has ever been devised by which liberty could be divorced from self-government. Perhaps this is what the Hon. Mr. Creedon intended to say. Honestly, I do not know. I want to say quite clearly—hands off local government.

I was pleased to hear the Hon. Mr. Blevins speak of the grandeur of the Musgrave Ranges. I have been there a number of times and I never fail to be impressed by their stark beauty. Truly on this occasion two inches of rain had fallen in the area shortly before we arrived and this added to the overall beauty of the picture. But on any occasion the sheer red granite mountains rising out of the flat plain are a sight that more members should take the opportunity to see. Mr. Blevins enjoyed his trip, for it is not only the beauty and tranquility of the bush, but the wonderful people who inhabit it that make it worth while to visit this area. It is not that these people, black or white, wish to be pestered by touring politicians, but they would like their representatives in Parliament to know what their needs are.

Over the years that I have been in Parliament I have travelled somewhere around 50 000 miles a year in my own car, plus doing as much light aircraft travel as I can afford. It has been a physical task which has been rewarded by the many friends I have made in the outback. When the economy of my own property was better, I was able to accept the responsibility more easily. However, it can be seen that without more aid than the present \$4 000 a year provided for travel for members of this Council, it is not possible to serve the whole of this State as a legislator, except from one's own resources. This, I might add, is a most undesirable requisite of a politician because people should not have to qualify to meet part of their travelling expenses to become a member of this Council.

The present allowance would not maintain and run a car, let alone provide for its replacement, nor would it provide for accommodation. It must be a wonderful advantage to serve an area which allows a member to be home every night. The salaries tribunal, on each occasion I have given evidence before it, has shown the greatest concern and sympathy, but it is bound by the terms under which it operates to allot a common sum for all members of this Council. Since the allowance is deemed to be plenty for city members, it seems that unless the Government makes an alternative to that criteria, country members and the people they serve will be at just one more disadvantage. I mention that because I have taken this matter up with you, Mr. President, and also with the Hon. Mr. Corcoran, under whose jurisdiction these salaries and allowances are set. I believe that it would be far more just if some consideration was given to the desire of members of this Council to serve the full area of the State more satisfactorily.

Every member of this place, for the first time I can remember, and most other people in the State are aware of the depressed rural situation. In many areas of the wheat belt, farmers are facing their third year of practically nil return. Some had crops ravaged by rust and root disease three years ago, and are now facing their second year of drought.

True, the last late rains have substantially helped some areas of the Mid North, and reasonable crops could result in that area. However, for many wheat farmers and graziers, especially those who derive income from cattle, the present outlook is indeed bleak. The State Government, although sluggish to begin, seems now to be entering into a plan to use Federal money that is available to allow these people to exist.

Money for drought relief is available to the State from the Federal Government, and I am pleased to see that

many of the recommendations I have made in the Council over the past 18 months for its distribution are now about to operate. The simplification of the application form and the adoption of a more realistic attitude to the qualifying criteria are now part of the scheme.

I congratulate the Minister of Agriculture on the part he has played in effecting what everyone hopes will be a practical scheme and will provide at least a part solution to what could be a disaster for South Australia. In thanking the Minister for his attitude regarding drought relief, I want to give him an opportunity to explain more fully a contradictory report of his which was written for the magazine *Politics* and which was reprinted in the August 25 edition of the *Stock Journal*.

This report seems to follow the line advocated by some of our economists, who now advocate that all of Australia's rural requirements could be fulfilled within 80 km of the Australian coast line, and that anyone trying to produce rural products outside that area does so at his own peril. I presume that this is some sort of a wild guess because, if we were to confine our productivity to an area within 50 miles of the coast line, I doubt very much whether the rural fraternity could produce, as it has, 80 per cent of this country's export income.

No-one doubts that those who were lucky enough to get there first and who live in an assured rainfall area have a better chance of survival than those intrepid souls who ventured farther out. To give the Minister an opportunity to explain certain points, I should like with his permission to read the relevant paragraphs that I find contradictory to his present attitude to assist in drought areas. The Minister reportedly said:

The continual, emotional slogan of farmers, their organisations and their very own political parties is "Do we want a rural Australia, if so, then we must pay for it." Most of us would agree that we do want a rural Australia, but not necessarily as it is now.

I could not help but agree with that. However, I do not know whether he or his economists have much power over the weather. The report continues:

Nor do we consider that we should pay for the rural Australia of today with its incessant demand for subsidies and support.

It would seem that the Minister in this report is saying, on the one hand, that we should have fewer farmers and, on the other hand, that we should have smaller allotments. This runs contrary to the intentions of the State Planning Authority, which is taking the big stick towards the concept of hobby farming. The Minister is shaking his head. However, I am raising this matter so that he can clarify some of the points he has made. One would assume from this report that the Minister eventually contemplates Government control over all rural land and a system of small farms, where people—

The Hon. B. A. Chatterton: That's not true.

The Hon. A. M. Whyte: The Minister will have a chance to reply. One can only assume that the Minister eventually contemplates Government control over all rural land and a system of small farms where people do their own small thing, produce their own requirements, and trade amongst themselves. Such a concept would be contrary to the ideas of the State Planning Authority, which is concerned about the concept of hobby farming.

How could these small farms be viable when we build in the service factor that is so necessary in smaller divisions? Who would pay for the water, roads and power? If one costs these roughly, one can see how difficult it will be to bring about a division of small farms throughout the State, more especially when any suggestion of subdivision

immediately results in rent increases ranging from between 300 per cent and 1 000 per cent.

I now refer to the matter of who pays for whom. The Minister said, "Nor do we consider that we should pay for the rural Australia of today with its incessant demand for subsidies and support." In this respect, I should like to refer to another economist's report, in which he points out that about 336 000 people are employed in agriculture compared to the 468 000 so employed 20 years ago. In 23 years, the rural work force has decreased by 30 per cent, 132 000 people having been displaced. That is equivalent to a loss of 110 rural workers a week for 23 years.

The Hon. R. C. DeGaris: You should add to that another 70 000 rural people who were operating their own farms as well.

The Hon. A. M. Whyte: The point I am trying to make is that I do not know how much more quickly the Minister is advocating that we should phase out rural production. The economist continued:

Finally, the proliferation of industries where Australia lacked international comparative advantage has produced a poor overall allocation of resources.

The Hon. B. A. Chatterton: From which one are you quoting?

The Hon. A. M. Whyte: David Trebeck, the economist employed by the A.W.G.C., is the main one. I am quoting from the rural policy document.

The Hon. B. A. Chatterton: That's quite a good document.

The Hon. A. M. Whyte: True. It continues:

This, as the Organisation of Economic Co-operation and Development has noted in economic surveys on Australia, has contributed significantly to Australia's sluggish rate of economic growth. Tariff-inflated prices have been a prime factor in Australia's high rate of inflation and have made all consumers worse off.

Measuring the cost of assistance to manufacturing industry is necessarily imprecise because of the level of aggregation involved and the assumptions which have to be made. The Industries Assistance Commission has calculated that, for 1975-76, the effective rate of protection (the protection on "value added") for the whole manufacturing sector was 33 per cent—a sharp increase on the previous year due almost entirely to an increase in quotas. It should be noted, however, that much of the protection is concentrated in a few industries and only about half the employment in manufacturing is tariff dependent. The value of effective protection—or net subsidy equivalent as it is commonly called—in 1975-76 was \$4 190 000 000.

It is generally accepted that ultimately exports and export industries pay the vast majority of these costs when protection is given in the form of tariffs or import quotas. Other groups, such as consumers and non-exporting industries, can largely recoup the costs through higher wages or prices, even if not immediately. On this basis—the method for which is explained in more detail in an Appendix—the cost imposed on the sheep, cattle and grain industries in 1975-76 by tariff and quota protection is as follows:

Sheep Industry: \$2.60 per sheep or \$383 000 000 total.

Cattle Industry: \$8.00 per beast or \$232 000 000 total.

Grain Industry: \$31.20 per tonne or \$552 000 000 total.

Alternatively, the cost of tariff and quotas in 1975-76 was \$11 600 for every sheep, cattle and grain producer. The precise figures themselves are relatively of less importance than the order of magnitude they indicate. By any standard, it is clear that protection to manufacturing industry in Australia, through tariffs and import quota restrictions, has seriously weakened the rural sector.

The sheep, cattle and grain industries do receive some

Government assistance but it is miniscule compared with the costs imposed on them by tariffs. For example, in the 1977-78 Budget, \$132 000 000 is provided to the three industries but \$117 000 000 of that is repayable loans, not grants. For the third successive year, the wool industry will subsidise the Government in 1977-78. A home consumption price scheme operates in the wheat industry, and wheat sold on the domestic market is priced separately from export sales.

However, the effect of this scheme, since it commenced after the Second World War, has been to transfer \$1 250 000 000 (measured in 1976-77 prices) from wheat-growers to consumers and taxpayers—i.e. wheatgrowers have heavily subsidised wheat consumers and taxpayers in Australia.

I hope that those figures give the Minister points to explain in regard to his paper, in which he said that we must question whether we wanted the rural industry which "we" (I presume he meant the taxpayers) have to pay for.

In conclusion, I congratulate the Hon. Mr. DeGaris on his work and on his dedication in trying to correct the electoral system so that it will be extended to all who believe in democracy. I support the motion.

The Hon. R. A. Geddes: I support the motion ably moved by the Hon. Mr. Creedon and seconded by the Hon. Miss Levy. Further, I endorse the remarks made by honourable members regarding His Excellency the Governor, Mr. Seaman. I also endorse the references to the excellent work done by the Lieutenant-Governor, Mr. Walter Crocker. I am relieved that you, Mr. President, are back in the Chair in good health and administering the responsibilities of your office. I am relieved that I do not have to be concerned about the responsibilities of Deputy President. References have been made to the brevity of His Excellency's Speech in opening this Parliament. Without reflecting unfairly on Her Majesty's representative or on the fact that His Excellency himself is a Minister of the faith, I point out that there is nothing sweeter than a short sermon.

One could be critical of the Government for the comments it gave to His Excellency for his Speech. However, that is not the point I am trying to make. I have often said that, in regard to the Hon. Mr. Foster, a short speech hurts the most, a long one hurts more.

Much criticism has been levelled by Government members at the Hon. Mr. DeGaris about the work that he has done on electoral figures and the results of the redistribution of boundaries in another place. I say that his work is complementary, and the fact that the Government is critical of his work is to be expected. One must not lose sight of the fact that the Hon. Don Dunstan, when he was a prominent member of the Opposition in the years 1963, 1964, and 1965, did a tremendous amount of work that was not dissimilar.

The Hon. N. K. Foster: He was not in Opposition in 1965.

The Hon. R. A. Geddes: Prior to 1965, in 1963 and 1964 he was. It was the Opposition that was using the word "gerrymander".

The Hon. N. K. Foster: The Parliamentary sittings in 1965 did not belong to the Liberal Party.

The Hon. R. A. Geddes: This was prior to March, 1965; are you quibbling?

The Hon. N. K. Foster: It belonged to the Labor Party.

The Hon. R. A. Geddes: The point is surely understood by all other members that it was the active work and propaganda of the A.L.P. in those years; it coined the words "Playmander" and "gerrymander", and any other words it could think of, to point out to electors that in its considered opinion, the proportion of voters

between the country and city was unfair, and the A.L.P. succeeded in winning Government.

The Hon. Mr. Cornwall gave a recipe for one of the methods used by the A.L.P. with which we are familiar. The Hon. Mr. DeGaris is now taking up the cudgels on the other side. The coin has turned. One should not condemn him the work he is doing and for his efforts to alert people, alert the Government, and even alert the Opposition to the fact that there is now a new form of gerrymander operating in another way. The Hon. Mr. Cornwall tried to draw blood on the inequities of the Legislative Council and he tried to point out that the majority in the Council was not elected democratically and that the power of the Council should be fettered. I thought at the time of the Hon. Mr. Cornwall's speech that, if he does not like it, why does he stay here?

The Hon. N. K. Foster: It is for the same reason that you do.

The Hon. R. A. GEDDES: I do not make derogatory remarks about the control or power of the Council. I cannot but think, and the Hon. Mr. Foster would agree, that, wherever there is a majority, that majority will make use of its power. It is for history to decide whether the Liberal Party has been fair in its way of amending Government legislation for many years. It should not be for members of the Council to say whether we are doing well or doing badly. The judgment on the past performance of the Liberal Party or of the Legislative Council will rest in history. One would hope that the historian would agree with the comment that the Liberal Party, in trying to adjudicate and amend Government legislation, believing that those amendments would be fair to the people and not necessarily to the Government, has acted for the benefit of the whole State.

My main theme is the problem of energy in the world, in Australia, and particularly in South Australia. Anything that moves, is lifted, or is heated uses energy. Of course, it was a simple matter in the old days when man with his muscle and brawn, with the aid of farm animals, was able to feed, clothe, and care for the community. It is on record for several centuries that man, with his desire to improve his way of life, has harnessed machinery of all sorts to do the job that was once the job of the brain, muscle and brawn, and in latter decades it has been the use of oil that has driven the generator to create electricity. Oil has driven the aeroplane, truck, ship, motor car, and every other form of automotive transport. Oil provides domestic conveniences, and the power and energy for industry. There is not a possible shadow of doubt at this stage, according to the experts, that the known world supplies of petroleum products are running dangerously low and that by 1985 it is freely thought and considered by the experts that there will be a crisis point in world supplies of petroleum products.

Similarly, there will be a crisis point in Australia, because it is known as far as the geophysicists can tell, that our reserves of petroleum products in Bass Strait and other areas will come to an uneconomic production level. What will happen once this eight years time limit expires? There may be sufficient petroleum products or oil in the world, but it is believed that the OPEC countries will by then be putting such a price on oil that it will be only essential industries that will be allowed to use petroleum products in the free world. At the same time, the developing nations with their massive population explosions will have to suffer more and more, unless Governments of the day, as leaders of the people (and I refer especially to this Government) are prepared to take more action to encourage research and to help implement and to manufacture alternate forms of harnessing energy,

we will have an even greater difficulty to face in future, because in geographic and mineral terms we are a poor State compared to other parts of the world or of Australia.

The Hon. B. A. Chatterton: How much more support is needed for those programmes?

The Hon. R. A. GEDDES: Do you want me to talk in terms of dollars or to tell you what I think should be considered?

The Hon. B. A. Chatterton: I want both, really.

The Hon. R. A. GEDDES: I do not wish to talk in terms of dollars, because it is not an easy subject. I am aware of the fact that the Government made grants available of about \$180 000 for solar energy research on September 12 this year. I am concerned that there should be some greater initiative to get research into the manufacturing stage, and then into the commercial stage. The lead time will be 10 to 15 years, and that is when we will need to be in front. Undoubtedly, we will need Commonwealth assistance for the total problem.

Before we go into the solar type of research, Australia and the world is looking at alternative forms of energy: first, nuclear energy; secondly, coal; and, thirdly, the harnessing of solar energy. If nuclear energy and reactors are allowed to develop in America, Europe and the developing nations, it could be expected that in the next eight years 40 per cent to 45 per cent of the energy requirements for industry and domestic use will come from nuclear reactors.

A moratorium seems to be growing throughout the world. If the voice of those involved, that is, the people who are concerned for the future, is understood and those nations that are planning massive nuclear works withdraw their support and stop building new schemes, it is expected that in eight years 14 per cent or less of the world's electricity will be supplied by nuclear energy.

Research workers have even examined what will be the position if in eight or 10 years, because of the concern for man, no nuclear reactors are operating in the world. All these factors have been examined. So, we could have, in the extreme, nuclear reactors providing up to 45 per cent of our energy needs or, on the other hand, right down to 14 per cent thereof. If all fails, and alternative systems must be found, the only readily available natural resource left for man to harness will be coal. President Carter, in his campaign for conserving energy in the United States, is arguing strongly for the use of coal. This has caught the coal industry in that nation very much unprepared. Indeed, it is talking of being about 10 years behind, or of taking another 10 years to get the industry, particularly in relation to the transportation of coal, back on a serviceable footing so that it will be able to take over the work load of nuclear reactors.

Much of the Eastern coast of Australia seabed is rich with suitable black coal. Certainly, it is suitable for creating petroleum products. So, the Federal, New South Wales and Queensland Governments are spending much money examining this as an alternative for Australia. Oil suppliers are saying, "Let us convert coal to petroleum products and Australia can go on regardless."

It must be remembered that there is a 50 per cent wastage in the liquefaction of coal, which could and should be put to better use. Also, there is a problem of carbon dioxide in the atmosphere, as well as the problem of which scientists tell us: the world climate could warm up, causing a change in the ice cap, thereby raising sea levels. Although these are hypothetical objections, we must take notice of them. No longer can man laugh at Jules Verne, H. G. Wells, or those who have tried to predict the future. This is especially so when one recalls that at the beginning

of the Second World War only the remotest of scientific knowledge existed regarding the atomic bomb. However, only four short years later, because of necessity and the foolishness of war, that most destructive weapon was in use. So, we must consider with suspicion, because of pollution, energy derived from coal.

We must examine the position regarding coal, particularly in South Australia, with the fantastic transport costs that would be involved in bringing coal here from the Eastern seaboard. Obviously, excluding the domestic scene (hot water services, air-conditioning, and so on) solar energy must be used to create hydrogen from water. That hydrogen can then be stored and supplied to the users. It could be the energy of the future.

All these things have lead times of 10, 15, or 20 years. It is said that in eight years we will have very little petroleum products. It concerns me that there seems to be no reaction from the Australian or South Australian Governments in this regard. The Minister of Agriculture asked me what cost would be involved. Professor Bockris of Flinders University was allocated, I think, \$17 000 for research work into hydrogen to produce 13 per cent of that commodity from water using solar energy.

The Hon. F. T. Blevins: Do you agree with the export of gas from the North-West Shelf?

The Hon. R. A. GEDDES: That is a leading question. I am really trying to stay on the State scene. If asked merely whether I agreed with the export of gas from the North-West Shelf, I would possibly say, "No." However, if one looks at the economic problem of drilling at fantastic depths below the sea, the cost of developing North-West Shelf gas, as well as the astronomical cost of bringing the natural gas to a commercial market in Australia, I would have to say that, to cover costs of further exploration, and so that ultimately there will be sufficient money to bring the natural gas on shore and pipe it to markets within Australia, I would favour the export of natural gas.

The Hon. F. T. Blevins: Even though you admit that in eight years we will have none in Australia?

The Hon. R. A. GEDDES: I am talking about Bass Strait oil.

The Hon. F. T. Blevins: You did say gas.

The Hon. R. A. GEDDES: I talked about gas, not natural gas. I have not touched on that subject at all today in that sense.

The Hon. F. T. Blevins: I think selling that stuff overseas is treason.

The Hon. R. A. GEDDES: If the natural gas from the North-West Shelf is to be used in Australia, how do we get it here? Where will the money come from to build a gigantic pipeline across the centre? It will be exported by ship, and I ask honourable members whether they have read of the concern that all ports have about these supertankers that are laden with natural gas when they come to harbor. Do we think this is the economic way to do it? Research people say it is not and that it would be advisable not to bring our natural gas to, say, Sydney or Melbourne, by sea, where the population growth centres are.

I repeat that, if we have a product that we must sell to recover costs, we must sell it that way. Although I had cause to admire Mr. Connor when he was Minister for Minerals and Energy in the Whitlam Government and whilst I had cause to admire his concern about so many things that should remain in Australia, economic realities must be faced, and these will be faced on the North-West Shelf. I believe that economically every industry must be able to pay for its economic factors.

The Hon. F. T. Blevins: But, morally, you agree that it is crook?

The Hon. R. A. GEDDES: There is no such word as "morally" when it comes to the cold, commercial world. Would we have trade unions if there were morals in industry? I ask the Hon. Mr. Blevins to consider a point that I should like to make. Can he foresee what it would be like to live in Adelaide or Whyalla without a motor car? This is where we possibly could be going when a motor car would not be a luxury to purchase but when it would be almost prohibitive to use one, because of the high cost of fuel and the fact that fuel in the State will be needed for more essential services.

Can he imagine what will happen in those suburbs that have been born with the motor car, that live with the motor car, and that could well be without the motor car? I refer to those suburbs in Adelaide and Whyalla where mobility and transportation are so essential for the whole thing to work. Is it impossible to think in these terms and be concerned? We may be painting the picture a little too harshly by saying that there will be no motor car, but, if the price of fuel increases by more than 50 per cent in the next 10 years, what sort of economy will we in Australia be living in? Will our economy and our cost of living rise to meet this enormous cost?

Our petroleum products go to make so many things that we use, from the Weetbix that we eat in the morning to the toast that we eat. Eggs are the only thing that can be produced correctly. Our natural gas supplies are most essential for many of our modern drugs and medicines needed for our welfare. If or when our natural gas supplies become depleted and no alternatives are found for the medical profession for some of the wonder drugs in common use today, with the enormous world population explosion which is occurring and which cannot be stopped at this stage in the developing nations, even though Australia may be able to enjoy a zero population growth, if the world is allowed to waste its natural resources and their by-products, the spread of disease and plague could be mammoth.

These word pictures may be exaggerated: I hope they are. However, what will be the answer when our fossil fuel becomes scarce and too expensive to use? At present, we are using fossil fuel like we use money, but the vital difference between the two is that money can be made and fossil fuels cannot.

The Hon. D. H. LAIDLAW secured the adjournment of the debate.

LAND TAX ACT AMENDMENT BILL

The House of Assembly intimated that it had disagreed to the Legislative Council's amendments Nos. 1 to 3.

Schedule of the amendments made by the Legislative Council to which the House of Assembly had disagreed:

No. 1. Page 2—After clause 4 insert new clause 4a as follows:

4a. Section 12a of the principal Act is amended by striking out subsection (5).

No. 2. Page 3 (clause 7)—After line 27 insert the following paragraph:

(a1) any decision of the Commissioner under section 10 or section 12a of this Act;

No. 3. Page 4 (clause 7)—After line 6 insert the following subsections:

(4) An appellant who is aggrieved by a decision of the Treasurer under subsection (3) of this section may, within thirty days after notice of the decision of the Treasurer and his reasons for making that decision is served personally or by post upon him, appeal against that decision to a judge of the Supreme Court.

(5) In any appeal under subsection (4) of this section, a judge of the Supreme Court may—

- (a) dismiss the appeal;
- (b) reverse or vary the decision appealed against;
- (c) make any order as to costs or any other matter that the justice of the case requires.

Consideration in Committee.

Amendments Nos. 1 and 2:

The Hon. D. H. L. BANFIELD (Minister of Health): I move:

That the Legislative Council do not insist on its amendments Nos. 1 and 2.

Amendment No. 2 is consequential on amendment No. 1, and those amendments can be considered together. I think we should take those two and that then we should deal with amendment No. 3.

The CHAIRMAN: I will put the question: that amendments Nos. 1 and 2 be insisted on, putting it positively.

The Hon. J. C. BURDETT: I oppose the motion. The best I can do is speak about clause 7 of the original Bill as it was amended, and I foreshadow a proposed suggested amendment.

The CHAIRMAN: I think the honourable member is supporting a motion in the way I have put the matter, that the Council insist on the amendments.

The Hon. J. C. BURDETT: In the way you put it, I support the question. The original amendment extended the decisions of the Commissioner that could be appealed against to the Treasurer and also provided an appeal to the court on all those decisions. As a result of what the Government said on Thursday and of matters that have been put to me since, I see the difficulty in regard to decisions of the Commissioner relating to rural land being able to be taken on appeal to the court.

The result of supporting the motion as you have put it and of the alternative amendment would be to allow all matters in clause 7 as we amended it on Thursday to be taken on appeal to the Treasurer, but, in effect, the only matter that could be taken on appeal further from the Treasurer to the court would be an effective decision under new section 42 as we agreed to it on Thursday. On Thursday, the Government put to me (and it has put it to me since) that the other decisions that could be appealed against were virtually in regard to rural land. It is suggested that these are largely administrative and that they could clutter up the court. Proposed new section 42 has been said by the Government to be like section 260 of the Income Tax Assessment Act.

This new section should be subject to the same appeal provisions as apply to section 260 of the Income Tax Assessment Act. I draw attention to a most misleading report on page 22 of today's *News* under the headline "Land Tax Move", as follows:

The State Government is to oppose a Legislative Council move which is preventing the Government from sending out land tax accounts.

The position is that the Government introduced this Bill hastily, and I do not criticise it for that. The Opposition in another place agreed to deal with the Bill quickly, and it did, and we agreed to deal with the Bill quickly, and we did on Thursday and the message, when we passed the amendment, was not considered by another place because it had risen before it received the message.

It would be ridiculous to suggest that we should be stultified and not allowed to move amendments because of the Government's position in sending out accounts. I regard this report to be misleading, and any suggestion that it is the action of this Chamber that is preventing the

sending out of these accounts is wrong. I hope that this Chamber will insist on its amendments.

The Hon. D. H. L. BANFIELD: I point out that the amendment as proposed would interfere with the administration of the Act. Section 10 imposes taxes on all land in the State with exceptions listed in that section. In five instances the grant of the exemption depends on the opinion of the Commissioner on certain questions of fact and in one instance the Commissioner is empowered to exempt land owned by a charitable organisation that complies with certain conditions. Section 12a provides for partial exemption from tax where the owner of land is an association which satisfies the Commissioner as to certain questions of fact. The Commissioner is also empowered to cancel any declaration made under this section.

It is difficult to know why these particular decisions of the Commissioner have been singled out for amendment, as there are many other sections in the Act empowering the Commissioner to make various decisions. No instance has been cited where a decision of the Commissioner under these sections has been disputed. I ask the Committee not to insist on the amendment.

The Committee divided on the question, "That the Legislative Council's amendments Nos. 1 and 2 be insisted on".

Ayes (9)—The Hons. J. C. Burdett (teller), J. A. Carnie, Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, C. M. Hill, D. H. Laidlaw, and A. M. Whyte.

Noes (9)—The Hons. D. H. L. Banfield (teller), F. T. Blevins, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, and C. J. Sumner.

Pair—Aye—The Hon. M. B. Cameron. No—The Hon. T. M. Casey.

The CHAIRMAN: There are 9 Ayes and 9 Noes. I give my casting vote to the Ayes.

Question thus carried.

Amendment No. 3:

The Hon. D. H. L. BANFIELD: I move:

That the Council do not insist on its amendment No. 3. At present a decision of the Commissioner under the Act is not subject to objection or appeal and the Bill as introduced by the Government proposed that a decision of the Commissioner in relation to whether or not land is used for primary production and a decision to treat a contract agreement or arrangement as void for the purposes of the Act should be subject to appeal to the Treasurer.

The reasons advanced to support the appeal to the Supreme Court relate primarily to the new provision to regard a contract, etc. as void. It was claimed that the Commissioner's powers were widened to enable him to make arbitrary decisions which may be unfair and unjust, and that an appeal to the Treasurer would have the appearance of being an appeal from Caesar to Caesar. Therefore, it was claimed that the decision of the Treasurer should be subject to review by a judge of the Supreme Court. The Government considers that the right of appeal to the Treasurer should be given a fair trial.

The Hon. J. C. BURDETT: I move to amend the motion by adding the following :

but that it make the following alternative amendment:

Page 4 (clause 7)—After line 6 insert the following subsections:

- (4) An appellant who is aggrieved by a decision of the Treasurer on appeal under paragraph (b) of subsection (1) of this section may, within thirty days after notice of the decision of the Treasurer and his reasons for making that decision is served

personally or by post upon him, appeal against that decision to a judge of the Supreme Court.

- (5) In any appeal under subsection (4) of this section, a judge of the Supreme Court may—
- (a) dismiss the appeal;
 - (b) reverse or vary the decision appealed against;
 - (c) make any order as to costs or any other matter that the justice of the case requires.

And that it make the following alternative suggested amendment:

- (6) The right of the Commissioner to recover tax under this Act shall not be suspended or delayed by an appeal under this section and the Commissioner may recover tax on the assumption that no appeal was made against the decision in question but if in consequence of that appeal the amount of tax payable is reduced or increased the Commissioner shall refund to the taxpayer any excess tax recovered or may recover any additional tax payable.

The net result of the amendment, together with our insistence on the previous amendments, is that appeals may be made from the Commissioner to the Treasurer in relation to the matters set out in the Bill, as we have amended it. From the Treasurer there shall be an appeal, in effect, to the court only in regard to matters arising in relation to new section 42. This is eminently reasonable. I have acceded to the Government's arguments put formally in this Chamber and those put by the Government outside this Chamber, that to allow an appeal to the court on matters relating to the Commissioner's decisions (which may be largely administrative) in relation to rural land would be oppressive, could bog down the courts, and ought not to be provided. In the net result, the only appeal that I am now asking should be allowed to go to the court is an appeal under new section 42. The Government itself is likening new section 42 to section 260 of the Income Tax Assessment Act; it has a similar effect. Because an appeal relating to the Income Tax Assessment Act is allowed eventually to go to the court, it should be allowed to go to the court under this Act, too.

It has been said this afternoon that the Opposition has not been able to cite an example of hardship or a wrong decision made by the Commissioner. Be that as it may,

there has not been a new section 42 before. It is one thing to say that the provisions relating to rural land have not been abused, but it is another thing to say that mistakes may not be made under this new evasion provision. It is entirely reasonable to insist that, in regard only to decisions made by the Commissioner under new section 42, there should be an appeal to the court. It is a far-reaching provision that could become complicated and could have difficult connotations. Because I have been reasonable in withdrawing other matters that I thought should be taken to the court, I hope the Government will recognise the merit of what I am now seeking to do.

The Hon. R. C. DeGARIS (Leader of the Opposition): I support the Hon. Mr. Burdett's comments on the article in today's *News*, and I refer to the report that the State Government is to oppose the Legislative Council's move, which is preventing the Government's sending out land tax accounts. I object to that reporting in the *News*. This Bill was introduced in this Chamber last Wednesday, and it was dealt with before 5.30 p.m. on Thursday. It then went back to the other Chamber after it had risen at about 5 p.m. on Thursday. To make the allegation made that the Legislative Council is preventing the Government from sending out land tax accounts is not fair comment.

The Committee divided on the alternative suggested amendment:

Ayes (10)—The Hons. J. C. Burdett (teller), M. B. Cameron, J. A. Carnie, Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, C. M. Hill, D. H. Laidlaw, and A. M. Whyte.

Noes (10)—The Hons. D. H. L. Banfield (teller), F. T. Blevins, T. M. Casey, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, and C. J. Sumner.

The CHAIRMAN: There are 10 Ayes and 10 Noes. As this suggested amendment introduces a new matter not having been considered by the House of Assembly, I give my casting vote to the Ayes.

Suggested amendment thus carried; motion as amended passed.

ADJOURNMENT

At 4.57 p.m. the Council adjourned until Wednesday, October 19, at 2.15 p.m.