LEGISLATIVE COUNCIL

Wednesday 7 November 1979

The PRESIDENT (Hon. A. M. Whyte) took the Chair at 2.15 p.m. and read prayers.

PAY-ROLL TAX ACT AMENDMENT BILL

The House of Assembly intimated it had agreed to the Legislative Council's suggested amendments.

QUESTIONS

FISHERIES CONTROL

The Hon. B. A. CHATTERTON: My question is directed to the Minister of Local Government, representing the Minister of Fisheries, and I seek leave to make a short explanation before asking the question.

Leave granted.

The Hon. B. A. CHATTERTON: Recently the Minister of Fisheries attended a meeting of the Fisheries Council in Queensland to discuss matters of fisheries policy relative to the States and the Commonwealth. One important matter to be discussed at that meeting was the allocation of fisheries as between the States, the Commonwealth and joint authorities, which has been proposed under the new Commonwealth fisheries legislation. This is something of a departure from previous practice, when fisheries tended to move into an area of joint State-Commonwealth legislation. Now it is proposed that there should be some State control, some Commonwealth control, and some fisheries managed by joint authority. Will the Minister say whether the South Australian fisheries were discussed in this context and, if they were, whether the fisheries were allocated into those various groupings? If so, which fisheries are to be administered by which method?

The Hon. C. M. HILL: I will refer the question to my colleague and bring back a reply.

DAIRYSOFT

The Hon. J. E. DUNFORD: I wish to ask a question of the Minister of Consumer Affairs, representing the Minister of Agriculture. Members of the Council are doubtless aware of the considerable effort expended by the South Australian Department of Agriculture and South Australian dairy factories in producing a blend of butter and vegetable oils known as Dairysoft. In the interests of market development, the South Australian Government patents were handed over to the Australian Dairy Corporation, which then marketed the product in South Australia under the Coombes label. It was very disappointing that the corporation chose to have the product manufactured in Victoria rather than in the plant of one of the South Australian manufacturers who had been involved in the original research. At the time, the corporation claimed that it was only a marketing trial. Now that the product is well established on the market, will the Minister of Agriculture make strong representations to the Australian Dairy Corporation and to the Federal Minister for Primary Industry to give South Australian manufacturers the opportunity to produce Dairysoft at least for the South Australian market?

The Hon. J. C. BURDETT: I will refer the honourable member's question to my colleague and bring down a reply.

LOCAL GOVERNMENT ASSOCIATION

The Hon. M. B. DAWKINS: I seek leave to make a short statement before asking the Minister of Local Government a question about a local government association.

Leave granted.

The Hon. M. B. DAWKINS: I have been told that a local government body to be known as the Mid North Regional Organisation (No. 8 South Australia) is to be formed. I understand that most of the councils that have been members of the Mid-Northern Local Government Association intend to become members of this new association, and there may be other councils as well which intend to become members of this new group and to which co-operation will presumably be extended to a greater degree than in an ordinary local government association group such as we have had in the past or still have in parts of South Australia. Can the Minister provide this council with any further information on this matter?

The Hon. C. M. HILL: The honourable member was good enough to give me some advance notice of his question, and I have obtained details which I hope will satisfy him. My consent has been given pursuant to Part XIX of the Local Government Act to a joint scheme, as the honourable member stated. The councils within the scheme are the District Council of Angaston, the District Council of Balaklava, the District Council of Barossa, the District Council of Blyth, the District Council of Burra Burra, the District Council of Clare, the District Council of Eudunda, the District Council of Kapunda, the District Council of Light, the District Council of Mallala, the District Council of Owen, the District Council of Port Wakefield, the District Council of Riverton, the District Council of Robertstown, the District Council of Saddleworth and Auburn, the District Council of Snowtown, the District Council of Tanunda, and the District Council of Truro.

As the honourable member said, the controlling authority will be known as the Mid North Regional Organisation (No. 8 South Australia). The works and undertakings proposed to be carried out by the organisation fall under the following three headings:

1. Such permanent works or undertakings and functions for the benefit of the areas of the councils or any part or parts thereof as the member councils participating from time to time unanimously approve.

2. Any individual council shall have the right not to participate in any such permanent works or undertakings and functions.

3. Any other council or councils without the region may, with the agreement of the member councils, become a constituent council bound by the scheme if so approved by the Minister pursuant to section 404 of the Local Government Act, 1934-1979.

The scheme will be financed from subscriptions, levies, contributions, fees and charges from and to the constituent councils, and any funds provided from Government or other sources.

ECOLOGICAL SURVEY UNIT

The Hon. J. R. CORNWALL: I seek leave to make a brief statement before asking the Minister of Community Welfare, representing the Minister of Environment, a question about the Ecological Survey Unit.

Leave granted.

The Hon. J. R. CORNWALL: Last Friday night it was my good fortune to attend a lecture at the South

Australian Institute of Technology sponsored by the Nature Conservation Society of South Australia on the Great Victoria Desert, with particular reference to the Biosphere Reserve. The lecture was given by John Douglas, who is head of the Ecological Survey Unit, a small unit within the Department for the Environment. The unit is extremely impressive, competent and well motivated and, from what I can gather, it is a world leader in its field. I understand that presently its future is uncertain because of the funding position. Many of the employees in the unit are section 108 employees and, because of the persisting and serious uncertainty about the their future, morale in the unit is very low at the moment. It would be a great shame if the excellent work that the unit is doing was not continued. How many staff are currently employed in the Ecological Survey Unit? How is that unit funded? Is it proposed to retain the unit? Will the unit remain within the Department for the Environment? How will the unit's activities be co-ordinated with other Government departments?

The Hon. J. C. BURDETT: I will refer the honourable member's questions to my colleague and bring down a reply.

BIRD TRAFFICKING

The Hon. BARBARA WIESE: I seek leave to make a brief statement before asking the Minister of Community Welfare, representing the Minister of Environment, a question about the sale and trafficking of birds.

Leave granted.

The Hon. BARBARA WIESE: This is the time of the year when fledgling birds make their regular appearance in Adelaide pet shops. It was recently brought to my attention that the conditions under which fledgling galahs and corellas are taken from the wild, transported and housed generally involves a great deal of cruelty. Feeding is also most erratic and unsatisfactory. Deaths from exposure, stress, disease and overcrowding are widespread.

In addition, the interstate trade in sulphur-crested cockatoos of all ages continues. Again, the conditions of transport, caging and rearing vary from poor to appalling. The extraordinary situation also exists where the taking of sulphur-crested cockatoos from the wild is prohibited in South Australia, but interstate trading in birds is virtually unrestricted. Will the Minister undertake a review of the present policy of the fauna section of the National Parks and Wildlife Division? Does the Minister consider that there are many anomalies that need correcting with regard to the taking, breeding and trafficking in birds in South Australia? What steps does the Minister propose to correct these anomalies? Will the inspection service be upgraded to enable regular surveillance of pet shops and dealers? Does the Minister believe pet shops should be allowed to trade in these birds? Does the Minister propose administrative changes or amendments to the relevant sections of the National Parks and Wildlife Act or any other relevant Act?

The Hon. J. C. BURDETT: I will refer the honourable member's questions to my colleague and bring down a reply.

SALE OF HUMAN BLOOD

The Hon. R. C. DeGARIS: I seek leave to make a brief explanation prior to asking the Minister representing the Minister of Health a question about the sale of human blood.

Leave granted.

The Hon. R. C. DeGARIS: Some years ago a Select Committee of the Legislative Council inquired into a Bill dealing with the transplantation of human tissue. That Select Committee expressed some concern about the possibility existing for the sale of human tissue for transplantation. Recently, some publicity was given to an overseas organisation wishing to sell human blood in Australia. What is the present position in South Australia regarding the sale of human blood? Will the Minister investigate this matter and ascertain whether legislation should be introduced in this State to cover the sale of human tissue and human blood?

The Hon. J. C. BURDETT: I will refer the honourable member's question to my colleague and bring down a reply.

NATIONAL PARKS

The Hon. G. L. BRUCE: My question is directed to the Minister of Community Welfare, representing the Minister of Environment. In the general review of Government spending, what is the proposed fate of the Black Hill Native Flora Trust, the Cleland Park Trust and the General Reserves Trust?

The Hon. J. C. BURDETT: I will refer the honourable member's question to my colleague and bring down a reply.

JOSEPH VERCO

The Hon. J. A. CARNIE: I seek leave to make a brief explanation before asking the Minister of Local Government, representing the Minister of Fisheries, a question about the *Joseph Verco*.

Leave granted.

The Hon. J. A. CARNIE: On 21 July the member for Flinders in another place received a reply to a question he asked about the fishing research vessel *Joseph Verco*. That reply was as follows:

> Tenders have been invited for some refitting of the F.R.V. *Joseph Verco*. The refit will entail modified accommodation, noise proofing, installation of a desalination plant and provision of a small wet laboratory. Should tenders be excessive the amount of work to be done will be reviewed.

Have tenders been received, and has any tender been let for the work to be done on the *Joseph Verco* and, if so, is it for the total amount of work referred to by the Minister? In particular, what modifications are or were intended to be made to the accommodation on the *Joseph Verco*?

The Hon. C. M. HILL: I will refer those questions to my colleague in another place and bring back a reply.

RELICS UNIT

The Hon. C. W. CREEDON: I ask the following questions of the Minister of Community Welfare, representing the Minister of Environment. First, how does the Government plan to organise the existing Relics Unit within the Department for the Environment? Secondly, will the European and Aboriginal Heritage Acts be administered as different sections? Thirdly, who will be the officer or officers in charge of the unit or units? Fourthly, when will the Aboriginal Heritage Committee be appointed and, finally, when will the Aboriginal Heritage Act be proclaimed?

The Hon. J. C. BURDETT: I will refer the honourable member's questions to my colleague and bring back a reply.

LAND RESOURCE MANAGEMENT

The Hon. FRANK BLEVINS: Will the Minister of Local Government, representing the Minister of Lands, say, first, whether the Government intends to give a high priority to the Land Resource Management Division of the Department of Lands? Secondly, does it intend to proceed with the many essential amendments to the Crown Lands Act proposed by the previous Minister and approved by the previous Cabinet to ensure that administrative procedures are streamlined and bureaucratic delays minimised?

Thirdly, in this process does it intend to abolish or reconstitute the Land, Pastoral and Dog Fence Boards? Fourthly, will it proceed with the appointment of a Land Management Council and, if so, how will it be constituted? Finally, does it intend to proceed with the appointment of a Senior Policy Officer?

The Hon. C. M. HILL: Some parts of the honourable member's questions are similar to a question asked recently by the Hon. Mr. Cornwall to which I am in the process of obtaining a reply. Nevertheless, the questions asked by the honourable member about this matter will be forwarded to the Minister of Lands, who will provide replies for the Council.

VEGETATION CLEARANCE

The Hon. ANNE LEVY: I seek leave to make a statement before asking the Minister of Community Welfare, representing the Minister of Environment, a question regarding vegetation clearance.

Leave granted.

The Hon. ANNE LEVY: Some time ago, the Vegetation Clearance Committee brought down its report, which showed great concern for the loss of native vegetation in South Australia because of continued land clearance and which made certain recommendations to save what is left of our native bushland. I should like to know whether the new Government still endorses the findings of this Vegetation Clearance Committee as enthusiastically as it did when in Opposition and when the report was released, and whether, following the committee's report, it intends to proceed with the legislation as was proposed by the former Government. Will the Government offer the same inducements to retain native vegetation as was proposed by the former Government and particularly the reduced council rates scheme and the endorsement of uncleared areas on property titles in perpetuity? This is considered to be a very valuable way of ensuring that existing bushland is preserved. Finally, will the legislation, if there is to be any, be introduced during the present session, as the situation is becoming very serious with land clearance continuing unabated?

The Hon. J. C. BURDETT: I will refer the honourable member's question to my colleague and bring back a reply.

QUEENSTOWN SHOPPING CENTRE

The Hon. J. R. CORNWALL: I seek leave to make a brief explanation prior to asking the Minister of Local Government, representing the Minister of Planning, a question about the proposed Queenstown shopping centre.

Leave granted.

The Hon. J. R. CORNWALL: Many people were very alarmed yesterday to read an article on page 3 of the *News* referring to the Mayor of Port Adelaide, H. C. Roy Marten, some time Squadron Leader, as follows:

> The Myer retail chain is strongly considering building a store on its vacant land at Queenstown. Port Adelaide Mayor Mr. Roy Marten has confirmed that Myer has reopened negotiations about Queenstown. And Mr. Marten, who supported the Queenstown plan earlier this decade, said, "My opinion has not changed." He said he is to have talks with Environment Minister, Mr. Wotton, about the Myer plan.

Subsequently, in reply to a Dorothy Dixer that was asked in the House of Assembly yesterday by the member for Newland, the Minister of Planning said that the site was zoned residential, and it was the Government's belief that it should remain so. I have in my possession a letter from a Mr. K. R. Wright, Secretary of the Port Adelaide Retail Traders Association and addressed to the Premier.

The Hon. C. M. Hill: Is that a copy?

The Hon. J. R. CORNWALL: Yes. Amongst other things, the letter states:

> Near chaos is existent within the commercial area because of the disastrous effect such a scheme would have on the planned continuation of the development by proposed developers both large and small. Already the "pause" button has been initiated by certain parties pending some clarification of the situation. Indeed, some traders are talking of lack of confidence and getting out of the area, should any further obstacles be placed in the way of Port Adelaide, which has endured such a traumatic time in recent years. A blow of the magnitude of another development in such close proximity to Port Adelaide could well be the death knell to the area and spread the "gateway of the State" to the status of a "ghost town".

The letter goes on to state:

> Nothing short of a categorical denial of any proposed commercial development at Queenstown will alleviate the uncertainty and anxiety that exists within the area.

Both from the report in this morning's *Advertiser* and from the *Hansard* pull, which I had a look at at lunch time, it would seem that the Minister has not given a categorical denial. It does not seem to be sufficient to say that it is the Government's belief that the Queenstown area should remain a residential area. I would think that nothing short of an absolute assurance that the Government does not intend to foster or give any approval to the Queenstown development will satisfy those people who are involved in development in the Port Adelaide region. Some people have already spent large sums of money (G. J. Coles being one of them), and I believe others have already instructed their architects not to proceed further with the plans until there is complete clarification. I know that the traders in Port Adelaide are not satisfied with the wishy-washy sort of statement that the Government does not believe that it should proceed. Will the Minister give a complete, categorical and absolute assurance that Queenstown will not be developed as a retail shopping area?

The Hon. J. C. BURDETT: I will refer the question to my colleague and bring back a reply.

RURAL ASSISTANCE

The Hon. B. A. CHATTERTON: My question is directed to the Minister of Community Welfare, representing the Minister of Agriculture, and I seek leave to make a short explanation before asking the question.

Leave granted.

The Hon. B. A. CHATTERTON: The annual report of the Primary Industry Bank was released a few days ago, and it confirmed what some critics of the bank had anticipated, namely, that the banking functions of that bank were very similar to those of the commercial banks that lent to farmers. The report showed that most of the bank's funds were going to those sections of primary industry that were relatively prosperous, such as wheatgrowers, woolgrowers and beef producers, and that other producers in rural communities were receiving little in the way of funds from the bank. Earlier this year the Minister for Primary Industry cut the funds available under the rural adjustment scheme, on the grounds that funds would now be obtained by farmers from the Primary Industry Bank. The major difference beween the rural adjustment scheme and what has emerged as the Primary Industry Bank is that the rural adjustment scheme makes positive steps to help farmers who are more disadvantaged and not in a position to obtain funds from commercial sources easily.

Will the Minister ask his colleague to take up with the Federal Minister for Primary Industry the matter of the lack of assistance and the funds being made available to producers in less prosperous rural industries, and will the Minister try to seek from the Federal Minister an assurance that more funds will be made available through a rural adjustment scheme administered by State departments so as to assist those who are not in the prosperous wheat, wool or beef industries?

The Hon. J. C. BURDETT: I will consult my colleague and bring back a reply.

FESTIVAL OF ARTS

The Hon. L. H. DAVIS: As the programme for the 1980 Festival of Arts has now been available to the public for some weeks, can the Minister of Arts comment on the public response to the festival programme and on the level of bookings?

The Hon. C. M. HILL: The arrangements for the Adelaide Festival of Arts, as they have been reported to me, are going along exceedingly well. I make that point on three grounds. One is that the programme that was announced has been very well acclaimed and received. Secondly, the sales, as they have been reported to me unofficially (I have not had these figures confirmed yet), already amount to about $250 000.

The Hon. J. R. Cornwall: Is that hearsay?

The Hon. C. M. HILL: I have said that it has been reported to me and that I have not had it confirmed. I understand that the figure far exceeds the value of bookings for previous festivals.

The Hon. Anne Levy: Perhaps it just reflects the price difference.

The Hon. C. M. HILL: The prices have increased a little but they have not increased much in comparison with those in other years. I have not heard any complaints about excessive prices. I think the public, including the honourable member, must accept the fact that, if we bring overseas performers to Adelaide for the festival, we cannot do it on the cheap. The public is accepting that fact and making the bookings. The third point is that the arrangements for the 1980 festival, as between the Artistic Director, the Festival Board and the Adelaide Festival Centre Trust, all of whom are involved in the arrangements for the 1980 festival, seem to be working well, despite the fact that some time ago there were reports of some dissension in the overall organisation.

The Hon. C. J. Sumner: Are you going to keep him on?

The Hon. C. M. HILL: No decision has been made on that point. It seems to me that the arrangements are going along very well, and everyone can have every confidence that the 1980 festival will be the best ever.

ADELAIDE MILK MARKET

The Hon. BARBARA WIESE: My question is directed to the Minister of Community Welfare, representing the Minister of Agriculture, regarding the Adelaide milk market, and I seek leave to make a brief statement before asking the question.

Leave granted.

The Hon. BARBARA WIESE: The hasty action of the Minister of Agriculture in shelving the dairy legislation has already caused considerable concern to dairy farmers in the South-East and considerable embarrassment to the Minister of Education, who promised on numerous occasions that the dairy farmers in the region would get access to the Adelaide market. Dairy farmers could get a limited access to the Adelaide market immediately if the augmentation agreement between the Adelaide Equalisation Committee and the South-East Equalisation Committee was finalised. At present, this is at a stage of stalemate, because the legal advisers to the Equalisation Committee and the Minister have interpreted the requirements of the agreement differently. Will the Minister, as a matter of urgency, call a conference of the parties and their legal advisers to sort out the matter so that dairy farmers in the South-East at least will get this limited amount of access to the whole milk market returns?

The Hon. J. C. BURDETT: I will refer the question to my colleague and bring back a reply.

FESTIVAL OF ARTS

The Hon. J. R. CORNWALL: I wish to ask a supplementary question of the Minister of Arts, following his reply regarding the Adelaide Festival of Arts. I was impressed by the way in which the Minister handled the vicious, hostile, probing question asked by his colleague, and I was intrigued by the extensive reply the Minister was able to give off the top of his head. Can the Minister take the matter further and tell us just how satisfactorily arrangements are proceeding for the 1982 festival, under his stewardship?

The Hon. C. M. HILL: The arrangements for the 1982 festival are in the very early stages at present. Our total concentration is on making the 1980 festival a success, but some early arrangements regarding the 1982 festival have been concluded, and I have been told that the Artistic Director has those arrangements in his drawer. They will certainly be brought forward and expanded at the appropriate time.

HEALTH CARE

The Hon. N. K. FOSTER: I seek leave to make a statement before asking the Minister of Community Welfare, representing the Minister of Health, a question.

The PRESIDENT: What is the subject?

The Hon. N. K. FOSTER: Health.

Leave granted.

The Hon. N. K. FOSTER: A headline in the *News* last Friday caused me much concern. Perhaps the writer of that report may not have been aware of the shocking and appalling neglect by the present Government and of its

attitudes to the hundreds of people who are being denied admission to a hospital, including even the Home for Incurables, where there are about 200 beds and about 600 people waiting for some form of hospitalisation.

They are waiting to be put into a comfortable bed, waiting to be made comfortable and recover from some of the tremendous burdens that they are subject to. The present Minister, who is long on her criticism of air-conditioning and on the ill effects of smoking nicotine and inhaling tar, and the discomfort that it causes her in her plush office on her $50 000 a year salary—

The PRESIDENT: Order! The honourable member is not explaining his question.

The Hon. N. K. FOSTER: I am coming to that. The Minister of Health is obviously short of compassion or understanding about the people to whom she ought to give some comfort per medium of her portfolio.

The PRESIDENT: Order! I must ask the honourable member to make his explanation or ask his question.

The Hon. N. K. FOSTER: Yes, Mr. President. Will the Minister representing the Minister of Health undertake a tour of the Home for Incurables at Fullarton so that he at least as a member of the Ministry has some first-hand knowledge of the burdens and restrictions being imposed on those in the community who are being denied hospitalisation as a result of a Ministerial decision by Mrs. Adamson? Secondly, what is the sum involved to ensure the full utilisation of the new facilities at the Home for Incurables? How many permanent employees can be employed, and does the Government consider that inherent in its policy, is a denial of a paltry $1 700 000 to relieve the life-long suffering of certain members of the community? Finally, does the Government consider that $1 000 000 hand-outs to employers through some of its policies are preferable to undertaking to look after the ill, and that the repeal of death duties for the benefit of 10 per cent of the people of this State is justified, instead of collecting the funds that should be made available to look after the more unfortunate members of the community?

The Hon. J. C. BURDETT: As the honourable member suggested in his question, this situation is a legacy from the administration of the previous Government.

The Hon. N. K. Foster: You said that you'd change that; my question—

The Hon. J. C. BURDETT: There has not been much opportunity for this Government to change longstanding matters yet.

The Hon. N. K. Foster: You soon changed it for the bosses.

The PRESIDENT: Order! The question was asked and the Minister is giving his reply.

The Hon. J. C. BURDETT: The matter is entirely within the portfolio of the Minister of Health. I will consult with her and bring down a reply.

The Hon. N. K. FOSTER: I asked the Minister whether he would be willing to—

The PRESIDENT: Order! Does the Hon. Mr. Foster wish to ask a supplementary question?

The Hon. N. K. FOSTER: I do. I seek the reply inherent in my question to the Hon. Mr. Burdett. As a Minister in this Government and as a member of this Council, will the Minister give an undertaking to inspect the Home for Incurables in his capacity as Minister representing the Minister of Health in this Council?

The Hon. J. C. BURDETT: The matter is clearly within the portfolio of the Minister of Health. I will bear the honourable member's request in mind when I consult her.

The Hon. N. K. FOSTER: I have a further supplementary question. Does not the Minister consider that some of the people who are at present being denied hospitalisation may well fall within the category of people for whom the Minister is responsible under his own portfolio? Will the Minister report to the Council on my question: are not many of these people in the category for which the Minister is responsible under his own portfolio? Should not he see how they are faring?

The Hon. J. C. BURDETT: I have already given the reply, but I will bear the honourable member's question in mind when I consult with my colleague.

REDCLIFF

The Hon. L. H. DAVIS: I seek leave to make a brief statement before asking the Attorney-General, representing the Minister of Mines and Energy, a question about Redcliff.

Leave granted.

The Hon. L. H. DAVIS: The State Government is naturally hopeful of the Dow Chemical Company proceeding with the petro-chemical plant at Redcliff. This will involve a liquids pipeline being constructed from the oilfields in the north of the State to Redcliff. These oil fields are said to have about 6 per cent of known Australian oil reserves. However, with the sharp increase in oil prices in recent months, a liquids pipeline is clearly viable, irrespective of the decision by the Dow Company in respect of Redcliff. I understand that Redcliff may still be the terminal point for a liquids pipeline even if the petro-chemical plant does not proceed. As the construction of a liquids pipeline from the oilfields to Redcliff will take a minimum of three years to complete, can the Minister indicate whether the State Government will be in a position to make a decision about the route and construction of a liquids pipeline before the decision is made by the Dow Company on Redcliff in mid-1980?

The Hon. K. T. GRIFFIN: I will refer the honourable member's question to the Minister of Mines and Energy and bring down a reply.

ENVIRONMENT PROTECTION COUNCIL

The Hon. C. W. CREEDON: My questions are directed to the Minister of Community Welfare, representing the Minister of Environment. First, does the Government intend to expand the scope and autonomy of the Environment Protection Council? Secondly, will it appoint more independent members and fewer public servants? Thirdly, does the Government propose amendments to the Act and, if it does, when will they be introduced?

The Hon. J. C. BURDETT: I will refer the honourable member's questions to my colleague and bring down a reply.

AGRICULTURAL SPRAY

The Hon. FRANK BLEVINS: I seek leave to make a brief statement before asking the Minister of Community Welfare, representing the Minister of Agriculture, a question about the spray 245T.

Leave granted.

The Hon. FRANK BLEVINS: The Minister of Agriculture is no doubt aware of the disturbing new evidence of the dangers of 245T that has been reported from England? A farmer at Taunton, Somerset, has reported a large number of aborted lambs in his flock after blackberries were sprayed with 245T. Will the Minister obtain detailed reports of this from the British Ministry of

Agriculture, Fisheries and Food? What is the Liberal Government's policy on the use of 245T? Has the Department of Agriculture prepared papers on the dangers of using 245T and/or any recommendations concerning its banning or restricted use? If it has, is this information available? If it is available, to whom is it available?

The Hon. J. C. BURDETT: I will consult with my colleague and bring down a reply.

PROTECTED PLANTS

The Hon. G. L. BRUCE: My question is directed to the Minister of Community Welfare, representing the Minister of Environment. Are amendments to the National Parks and Wildlife Act proposed to extend the range of protected plants? In view of the Government's proposed staff cuts, how does the Government propose to enforce such legislation?

The Hon. J. C. BURDETT: I will refer the honourable member's question to my colleague and bring down a reply.

ETHNIC AFFAIRS POLICY

The Hon. C. J. SUMNER: I seek leave to make a brief explanation before asking the Minister Assisting the Premier in Ethnic Affairs a question about the Government's ethnic affairs policy.

Leave granted.

The Hon. C. J. SUMNER: While I was the Minister Assisting the then Premier in Ethnic Affairs I developed a system to ensure the implementation of the ethnic affairs policy in the various Government departments. That was done to ensure that in the departments the requirements of members of South Australia's minority ethnic communities were taken into account by those departments in their preparation of policies and programmes. In order to carry out this policy I asked the Ethnic Affairs Adviser to prepare reports on a number of aspects of Government policy, in particular, in relation to ethnic communities. The first report that he prepared was on the health of people in these communities, and I then sent that report to the Minister of Health. Prior to the election, and in fact it was announced during the election, I undertook to establish a working party consisting of the Ethnic Affairs Adviser and representatives of the Health Commission to consider that report and to do something about the implementation of its proposals. It was then envisaged that the Ethnic Affairs Adviser would continue this work for each department. Indeed, other working parties were set up even before I was Minister, for example, with the Police Department. The working party on health needs was set up by me when I was Minister and, had the Labor Government been re-elected, it would now be in operation and working. Has the working party on the health needs of migrants been appointed? Is it intended to ask the Ethnic Affairs Adviser to prepare reports on other departments as proposed by me? Is it proposed to set up working parties to look at the implementation of these reports in each department?

The Hon. C. M. HILL: I have not yet heard about a working party in regard to the Health Commission, but I am quite happy to look into that matter. If it will contribute towards the betterment of the ethnic people, certainly the proposal that originated with the Leader of the Opposition will be given every possible consideration.

The working party in regard to the police and the courts has been given approval to proceed with its activities, and a meeting has been held between the President, the staff officer, the Premier and me in regard to its work. As far as future planning along the lines of the honourable member's suggestion is concerned that will all come under review in our plans for the Ethnic Affairs Commission. It will involve many voluntary committees, far in excess of those suggested. I foresee that the same intent that the Minister has in mind will in fact be carried out by a system of committees, but they may not be of identical construction as envisaged by the former Minister. I assure the honourable member that I will look into this question, because he has raised it in regard to the Health Commission. I also assure him that the other activities relative to communication and liaison with the various departments will be attended to quite properly in the future.

BEVERAGE CONTAINERS

The Hon. J. E. DUNFORD: Does the Minister of Local Government have a reply to the question I asked on 11 October about can legislation?

The Hon. C. M. HILL: The Beverage Container Act has been in operation since July 1977. Following a decision by the previous Minister for a review of the total impact of the Act, an interim report has now been completed and is being studied. Not only would local government be consulted before introducing amending legislation (if it was found necessary to amend the legislation), but all interested parties would be asked to put their case to the Government. In relation to placing deposits on bottles that contain alcoholic beverages, the bottle return system of the brewers in this State is one of the matters being reviewed.

FISHING LICENCES

The Hon. B. A. CHATTERTON: Has the Minister of Local Government a reply to a question about fishing licences that I asked on 16 October?

The Hon. C. M. HILL: The phasing out of B-class licences by "attrition" means that it is the intention of the Government not to replace holders of B-class licences when they leave the fishery for reasons of age, ill health, or lack of effort. The other matters raised in the honourable member's question are the subject of consultation with the Australian Fishing Industry Council (S.A. Branch) Inc. and the South Australian Recreational Fishing Advisory Council.

FLAMMABLE FURNITURE

The Hon. C. W. CREEDON: Does the Minister of Consumer Affairs have an answer to the question I asked on 16 October about flammable furniture?

The Hon. J. C. BURDETT: Furniture on sale in South Australia believed to be similar to that involved in the recent United Kingdom fire is not required to have a warning label on it. The existing law makes no such requirement. Because of the interstate traffic in furniture, I have instructed my officers to seek inclusion of a warning label as a national requirement on these items.

AIR POLLUTION

The Hon. J. R. CORNWALL: I seek leave to make a short statement before asking the Attorney-General, representing the Minister of Health, a question about air pollution.

Leave granted.

The Hon. J. R. CORNWALL: Last week I directed a series of questions to the Minister of Community Welfare, representing the Minister of Environment, about air pollution. Those questions followed the Government's rather precipitate announcement that it intended to support completely its Federal colleagues with regard to the deferment of the third stage of ADR27A. I made it quite clear in my questions that a modified version of the third stage of ADR27A, which would enable a reduction in carbon monoxide and hydrocarbon exhaust emissions, had been proposed. It was proposed that it could be done in such a way that, if the oxides of nitrogen emissions were kept at present levels, the modification would not increase petrol consumption.

It would have significantly reduced air pollution and photochemical smog problems in Adelaide. I asked at that time whether the Government might reconsider its position and raise the matter at the next Australian Transport Advisory Council meeting. I also made clear that the Adelaide air shed was, because of our geographical situation, unable to withstand further pollution. In his reply yesterday, the Minister said that the Government had taken a firm, conscious decision not to proceed after taking into account all relevant factors, including all the points that I raised. In other words, the Government conceded that what I had said through the series of questions was technically correct. That hardly surprises me, because it would have had advice from the same technical experts from whom I had had advice a few short weeks ago. It is clear from the evidence available from other countries and States, particularly California, that significant air pollution gives rise to bronchitis, asthma, emphysema, and other forms of chronic respiratory disease. There is hard evidence of this in a 1975 edition of the journal *Nature*.

I will not go into much more detail, except to say that I am very concerned with the health aspect of air pollution in Adelaide. Will the Minister initiate a statistical survey to try to ascertain how significant air pollution is in Adelaide as a cause of respiratory diseases, especially asthma, emphysema and bronchitis, and also as a factor in exacerbating coronary heart disease?

The Hon. J. C. BURDETT: I will refer the honourable member's question to the Minister of Health and bring back a reply.

BRICKS

The Hon. J. E. DUNFORD: Has the Minister of Consumer Affairs a reply to the question I asked on 25 October regarding brick prices?

The Hon. J. C. BURDETT: First, bricks are not subject to price control, but inquiries have established that prices of the most popular house bricks in Victoria and South Australia compare as follows:

	Prices per 1 000	
	Victoria	South Australia
	$	$
Red.....	145·00	146·24
Tuscan ..	142·00	146·25
Insides ..	111·00	109·25

Secondly, the prices quoted are ex-kiln, and cartage charges have to be added to arrive at a delivered price. It is estimated that these charges, on average in Adelaide, would be a little over half of those applicable in Melbourne.

TREE FARMING PROJECT

The Hon. J. E. DUNFORD: Has the Minister of Consumer Affairs a reply to the question I asked on 17 October regarding tree farming projects?

The Hon. J. C. BURDETT: Investors and potential investors are not consumers as strictly defined by the Prices Act, the Consumer Credit Act and the Consumer Transactions Act. The Department of Public and Consumer Affairs therefore does not investigate complaints concerning investment schemes such as the one mentioned.

The honourable member expressed concern that the pamphlet appears to infer that such investments could provide up to 16 per cent interest. It is impossible accurately to predict the return on outlay in these cases, because the investment takes something like 30 or 40 years to provide a full return. The profitability of each venture is dependent on such variables as weather, transport costs, suitability of the land concerned, market demand and quality of management, all of which may vary greatly over a 40-year period. The return may also be reduced by servicing and agency fees which the company or related companies may charge investors. Any investors should seek full information on and be fully familiar with the terms and conditions of any agreement they enter into relating to such investments.

GOVERNMENT RETRENCHMENTS

The Hon. B. A. CHATTERTON: Has the Attorney-General a reply to the question I asked on 11 October regarding Government retrenchments?

The Hon. K. T. GRIFFIN: Cabinet has decided that, in order to ensure a consistent approach across the public sector, Ministers responsible for the administration of Acts creating instrumentalities are requesting instrumentalities to apply the Government's policy regarding no retrenchment of Government employees as if they were Government departments. However, as the member knows, some of those Acts do not give power to the Minister to issue directions.

WAITRESSES

The Hon. G. L. BRUCE: Has the Minister of Community Welfare a reply to the question I asked on 23 October regarding topless waitresses?

The Hon. J. C. BURDETT: Under section 18 of the Sex Discrimination Act, it is unlawful for an employer to discriminate against a person on the grounds of sex *(a)* in determining who should be offered employment, or *(b)* in the terms on which he offers employment. If it is a foregone conclusion that only women will be offered employment, the employer falls within this section.

Section 16 (2) states that "a person discriminates against another on the ground of his sex or marital status if he discriminates against him on the basis of a characteristic that appertains generally to persons of that other person's sex or marital status, or a presumed characteristic that is generally imputed to persons of that sex or marital status". As topless waitresses, women are asked to display their

breasts, and men are unable to comply with this requirement because of the lack of a physical attribute which "appertains generally to persons" of a particular sex.

Thus, the employment of only women as topless waitresses discriminates against men on the basis of a characteristic (that is, a lack of obvious attributes) that appertains generally to men, within the terms of section 16 (2) of the Sex Discrimination Act. The Commissioner for Equal Opportunity has not acted previously in this area, as she has not received any complaints from males (or females lacking obvious attributes) who were refused employment. However, the Commissioner considers it to be a discriminatory employment practice within the terms of the Sex Discrimination Act.

ABORTIONS

The Hon. ANNE LEVY (on notice) asked the Minister of Community Welfare:

1. How many terminations of pregnancy were performed in each of the months of July, August and September, 1979, at each of the following hospitals: The Queen Elizabeth Hospital, the Queen Victoria Hospital, the Royal Adelaide Hospital, and the Flinders Medical Centre?

2. How many terminations of pregnancy were requested at each of the above hospitals during the same three months, but were not performed at the hospital at which the request was made?

3. How many of the terminations of pregnancy requested but not performed were refused due to—

(a) insufficient facilities or accommodation at the hospital; and

(b) the request not complying with the conditions imposed by law?

The Hon. J. C. BURDETT: The replies are as follows:

1. Statistics for July, August and September 1979 will be included in the next annual report of the Mallen committee, and will be available to the honourable member when the report is tabled.

2. This information is not required by law to be notified to the Director-General of Medical Services, and is not readily available.

3. See No. 2 above.

STATE UNEMPLOYMENT RELIEF SCHEME

The Hon. FRANK BLEVINS: Has the Minister of Community Welfare a reply to my Question on Notice regarding allocations to Whyalla organisations under the former Government's State Unemployment Relief Scheme?

The Hon. J. C. BURDETT: I regret that I have not yet a reply to the honourable member's question. I therefore ask him to put his question on notice for Wednesday next.

The Hon. N. K. Foster: You're getting lax, mate. That's the third time this week.

The PRESIDENT: Order!

The Hon. FRANK BLEVINS: The Minister has asked that I put the question on notice for Wednesday next. Can the Minister give an assurance that the Council will be sitting next Wednesday?

The Hon. K. T. Griffin: Yes.

The Hon. FRANK BLEVINS: Very well, I will comply with the Minister's request.

RELIGIOUS EDUCATION

The Hon. ANNE LEVY (on notice) asked the Minister of Local Government:

1. In how many Government primary schools is religious education being taught as a separate subject in 1979, which are they, and approximately how many students receive this instruction?

2. In how many Government primary schools is religious education being taught as part of the social studies curriculum in 1979, which are they, and approximately how many students receive this instruction?

3. In how many Government secondary schools is religious education being taught as an optional subject in 1979, which are they, and approximately how many students receive this instruction?

4. In how many Government secondary schools is religious education being taught as a core subject in 1979, which are they, and approximately how many students receive this instruction?

5. What is the estimate for 1980 of the number of Government schools which will fall into the four categories of schools indicated in parts 1, 2, 3 and 4 above?

The Hon. C. M. HILL: The replies are as follows:

1. There are 61 primary schools where religious education is taught using materials provided by the Education Department through the religious education project.

2. In many of these schools, religious education is integrated with social studies, health education, language, art, drama or music. Only one or two classes are known to have religious education as a separate subject.

3. The extent of integration of religious education with other curriculum areas varies according to the curriculum framework and priorities of the individual school. A list of primary schools offering religious education is attached.

4. Religious education components are taught in 16 Government secondary schools in South Australia. In three of these (Minlaton, Mount Barker and Cummins area), it is a core subject for some students at some levels. In five schools (Kingscote Area, Kingston Area, Gladstone, Nailsworth and Salisbury), it is offered as an elective. In the other eight schools it is a component of social studies, general studies, humanities or English. Again, there is a considerable variation in arrangements from school to school.

In 1980, it is estimated that about 10 more secondary schools will use religious education materials in programmes of social education. Final decisions for each school will depend on staff availability and individual school curriculum priorities.

For primary schools, it is anticipated that at least 50 more schools will include religious education in the programme for 1980.

List of Schools: Religious Education

Ascot Park	Beachport
Blyth	Bordertown
Brahma Lodge	Clare
Crystal Brook	Cummins Area
Darlington	Direk
Enfield	Ethelton
Fairview Park	Frances
Fraser Park	Fulham
Glenburnie	Gulnare
Hawthorndene	Holden Hill
Ingle Farm	Ingle Heights
Kadina	Kingscote Area
Kingston Area	Largs North

Le Fevre Junior Primary	McDonald Park
Madison Park	Mil Lel
Millicent South	Minlaton
Morphett Vale East	Mount Gambier East Junior Primary
Mount Gambier East	Mount Gambier North Junior Primary
Suttontown	Naracoorte
Noarlunga	Northfield
Parafield Gardens Junior Primary	Parafield Gardens East
Para Hills Junior Primary	Para Hills West Junior Primary
Parkside	Port Augusta West
Port Vincent Rural	Price
Salisbury North	St. Agnes
Spalding	Stanvac
Surrey Downs	Tailem Bend
Tarpeena	Victor Harbor
Wallaroo	Williamstown
Yahl	Warooka
Campbelltown Junior Primary	

ROSEWORTHY AGRICULTURAL COLLEGE

The Hon. ANNE LEVY (on notice) asked the Minister of Local Government: At Roseworthy Agricultural College in each of the years 1976 to 1979 respectively, what were—

(a) the number of academic staff employed;

(b) the number of non-academic staff employed; and

(c) the total number of student enrolments?

The Hon. C. M. HILL: The replies are as follows:

	1976	1977	1978	1979
(a)	42	48	56	* 58
(b)	128	129	124	*126
Total	170	177	180	184
(c) Total Enrolments	269	287	319	370
Equivalent full-time figures	269	287	312	348

Figures as at April 30 each year.

NOTE: (* excludes a small number of externally funded positions).

DOCTORS

The Hon. FRANK BLEVINS: Has the Minister of Community Welfare a reply to Question on Notice No. 5?

The Hon. J. C. BURDETT: As I have as yet not received an answer to the honourable member's question, I ask that he put the question on notice for Wednesday next.

The Hon. FRANK BLEVINS: I express my regret that this question has not been answered. This question has been on the Notice Paper for about four weeks.

The PRESIDENT: Order! The honourable member was asked whether he would put the question on notice for Wednesday next. He cannot comment on it.

The Hon. FRANK BLEVINS: I have no option, but I will do it with great reluctance.

GOVERNMENT EMPLOYEES

The Hon. J. E. DUNFORD (on notice) asked the Minister of Community Welfare:

1. Is the Minister aware, despite assurances given by him, that it is the policy of the Government that no Government employees would be retrenched, and employees would be assured of job security?

2. Is the Minister aware that a public servant was dismissed at the Government Printing Office on 1 October 1979?

3. Is the Minister aware that this is the first dismissal of a public servant at the Government Printing Office that can be recalled?

4. Is it a fact that the person concerned had been counselled on 1 October 1979 about alleged poor work performance, and that the person could not reach the standard required by the Government Printing Division?

5. Is it a fact that the person concerned was told that she was unable to maintain work standards set?

6. Is it not unusual for a public servant to be dismissed in this manner after six years' service?

7. Is the Minister aware that the union concerned had been told that, on the introduction of work standards, nobody would be dismissed because of their inability to meet those standards?

8. Can the Minister explain why the person concerned, although in the sixth year of service, is still classified as a temporary public servant, and does not have the right of appealing to a disciplinary board as is generally the case in like circumstances?

9. Will the Minister investigate this situation with a view to informing all public servants employed at the Government Printing Office that it is not Government policy to cause further retrenchments?

10. In view of the stated policy of the Government that there would be no dismissals, will the Minister consider the reinstatement of the person concerned if the policies he has outlined were breached by the Government Printing Office?

The Hon. J. C. BURDETT: The answers are as follows:

1. Yes.

2. Yes.

3. This is not the first dismissal of a public servant at the Government Printing Office.

4. Yes.

5. Yes.

6. Not in the circumstances of this particular case.

7. Yes.

8. Despite the exercise of a considerable degree of patience and supervisory assistance, the person concerned has not been demonstrated her ability to consistently perform required duties at a satisfactory level. Accordingly she has not been recommended for permanent appointment.

9. The Government Printer is aware of the Government's policy in this matter.

10. The Government's policy has not been breached by the Government Printing Office.

UNEMPLOYMENT

The Hon. FRANK BLEVINS: Has the Minister of Community Welfare a reply to Question on Notice No. 7?

The Hon. J. C. BURDETT: I regret that I have not yet been supplied with a reply to this question, and I ask the honourable member to put the question on notice for Wednesday next.

The Hon. FRANK BLEVINS: I have no option, but I do so once again with great reluctance.

The Hon. N. K. FOSTER: A great delay, unavoidable or otherwise, but with great intent, exists in relation to answers to Questions on Notice. When there is a question through a Minister—

The Hon. J. C. Burdett interjecting:

The Hon. N. K. FOSTER: Just contain yourself, mate,

even if you have got a red tie on.

The PRESIDENT: Order! The Hon. Mr. Foster is out of order. He will resume his seat. If he wishes to direct a question to the Chair, he will ask leave of the Council to do so.

The Hon. N. K. FOSTER: I seek leave to make a brief explanation before asking you, Sir, a question about Questions on Notice.

The Hon. C. M. Hill: No. Question Time is over.

The Hon. N. K. Foster interjecting.

The PRESIDENT: Order! The Hon. Mr. Foster has continually talked ever since he has been in the Chamber. No-one can hear or understand what he is talking about. Will he please remain quiet for a while.

URANIUM

The Hon. C. J. SUMNER (Leader of the Opposition): I move:

That a Select Committee be appointed to inquire into and report upon all aspects of the nuclear fuel cycle including the mining, storage and treatment of uranium and the disposal of nuclear waste with particular reference to South Australia and to whether it is safe to provide uranium to a customer country.

That in the event of a Select Committee being appointed—

(a) it consist of six members and that the quorum of members necessary to be present at all meetings of the committee be fixed at four members and that Standing Order No. 389 be so far suspended as to enable the Chairman of the Select Committee to have a deliberative vote only.

(b) this Council permit the Select Committee to authorise the disclosure or publication, as it thinks fit, of any evidence presented to the committee prior to such evidence being reported to this Council.

The question of uranium mining and the whole nuclear fuel cycle remains, not only for this community in South Australia but also for the whole world community, a matter of considerable concern and worry. I do not intend, in moving this motion, to cover the plethora of technical arguments that one hears surrounding this measure. They have been debated in this Council in the past and indeed most recently in the Address in Reply debate, when the Hon. Miss Wiese covered a number of technical matters surrounding uranium mining. I will content myself to state the case for the establishment of the Select Committee. I think the starting point in consideration of this needs to be the resolution of the House of Assembly of 30 March 1977, some 2½ years ago.

I will paraphrase the resolution. It stated that, in the opinion of the House, no mining or export of uranium should take place unless and until it was safe to provide uranium to a customer country. The clear indication was that it was not safe then. That was a unanimous decision that this Council earlier this year requested be changed. Nevertheless, 2½ years ago it was the unanimous view of all Parties in this State that it was not safe to provide uranium to a customer country.

The Hon. R. C. DeGaris: Was it the unanimous decision of all Parties?

The Hon. C. J. SUMNER: That is right.

The Hon. R. C. DeGaris: I do not think it was.

The Hon. C. J. SUMNER: The Liberal Party, the Australian Democrats and the Labor Party voted for the motion, as I recall. I am sorry, there is also a Country Party member. To me, that provides a unanimity of view of the members on this matter. We must look at what developments have taken place since to warrant the people agreeing to proceed with mining and possible enrichment and export.

Safety is generally concerned with two aspects, namely, the disposal of highly radioactive waste and the proliferation of nuclear weapons. It may be said that we in South Australia do not need to look at the matter of the collection of waste, because that is a problem not for us but for the people overseas who have the reactors. However, recently there have been suggestions that some radioactive waste ought to be stored at Radium Hill.

In any event, as to storage overseas, I do not think we can completely wash our hands on that issue when we are talking about safety. As the market becomes more competitive in this area, as it may do, customer countries could put pressure on Australia to arrange for storage of the waste that has been produced in reactors in countries to which we provide uranium. The issue is not exclusively outside Australia: it is of vital concern and, when we are talking about safety, we should consider it.

The other matter is the proliferation of nuclear weapons. That has global implications and we would be silly and foolhardy to ignore the problems that may result from proliferation. More recently, another aspect, that of reactor safety, has been added to the safety question. After the Harrisburg incident, where there was nearly a serious melt-down and dispersal of radiation into the atmosphere in the United States—

The Hon. J. A. Carnie: It was contained.

The Hon. C. J. SUNMER: Yes, but it has been necessary to make a further assessment of the safety of nuclear reactors. Again, this has global implications, because of increasing concern overseas about the safety of reactors and, ultimately, that may reflect itself in economic implications for Australia if the world decides not to provide that nuclear power as quickly as has been anticipated in the past. We can be locked in to the supply of uranium overseas, which may have important and deleterious economic effects on the Australian economy.

Despite the fact that reactor safety overseas has implications for people living there (and we ought to be concerned about that), it may also have implications for Australia. When one speaks of these three issues, one sees that there is no question but that most inquiries that have dealt with this topic have recognised that this is one of the most serious hazards with the nuclear fuel industry. Mr. Justice Fox, in the first Ranger uranium inquiry report, stated:

> The nuclear power industry is unintentionally contributing to an increased risk of nuclear war. This is the most serious hazard associated with the industry.

The report in the United Kingdom by Sir Brian Flowers also drew attention to the problem of proliferation and stated:

> The spread of nuclear power will inevitably facilitate the spread of the ability to make nuclear weapons and, we fear, the construction of these weapons.

The Fox Report was dated October 1976 and the Flowers Report September 1976, so we must look closely at developments since then. Unfortunately, we live in a situation where peace in the world is maintained on what is often termed the balance of terror. That is, we do not use nuclear weapons because we fear the massive destruction that would occur if we did. Clearly, the maintenance of that balance would be seriously jeopardised by the proliferation of nuclear weapons. There are no adequate agreements, and there is no adequate inspection procedure to monitor plutonium produced and insure

against its use for non-peaceful purposes. It is well known that in one case, India brought in Canadian technology to get into the nuclear club. The American author Lillian Hellman, in her book *An Unfinished Woman*, states:

> They [the Russians] have chosen to imitate and compete with the most vulgar aspect of American life and we have chosen, as in the revelations of the C.I.A. bribery of intellectuals and scholars, to say, "But the Russians do the same thing," as if honour were a mask that you put on and took off at a costume ball. They condemn Vietnam, we condemn Hungary, but the moral tone of giants with swollen heads, fat fingers poised over the atom bomb, staring at each other across the forests of the world, is monstrously comic.

That puts the absurd situation that the community has got itself into with respect to nuclear weapons and the potential for destruction. It is indeed monstrously and tragically comic. That is the position we face today. As though it were an issue that concerned a few cranks, last Monday a report in the *Advertiser* on this topic stated:

> The most pessimistic world scientists and statesmen have been warning for some time that unless unprecedented wisdom commands the world's destiny, a nuclear holocaust will destroy mankind within a few years . . . For example, a recent study by the U.S. Office of Technology Assessment estimated that an all-out nuclear war between the U.S. and Russia would kill 165m. Americans and leave the survivors in economic straits resembling those of the Middle Ages. The consequences in the Soviet Union would be much the same . . . Unhappily, the chances of one or all of such groups or dictators acquiring the ability to make, deliver and detonate nuclear bombs increases daily. At present, six nations—the U.S., Russia, Britain, France, China and India—possess bombs. But Canada, Israel, Italy, Japan, South Africa, Spain, Sweden, Switzerland and Taiwan are believed on the very threshold of joining them if they have not already done so. Then, within a few more years, another 20 nations, including South Korea, Egypt, Pakistan, Yugoslavia, East Germany and Brazil will most likely enter the nuclear club.

For people who want to pooh-pooh this argument, it does not do justice to the considerable concern that is felt, and we should all be concerned about this problem and the risk that is exacerbated by the spread of nuclear technology, albeit its original intention being for peaceful purposes.

In respect of the disposal of nuclear wastes, there does not seem to be any doubt that at present there is no satisfactory method of disposing of nuclear wastes. The Flowers Report states:

> There should be no commitment to a large programme of nuclear fission power until it has been demonstrated beyond reasonable doubt that a method exists to ensure the safe containment of long-lived, highly radioactive waste for the indefinite future.

That inquiry indicated that it would be about two decades before a satisfactory method could be established. The report continues:

> There is at present no generally accepted means by which high level waste can be permanently isolated from the environment and remain safe for very long periods.

The United States Congressional Inquiry stated last year:

> Professor Tolstoy drew attention that a large number of points which showed that a final solution to the problems of disposal has not yet been found. This I accept.

As recently as last year there were still clear-cut statements from independent inquiries that the question of the disposal of highly radioactive waste has not been solved. Undoubtedly, there have been some advances in technology, and this clearly appears from the report that Mr. Dunstan gave to Parliament on his return from his fact-finding mission of January this year, and the reports of the technical advisers that he took with him on that trip.

The Hon. R. C. DeGaris: There seems to be some argument about that report.

The Hon. C. J. SUMNER: That is the trouble with honourable members: they always try to jump the gun and hop in when one is trying to make an argument; they seem to believe that one is not going to cover the area that they believe only they have thought about. I can assure honourable members that I will cover this issue. There was some confusion as to precisely what the end result of that fact-finding mission was, but I do not believe that there is any doubt that everyone, including Mr. Dunstan, agrees that there have been some advances in the technology of waste disposal.

There was a difference of emphasis between Mr. Dunstan and the technical experts he took with him. I do not want to consider this issue now because, as the Hon. Mr. Cornwall said, it seems to be an ideal matter for the Select Committee to examine, an ideal rationale for the establishment of a Select Committee. From the results of that fact-finding mission, depending on what emphasis one wants to put on the various statements (and one can find these statements in the press reports to support whatever point of view one wishes to adopt), the technical experts would agree that presently there has been no safe method established or proved.

The experts are optimistic that technical developments over the next few years will produce a satisfactory result. At present I do not believe it is established that such technology exists. Although I have not read the reports in full, the newspaper reports of the mission do bear out what I am saying: there are differences in emphasis in the conclusions arrived at by members of the mission, but presently there is still grave concern about the disposal of nuclear waste, and especially about the proliferation of nuclear weapons. I should like to quote a couple of passages indicating what I mean about this. An *Advertiser* report of 27 October 1979 states:

> Mr. Dickinson refers to the lack of development of international safeguards to prevent the diversion of nuclear energy from peaceful purposes to nuclear weapons. He says that until gaps in the International Atomic Energy Agency safeguards are given better coverage in bilateral agreements and "fallback" agreements, "the marketing of Australian uranium continues to be exposed to serious proliferation risks".

That report concerns Mr. Dickinson, one of the experts, who then proceeds to give a qualified go-ahead, and he states:

> But provided IAEA safeguards are applied to all phases of the nuclear cycle in customer countries and that customer countries accept nuclear waster disposal criteria developed in the more advanced nuclear countries, South Australian uranium can be sold safely for nuclear power generation.

That is all well and good, but Mr. Dickinson puts a heavy proviso on whether it is safe to proceed with the sale of nuclear power generation: he says, "provided the safeguards are applied". Has the evidence been established that those safeguards are being applied in all the countries concerned? There is the additional problem that many countries are still not signatories to the nuclear non-proliferation treaty. Mr. Wilmshurst, another member of the fact-finding mission, is reported as stating:

> . . . [there is] no technical reason why concern about waste disposal or safeguards should prevent uranium mining in South Australia.

The report continues:

> On the matter of disposal of high-level waste, Mr. Wilmshurst says that in Britain a final decision on disposal procedures is probably "15 years away". It is true to say that

in 1979 the British were far from having a viable procedure available.

Mr. Goldsworthy's interpretation was that it was clear advice that international developments in waste disposal and safeguards were proceeding at a rate which justified the go-ahead to uranium mining in South Australia.

There is no question at present that the safeguards on proliferation are inadequate. That is admitted by the technical experts, and there does not seem to be any doubt also on the question of disposal of waste, as presently there is no safe method of disposing of waste despite the technical developments made in the past few years. It may be a matter of talking about the optimism of the experts against those who might like to adopt a more cautious approach, given the tremendous, destructive and devastating effects that uncontrolled and unsafe nuclear development could have on the world community.

I have dealt with the question of reactor safety and the incident at Harrisburg. As the Hon. Miss Wiese pointed out in her Address in Reply speech, this matter has caused experts to review very carefully the findings of the Rassmussen Report on the likelihood of a reactor melt-down with all its consequences and also to review carefully the conclusions of that report, so that the likelihood of a melt-down and a serious nuclear power reactor accident is now much more likely than was originally indicated by that report. It is common to quote the Fox Report as giving the go-ahead for uranium mining. However, in its second report, produced in May 1977, Justice Fox said:

> By proceeding as we have done, we have not meant to imply that a decision favourable to uranium development in Australia will or should be made.

Therefore, the Fox inquiry, with its second report in May 1977, was still saying that the question of proceeding with uranium mining was a matter not purely for the experts but for the whole community to decide.

In South Australia there is still considerable concern in the community. I do not believe that the Government has a clear-cut mandate for the go-ahead on uranium mining, and certainly not the sort of mandate it has claimed which we have accepted in relation to the tax cut measures that have been before this Council in the last day or so. If we take the combined votes of the Labor Party and the Australian Democrats (the two Parties opposed to uranium mining) and compare them with the Liberal Party's vote in the last election, we certainly do not get anything like what could be called a convincing mandate.

However, the Government has given uranium mining the go-ahead, and it is all stops out for nuclear development in South Australia. Indeed, I understand that Mr. Goldsworthy, the Minister of Mines and Energy, has spoken of a uranium enrichment plant for South Australia next year. That project would have serious environmental implications that need to be looked at very carefully by the South Australian community. Surely the South Australian public needs to be satisfied about these issues, and I believe that the establishment of a Select Committee would assist in that process. On 30 October 1979 Mr. Goldsworthy said in another place:

> This Government will take the public into its confidence.

This is a very good way of taking the public into its confidence, by agreeing to the establishment of this Select Committee. Mr. Goldsworthy continued:

> This statement [that is, his statement on uranium] has established a basis on which all South Australians can begin to consider the uranium issue safe in the knowledge that this Government is being honest with them. I will continue in this spirit when I make another statement to Parliament in this session detailing the Government's attitude to uranium mining and development. It will canvass the Government's attitude to the matters of fact raised in the documents I have tabled today.

The important thing about that statement is that the Government has said that it intends to be honest with the South Australian public about uranium mining. There is no doubt that the establishment of a Select Committee of this Council to look at the question would help to fulfil the Government's object. For that reason, if for no other, it is important that it be a committee open to the public, with the evidence available to the public and the press. The Opposition will suggest that it be an all-Party Committee, which will include only two Labor members besides the Australian Democrat member, Mr. Milne, and three Liberal members.

There is a continually changing scene on the question of nuclear energy, and I believe that a committee such as this could carry out an important watch-dog role on the Government's activities as developments in uranium mining occur from time to time. Indeed, it would have been useful to have the committee look at the results of the Dunstan fact-finding tour earlier this year, and it will also be useful for the committee to look at the competing claims about the conclusions that that fact-finding tour came to. The terms of reference for this Select Committee have been framed as broadly as possible, and that has been done for a specific reason. The Opposition does not expect that the committee would want to do another full Fox Report exercise, but the terms of reference are broad enough to enable the committee to cover any aspects of the problem that occur to it. I have already mentioned some of those problems, and no doubt others will occur to the committee and crop up from time to time.

It would be a pity if the terms of reference of the committee were limited, and they have been couched in broad terms to give maximum flexibility to the committee to look at issues as they arise. I suggest that the committee should report as a matter of form by the beginning of the next session of Parliament, although I imagine that it will continue for some considerable time. The committee should have power to meet during the Parliamentary recess, and in any event I understand that the committee would have power, under the Standing Orders, to produce interim reports. This is important because, if a particular issue arose which the committee wanted to investigate, it could do so and bring down an interim report for the benefit of this Council, Parliament and the South Australian public.

This matter is an important issue in the community. The community would welcome the opportunity for such an inquiry and an opportunity to put its point of view, to look particularly at the local implications of the nuclear fuel cycle and the Government's stated intention to proceed as rapidly as possible with the mining of uranium. I hope that members opposite will see the value and force of the arguments that I am putting, and I hope that they will co-operate in establishing this Select Committee.

The Hon. J. R. CORNWALL: I second the motion and it gives me a great deal of pleasure to do so. I do not intend to take up very much of the time of the Council, because the Hon. Mr. Sumner has put our case very persuasively and eloquently. I shall be very surprised indeed if Government members do not wholeheartedly support the establishment of this Select Committee. At the moment, it is very dubious whether the Government has the sort of mandate that it claims it has. However, several things are clear, and the first is that there is massive confusion in the community. There have been all sorts of claims and counterclaims made about this issue. There has been a

series of selective releases of reports—reports that favour one side of the case, while apparently other reports that are not pro-uranium mining and export have not been released.

In the circumstances, it is entirely appropriate that we should be using the forms of the Council to investigate all aspects of the matter. I agree wholeheartedly with the Hon. Chris Sumner that the proposed terms of reference should be as wide as possible. I do not believe that this committee should be restricted in any way because clearly, as the investigation proceeds, matters which cannot now be foreseen but which should be investigated thoroughly will arise. I hope that no serious attempt will be made to restrict the committee's terms of reference.

Also, we will be using the forms of this Council in a perfectly legitimate, proper and desirable way. I remind all honourable members that, although there may be considerable doubt whether this Government has a mandate to proceed with the mining, treatment and export of uranium, there is no doubt that the people of South Australia gave a clear indication on 15 September that they wanted this Council to perform precisely the sort of role that is now being proposed. We have heard many statements over the years by Liberal Party members, notably people like the Hon. Mr. DeGaris, that this is a House of Review and that it builds a system of checks and balances into the process of government.

It has been said that we cannot drive the train without brakes, and that it has always been desirable for us in this Council to review the sort of things being proposed by the Government. This is an ideal opportunity for us to perform precisely that function. I shall be extremely surprised and disappointed if Government members do not take a unanimous view on this matter.

From a personal point of view, I have grave misgivings about the uranium issue. I do not presume to say that I know with a degree of absolute certainty whether or not it is safe, or whether perhaps it is the most perilous and dangerous course on which mankind has embarked. Perhaps the truth lies somewhere in between. However, this is a particularly good opportunity for us to find out. When I say that I do not know, it is obvious to me at the same time that the Minister of Mines and Energy does not know, either.

The only thing that we have had from the Minister is a great deal of indecent haste. Indeed, within 48 hours of the Minister's being sworn into his portfolio and becoming a member of this Government, he issued a major press statement saying that he believed that South Australia could begin construction of a nuclear enrichment plant by 1980. I do not want to go over this point yet again, as I have made it several times before. However, the fact is that when that statement was made 1980 was a mere three months away.

At that time, no site was mentioned, and there was no mention of any sort of environmental protection procedures or environmental impact statements being required. Perhaps, most important of all, there was not even a proponent. So, it was very much off the top of the head and, in such an important matter as this, that seems to be somewhat less than responsible.

What we must remember in this debate is that, although it is important that all members of Parliament should know about the matter, the people of South Australia should also know. If we lose that sort of perspective, all members, on both sides, do not deserve to be in this Parliament. We are here to represent the people of this State, and we have a clear duty to see that these doubts and this confusion are removed to the greatest extent possible. For this reason, a Select Committee would serve a very useful purpose.

The Minister of Mines and Energy has said several times in another place, and indeed repeated it again yesterday, that people like me are guilty of scaremongering and that, when we talk about the difficulties and grave dangers that may be associated with the mining, processing, and particularly the storage and transport of uranium and the toxic wastes associated with it, we are scaremongers and are trying to create some terrible unease in the community.

That seems to be an illogical argument because, if we were to accept the assurances that are made by the Minister off the top of his head, it would be impossible to scare anyone, as the Minister continually tells us that the technology is now here, that we are perfectly safe, and that all aspects of the nuclear fuel cycle are under control. I do not believe that I could say that with any certainty, and certainly I could not accept it bearing in mind the knowledge that is now available. It is regrettable that the Government is involved in such a precipitous rush to get into the uranium race.

It has been reported this week from what press reporters in Adelaide say are reliable sources that Urenco is planning an enrichment plant for South Australia, and that it is keen that the plant should be located in the Adelaide metropolitan area. Certainly, that is something that was never canvassed during the election campaign nor at any other time. I feel gravely uneasy about this. The fact that it should even be contemplated in the metropolitan area is, to me, a matter that would cause concern to every resident of Adelaide.

Although no firm indication has been given about where it will be, Hallett Cove, Port Stanvac and Port Adelaide have been suggested. This is the sort of thing that can happen unless there is a balance and unless some sort of reason is injected into this whole business. It frightens me to think that we could be moving to get into the club so quickly when such scant information is available to the people.

Finally, I refer to environmental protection. We have heard some loose and wide types of statement along the lines that the environment will be protected and that people can rest assured that the Government will look after the environmental aspects involved. However, it has not been spelt out how that will be done, what legislative procedures will be involved, or what guarantees the people of South Australia will have.

This is yet another aspect that requires very serious, lengthy and in-depth consideration. I repeat that I will be very disappointed and surprised if Government members do not support enthusiastically the motion to appoint a Select Committee.

The Hon. K. T. GRIFFIN (Attorney-General): I oppose the motion and, in so doing, indicate that at the appropriate time an amendment, a copy of which has been circulated to honourable members, will be moved. The Government's policy in the period before the election and subsequently has been clearly stated, namely, that it will permit the development of uranium mining in this State provided that there are safety requirements for workers and that environmental impact requirements are satisfied.

That is an attitude that is consistent with both reports from the Fox inquiry. There has been some reference made to the reports from that inquiry, and I would like to make some brief reference to them. The first report dealt with a number of matters, including the permanent refusal to supply uranium to other countries, the question of postponement of supply, and a variety of other matters. On the question of whether or not Australia should refuse permanently to supply uranium to other countries, the first

report of the Ranger inquiry concluded that total renunciation of intention to supply was undesirable, and the second report indicated that the inquiry did not alter its view or qualify its view with respect to that matter. The first report went on to deal with the question of postponement of supply and compared two opposing viewpoints. One was the temporary postponement of the supply of uranium and the other was that no delay should be countenanced because delay would serve no useful purpose. It is important that one recognises the recommendations of the first report. Dealing with those two matters, postponement of supply on a temporary basis or that no delay should be countenanced, the first report states:

> Because the evidence from which each line of argument is derived remains conjectural and also for reasons stated earlier when discussing the proliferation problem, we have not found a compelling basis for a conclusion on the question whether it is preferable to delay coming to a decision about mining for a period of several years or alternatively to proceed with carefully planned development of the industry. What we do conclude is that at present Australia should not commit itself to withholding for all time its uranium supplies, and that it should take the course, which is determined to be the most effective and most practical in order to bring a favourable response from other States in relation to the proliferation problem.

The inquiry later states:

> It will be seen that we suggested *(a)* that total renunciation of intention to supply was not justified, and was undesirable, *(b)* that the options were either to proceed to supply as soon as practicable or to delay making a decision about supplying for a period of several years. In our view, a decision on the options depended largely on what was deemed to be the best strategy in relation to the matter of proliferation. We do not wish to alter or qualify anything we have said in relation to these matters. We do not discuss the matter of proliferation in this report.

One will remember that the second report, in dealing specifically with the Ranger project, but more generally with uranium mining, did not reach a conclusion that there ought not to be uranium mining in Australia. Some safeguards are set down in a fairly comprehensive set of regulations. Environmental matters ought to be considered and applied in any mining project, and there ought to be proper safeguards for those directly involved in the mining and processing of uranium or the enrichment of uranium. The view of the Government, as I have indicated, is that uranium development ought to proceed, but the policy is subject to there being safety requirements for workers, and that environmental impact requirements are satisfied.

What the Leader of the Opposition is suggesting is that we have an inquiry which surpasses the Ranger inquiry. One can remember, from the volume of evidence that was reported in periodic newspaper reports and the two comprehensive reports from that inquiry, the great volume of material that was considered by that inquiry as well as the extensive overseas travel involved. A large number of people came to give evidence, not only from Australia but also from overseas. If one looks at proposals of the Leader of the Opposition, one will see that this is even broader in its terms than those of the Ranger inquiry. It will involve, if it gets off the ground, not only a considerable amount of time but also a considerable amount of the State's resources in terms of manpower and money to deal in some depth with the problems that it seeks to identify and examine, because it is not related just to South Australia; it is related to Australian policy, Australia's international arrangements and agreements, developments in overseas countries, and also the attitude of our trading partners and others in overseas countries.

The submission of the Government is that that is much too wide for an inquiry which is to be undertaken by this Parliament, particularly relating to South Australia. In the Fox Report there was an exhaustive examination of the issues up to about the middle of 1977. We believe that that report, if there is to be a Select Committee inquiry, ought to be the starting point for any examination of the uranium question and that it ought to be limited to those matters that directly concern the mining of uranium in South Australia.

The Minister of Mines and Energy tabled several reports last week, which were available to the previous Government, particularly the Wilmshurst and Dickinson reports, which present a very up-to-date view of the situation and tend to confirm the Government's attitude and policy. I remind honourable members opposite that these reports were commissioned by and were available to the former Government, which had the opportunity to consider those matters as well as the matters raised in the Fox Report. Regarding the Opposition's claim that at the last election the Australian Labor Party and the Australian Democrats between them had sufficient votes to disallow the representation which we make that our Government has a mandate, the fact is that in those two Parties some differences of opinion exist with respect to the mining and sale of uranium. Even within the trade union movement there are quite distinct differences of opinion between those members of the trade union movement who are anxious to be involved in the mining, processing and sale of uranium and those who are diametrically opposed to it.

Because of our policy proposals and because of the obvious division of opinion in the trade union movement, and even within the Australian Labor Party ranks, our mandate cannot be denied. There are two persons in our Government who have had more recent experience, particularly overseas experience, with respect to this matter than did the previous Government. Within the last few months the Premier was overseas making a specific examination of the uranium question. The Hon. Mr. DeGaris has recently been overseas on very much the same matter. I would hope the Hon. Mr. DeGaris will be able to make a contribution to this debate, because the information which he has will be invaluable in the consideration of this matter before us now.

The Hon. N. K. Foster: He spoke the other day.

The Hon. K. T. GRIFFIN: He will add to the contribution he has made, and I believe the contributions by those members will be extremely worthwhile in the consideration of this matter. A proposal that the Government is prepared to accept, recognising that at least in some parts of the community there is concern about the safety of workers in the uranium industry, is one to support a Select Committee that does not have the very wide range of terms of reference such as the Opposition is proposing. We are prepared to support a Select Committee, provided that the existing terms of reference are altered. As it is therefore necessary to amend the motion, I move:

> 1. That all words after the word "That" first occurring down to "customer country" be deleted with a view to inserting: a Select Committee be appointed to report on—
>
> (1) developments in Australia and overseas since the completion of the Ranger Inquiry in 1977 which have a bearing on the mining, development and further processing and sale of South Australian uranium resources, and
>
> (2) the safety of workers involved in the mining, milling, transport, further treatment and storage of

uranium in South Australia.

2. That paragraph *(b)* be deleted.

We are prepared to support the proposition that a Select Committee of this Council should look at those matters related specifically to South Australia, using as a bench mark the reports of the Ranger inquiry in 1976 and, more particularly, 1977. We believe that members of the community should have an opportunity to make submissions to that committee if they have concern about these matters and if they have matters of substance they wish to raise. If they are given that opportunity, we hope to clarify once and for all some matters affecting those who have been opposed to the mining, processing and export of uranium.

The Government believes that there is a firm acceptance by the people that there should be mining and export of uranium from South Australia. That it is one matter on which we rely for economic development and which will affect not only those involved in the industry, but the whole of South Australia. We believe, notwithstanding our agreement to a Select Committee in the form in which I am moving the amendment, that the people of South Australia support that development.

I want to say two more things about the committee in the form in which I am proposing it. The committee that the Leader sees would be a continuing one and would produce interim reports. We want to set up the committee for a specific purpose. We would want to see that it went about its work fairly quickly and made a report no later than about the middle of March 1980. We believe that a time table ought to be set, because, unless it is set and met, South Australia will be further disadvantaged by the policies that the previous Government followed about mining and development.

The other matter is that the Leader indicated that he would see the committee as preparing and presenting interim reports on issues that arose from time to time. One can see that it may be useful to Opposition members to have the opportunity, on a Select Committee, to continue controversy on an issue then under debate, but the proper course is that the committee ought to consider all submissions and evidence put to it so that it is seen as a whole, and not report selectively. When the report is presented, tabled and made public, the members of the public who are interested will be able to make an assessment of the report and have access to the whole of it.

Therefore, I am seeking to exclude the right of the committee to authorise the disclosure or publication, as it thinks fit, of any evidence presented to the committee prior to such evidence being reported to this Council. I believe we ought to maintain the practice that has been adopted previously in this Council with Select Committees, namely, that a committee be given a task, have evidence given on that as a whole, and be required to table its report as a whole so that we do not get distorted reports from time to time.

The Hon. M. B. CAMERON: Some matters should be raised at this stage about what I regard as the somewhat hypocritical stand taken by the Opposition. For a long time, up to the time of moving for the Select Committee, we have watched with interest the Opposition's actions, mostly in the time it was in Government and particularly since it has been in Opposition. The previous Government started by being very much in favour of the mining and enrichment of uranium in South Australia. In 1974, it was formulating strong plans and lobbying the Federal Labor Government for the establishment of a uranium enrichment plant here. There was no qualification at that stage, although, certainly, there were views about the disposal of waste. Now that many doubts have been aroused, the Labor Party has gone to the other extreme and strongly supports the banning of the mining and enrichment of uranium, or anything to do with it.

The Hon. L. H. Davis: It is called lobbying.

The Hon. M. B. CAMERON: I have found it difficult to follow the Opposition. I refer to the report made by Mr. Dunstan when he left The Hague after discussions with experts whom he had selected and had taken over to examine the problems of the disposal of waste.

The Hon. B. A. Chatterton: It was proliferation, as well.

The Hon. M. B. CAMERON: Waste was what came out of the report. When Mr. Dunstan returned, he issued to the Parliament a report and, in the words of one expert, that report varied quite a lot from what had been decided in The Hague. While Mr. Dunstan was on his way back and when there appeared to be a fair degree of unanimity amongst people in this State that he would come back and advocate the mining of uranium, a *coup d'etat* was done on him. I understand that one or two members of this Council got together with some members of the other place, had a secret meeting, got the numbers, and told Mr. Dunstan to keep quiet about the hypocritical attitude that the Labor Party had adopted in the past. They stabbed him in the back. The Labor Party started in favour of uranium mining. Then, it probably found good grounds for stirring up fear and the anti-uranium situation. It continued that for some time.

The Hon. C. J. Sumner: You're not doing your case any good.

The Hon. M. B. CAMERON: Just let me finish. Prior to the start of all this change, the Labor Party was in favour of uranium enrichment and well on the way towards it. In 1974 the then Premier said, "We will press towards the establishment of a uranium enrichment plant in South Australia". The Labor Party started out in that direction but changed its mind and in the meantime it has proceeded to examine the whole question of a uranium enrichment plant in South Australia. The Labor Party has actually had committees working on it and has encouraged people associated with Roxby Downs to proceed with the development of plans for the mining of Roxby Downs. Why is that?

The Labor Party's intention, whether it stayed in Government or not, was for the mining of uranium and other minerals at Roxby Downs to proceed. There was never any doubt about that. It was merely that for some time it was good politics to carry on with an anti-uranium stance. This whole matter was merely a political exercise by the Labor Party during the time it was in Government. The Leader of the Opposition talks about being open with people, but at no time did the then Government release the reports associated with uranium enrichment, because it did not suit its anti-uranium stance. The report produced for the Labor Government did not match the case that it wanted to put to the people to continue creating fear, so it refused to release the report.

Instead, the Labor Party got together a group in the Policy Division to compile a report which has been described by an expert as being full of technical faults. There was no expert in the Policy Division of the Premier's Department. That report was produced merely to present to Parliament to show that the Labor Party was on the right track. Not even the then Premier (Hon. D. A. Dunstan) was prepared to produce it in Parliament because he knew there were far too many faults with it and that it would be rubbished. Meanwhile, the report that he said he would produce in Parliament was not produced in the form originally agreed upon. I remind honourable members of some of the things that Mr. Dickinson, who

was one of the Premier's experts involved in compiling the report, had to say. An *Advertiser* report states:

> . . . the true position was, in his judgment, "certainly being clouded by the efforts of some people to defend ideological positions regardless of the facts".

That is what has happened to the Labor Party. It is defending ideological positions regardless of the facts. The report continues:

> It was true that a 2 500 word summary of the results of the Dunstan mission to Europe in January and February had been "virtually agreed to by all members of the Party, including myself".
>
> That summary had been prepared in The Hague by the then head of the Policy Division in the Premier's Department, Mr. B. Guerin.
>
> "I understood this to be the statement the then Premier proposed to make to Parliament on his return," Mr. Dickinson said.
>
> "However, he varied it quite a lot when he did report to Parliament."

The Hon. C. M. Hill: He fiddled it.

The Hon. M. B. CAMERON: That is the clear inference. When Mr. Dickinson was asked to comment, he did not comment. Obviously, he had some reason for not commenting, but I believe he did regard it as being a fiddled report. The report continues:

> I believed he—

that is, Mr. Dunstan—

> was returning to Adelaide resolved to persuade Cabinet and the Parliamentary Labor Party and the State and Federal A.L.P. conferences that they must be prepared for a change of policy. In Mr. Dunstan's view, such a change might take up to two years to accomplish. In the meantime, however, he thought it would be reasonable to allow preparatory development planning to go ahead. This would ensure that, when policy was eventually altered, the first spades would be ready to go into the ground.

Those are the views of a man who was closely associated with the then Government and who was one of its experts. Those are his views about what was happening. The people of South Australia were to be conned for another two years that the Labor Party was really opposed to uranium mining. Everyone knew that the firm involved with Western Mining Corporation in mining Roxby Downs, did so as part of the preparations. That company was following the course that had been laid down. It was proceeding with the preparations.

At the end of two years the grand announcement was to be made that everything was fine, despite the fact that that was the Government's opinion all along. It was a con job, and I will always regard it as that. I refer to the obvious deceit and lack of honesty involved, as well as the suppression of anything that smacked of support through official documents for uranium mining.

The original concept of this Select Committee was just a continuation of that programme of instilling fear and deceit in this State. Obviously, the Opposition is willing to drum up fear in the people. I guarantee that if by some mischance the Opposition regains Government at the next election it will proceed with the mining of uranium at Roxby Downs and change its policy. Underneath it all the Labor Party knows that that is inevitable. The Attorney's amendment to the motion is reasonable and provides for the information that South Australia should have. The original motion should not be supported. Certainly, it is far beyond the scope of this Parliament, because much of that work is covered elsewhere. I support the Attorney's amendment.

The Hon. R. C. DeGARIS: Probably an inquiry of some sort by a Select Committee in relation to this question is desirable, although I do not feel that this inquiry is quite as important as the inquiry under way prior to the recent election in respect of fuel conservation. I hope that that committee may be reconstituted and continue its work, because it could make recommendations of great importance to this State.

I do not believe that the terms of reference outlined by the Leader of the Opposition are realistic. In referring such a matter to a Select Committee, the terms of reference should cover those areas of State responsibility relating to the mining, storage, treatment and enrichment of uranium. This has been referred to by the Attorney in his amendment. Already in Australia intensive inquiries have been undertaken: the Ranger inquiry, Senate committees, and we also have Mr. Justice Fox still on a roving commission reporting to the Federal Government on matters concerning the international and national aspects of the uranium industry. I do not know what reports he has made to the Federal Parliament, but at page 185 (paragraph 3) of his first report, Mr. Justice Fox states:

> The nuclear power industry is unintentionally contributing to an increased risk of nuclear war. This is the most serious hazard associated with the industry. Complete evaluation of the extent of the risk and assessment of what course should be followed to reduce it involve matters of national security and international relations which are beyond the ambit of the inquiry. We suggest that the questions involved are of such importance that they be resolved by Parliament. In chapters 15 and 16 we have gone as far as the terms of reference and the evidence permit in examining the courses open and in making suggestions.

As we know, Mr. Justice Fox is presently still inquiring into those aspects and is still reporting to the Federal Parliament. Most of the information that has been collected over the years on this matter is available for members to read. There are a great number of publications and a great number of informed inquiries. The Leader of the Opposition has already mentioned the Royal Commission conducted in England under the control of Sir Brian Flowers, whose report I commend to anyone who is interested in this problem.

The export of uranium from Australia, after all, is a Commonwealth responsibility. The need to impose conditions and determine the safety of the disposal of waste from nuclear reactors and whether it is safe to provide uranium to certain countries must always be the responsibility of the Commonwealth. Therefore, to include matters such as those mentioned in the terms of reference is outside the scope of any inquiry that State Parliament should approve. A Select Committee should be able to determine the questions in relation to the mining and processing of uranium in South Australia, but it would be quite beyond the scope of that Select Committee to make any report of significance on the question of whether it is safe to provide uranium to certain countries, or matters concerned with the safe disposal of nuclear waste, for example, in Europe or the United States. In relation to whether it is safe to provide uranium to certain countries, I pose the question: from whom would the Select Committee of this Parliament draw such evidence? I believe this Council should concern itself with that question in relation to the width of the terms of reference drawn by the Leader of the Opposition. The Select Committee could have access only to written material that is already available for any member to read.

The Hon. C. J. Sumner: You could cross-examine an expert in Australia about that material. That would help, wouldn't it?

The Hon. R. C. DeGARIS: Where will you get an expert who could give evidence on whether it was safe to export to a certain country? The whole question is too ridiculous for a State Parliament to be inquiring into. The Select Committee would be unable to make any rational report on that issue. Therefore, I am prepared to support a Select Committee inquiry, provided that its terms of reference cover matters that are within the competence of the State administration. To go beyond that would be quite ridiculous and quite farcical.

I have already quoted the third recommendation of the Ranger Report. I now turn to some of the other recommendations that have been made and already referred to by the Leader of the Opposition and the Attorney-General. The first recommendation is:

> The hazards of mining and milling uranium, if those activities are properly regulated and controlled, are not such as to justify a decision not to develop Australian uranium mines.

Honourable members will notice that there is a proviso in that recommendation: "if those activities are properly regulated and controlled". As honourable members well know, the control of mining is a State responsibility. A Select Committee at State level could profitably look at that question and make worthwhile recommendations to Parliament. Honourable members would also be aware that there are certain hazards that are peculiar to mining uranium; that there are certain hazards that are peculiar to the mining of coal; and that there are certain hazards that are peculiar to the mining of any commodity. Therefore, having had some experience already in uranium mining in this State, and taking into account the reports of Sir Brian Flowers and the Ranger Report, there are special techniques that are needed in relation to uranium mining and its safety. As I have said, that is our responsibility at State level, and it is reasonable for a Select Committee to examine that at State level. The second recommendation of the uranium inquiry was:

> The hazards involved in the ordinary operation of nuclear power reactors, if those operations are properly regulated and controlled, are not such as to justify a decision not to mine and sell Australian uranium.

I make no comment on that recommendation, except to say that if we take the broad brush used by the Leader of the Opposition, the Select Committee would be charged with the responsibility of understanding and taking action in relation to the control of nuclear reactors in our customer countries. That is implicit in the terms of reference as laid down by the Leader of the Opposition. I do not want to labour this point, because there is a whole range of other activities that I could discuss, but that Select Committee under the proposed terms of reference would be required to satisfy itself as to the safe operation of nuclear power stations existing in other countries, which at some future stage could be customers of Australia.

Once again, I submit—and I do not want to labour this point with a whole series of explanations—that it would be totally impossible and outside the scope of any Select Committee at State level to be involved in those matters I have mentioned. I do not want to go through and quote all the recommendations of the Ranger inquiry, but if one looks at them very carefully it can be seen that there is a need for the State to examine and make recommendations in regard to the actual operation of the mining, milling and enrichment of uranium. That is a State responsibility, and the Select Commitee could probably perform a very worthwhile function in those particular areas. The eighth recommendation of the Ranger inquiry was:

> No sales of Australian uranium should take place to any country not party to NPT (Non Proliferation Treaty). Export should be subject to the fullest and most effective safeguards agreements, and be supported by fully adequate back-up agreements applying to the entire civil nuclear industry in the country supplied. Australia should work towards the adoption of this policy by other suppliers.

Once again, I make the point that that is fundamentally a Commonwealth responsibility. If this State involves itself in that sort of inquiry, not only are we going back to pre-Ranger inquiry days (as mentioned by the Attorney-General), but we would have a Select Committee that would never be able to complete its function, because we would be dealing with highly technical matters at a national and international level in which this State is plainly not involved in any way whatever. Therefore, I have very much pleasure in supporting the amendment moved by the Attorney-General. In his remarks, the Attorney-General has referred to the second Ranger Report. I do not wish to deal with that report at any great length; nor do I wish to deal with any matters that were examined as a result of a recent overseas trip on this question. If one starts on that particular line, we could be here for a very long time discussing matters that are not relevant to the main points of this debate. In the second Ranger Report, the principal recommendations related to the actual mining operations and proposals for the development of the uranium industry.

The second Ranger Report is most appropriate for study by the Select Committee if it is appointed, as it deals specifically with the development of the Ranger mine. A whole range of recommendations in the Ranger Report deal with all the matters concerned with the opening of that mine, the proposals for the development of the uranium industry, as well as those relating to national parks and accommodation of mine workers and their families, the impact on Aboriginal society and the effect on Aboriginal land rights, the future development of the region, environmental research standards, monitoring supervision, and a whole range of other recommendations involving valid areas of inquiry for a Select Committee.

I therefore urge the Council to support the amendment, as this is the only rational way in which the Select Committee can go. I know that a large number of queries still exist in relation to the nuclear industry. However, I am satisfied that the nuclear industry must continue to develop so that it can provide the world with its requirements. I do not doubt that an argument can be raised regarding this matter. However, the point is that it is not an argument that should be examined by a Select Committee appointed by this Council under a State Administration. I support the amendment.

The Hon. K. L. MILNE: In principle, I support the motion. The problems associated with uranium involve a comparatively new phenomenon. Some of us have taken a moral stand on the issue while so many unknowns exist. That, too, is a comparatively unknown phenomenon. At present, we are getting opinions from newspapers and magazines, but we in this Council must get evidence. I believe that this Select Committee would assist the Government by monitoring continually the developments that are occurring rapidly in this highly volatile and emotional area.

Knowing the problems that we will have to face, it seems to me that such a Select Committee should seek all shades of opinion. I agree that a South Australian Select Committee should try to solve South Australia's problems and not those of the world. The Hon. Mr. DeGaris said that, and I agree that this is eminently sensible. I do not see this committee as taking the place of a national Senate Select Committee, or merely rehashing existing reports.

Rather, I see it as a safeguard for the Government, the Labor Party and the Australian Democrats in what is bound sooner or later to be one of the most difficult decisions that this Council has ever been asked to make.

I support the first part of the amendment, realising that the Select Committee can always return to the Council if it wants to seek a change in its terms of reference, should that prove necessary. This is an excellent start. I should like to hear more about the reasons for deleting paragraph *(b)*, as I do not understand the reasons for its deletion. However, I support at least the first part of the amendment.

The Hon. N. K. FOSTER: I certainly support the motion. Unfortunately, I was unable to be in the Chamber for all the time during which the last three speakers contributed to the debate. I was not able to hear the Hon. Mr. DeGaris's contribution, although earlier I heard him making a speech on this matter.

The Hon. D. H. Laidlaw: He spoke very well.

The Hon. N. K. FOSTER: Yes, he has done so previously. That leads me to remind the Hon. Mr. Laidlaw that Liberal members treated the Hon. Mr. DeGaris very shabbily and were not prepared to recognise his value or the position to which he deserved to be elected. They denigrated the honourable member and almost insulted him by not supporting his nomination to the position to which he should have been entitled. I thank the Hon. Mr. Laidlaw for that interjection.

The Attorney's amendment runs counter to all the accusations that members of the present Government, while in Opposition, levelled at the former Government not only in relation to this matter but also in relation to other matters on which they sought the appointment of Select Committees. Some of those matters were worth while, although the former Government tried not to participate in the deliberations of some of them.

Had it not been for the intervening election, the Select Committee that was appointed to inquire into fuels and energy matters would have made a wise contribution indeed that could perhaps have been a lead to many other States and the Federal Government. I regret very much that that committee did not continue in operation.

Because of the arguments that have been advanced by the Attorney-General, the South Australian public is entitled to have a Select Committee appointed along the lines suggested by the Leader of the Opposition. Although the Attorney has moved an amendment, he did, in fact, support the Leader's motion. When one considers the concern expressed by the vast majority of South Australians in relation to the nuclear fuel cycle, one realises that an opportunity such as this should never be lost. Although only a few people may be interested in what the Select Committee does, its appointment will still be worth while.

I said last week that I was bitter, bearing in mind the weaknesses that befall all politicians, that the Government, without adequate and proper public debate, in the heat and turmoil of the moment, acted in the way that it did. The result favoured the Liberals and not Labor, as the Liberal Party was elected to Government, which the Labor Party gave away. However, the fact remains that the Liberal Party did not seek any public forum on this matter. It merely sought, after it assumed office, to confuse the situation, and it failed to acquaint the public with the problems and dangers associated with the fuel cycle and with waste disposal.

The Government has never at any stage considered this matter its responsibility. Mr. Cameron and his colleagues have never at any time said anything in this place to explain the terminology involved in this issue, or ensured that a book dealing with the terminology was made available in high schools or the tertiary education area, let alone informing the trade union movement, business organisations and the community at large. I suggest that no member who has spoken in this debate or any member of the Federal Parliament, except perhaps Barry Jones, has any knowledge or understanding of the terminology involved in this subject. That is a very important issue to consider. There are two great problems associated with the disturbance of this type of mineral, and they arise, first, from mining it and, secondly, from the fuel cycle. I will quote presently from *Hazards of the Nuclear Fuel Cycle: A Discussion of Some of the Issues*. The Attorney-General said that the terms of reference will delay matters and be costly, because somebody will have to go overseas, or perhaps somebody will have to come from overseas. He then says that we are out of step and out of date and that his Government has access to information that is denied members of the Opposition, because the Government has made more recent visits overseas than has the previous Government. The Hon. Mr. DeGaris has been overseas since Don Dunstan came back. Surely, then, members opposite agree that the terms of reference should be sufficiently wide to allow evidence to be obtained, say, from people overseas who are vitally interested in this matter and to be made public.

I will quote from a document referring to the Flowers Report. The Attorney-General said he was quoting from later information which he wrongly said the previous Government had withheld from Parliament. However, the document states:

> The U.K. Flowers Commission suggested that engineered storage could be provided that would contain fission products effectively for 1 000 years but such storage could not outlive the very long-lived actinides. The problems of ensuring the safe containment of high-level wastes would be greatly dissipated if long-lived actinides were removed. The high-level liquid waste could be separated into two streams, one containing just the fission products which would then be vitrified and disposed of, and the other, the actinides, notably americum, could be incorporated in fuel elements and fissioned in a fast reactor to give the normal range of fission products. The problem of containment of the wastes would be reduced to that of keeping them secure for hundreds of years rather than for hundreds of thousands of years.

I will challenge anyone to explain the meaning of the "actinides" and "americum", let alone all the other terms, such as "transmutation", etc., that are involved in this matter. If we are going to touch uranium in South Australia, these terms should be clarified, and that can only be done by obtaining expert opinion and a proper explanation. How, then, can we say that we will not make it public but that we will adopt the Government's amendment?

There is no justification for the amendment. The Attorney-General said that we were hell-bent on a policy which did not permit the mining, processing, and sale of uranium. He said that his Government was prepared to permit it, provided there was no danger to workers. Therein lies the anxiety of many thinking people in this country and beyond it. The Attorney-General then went on to quote from the Ranger Report. It is not good enough to quote from that report in retrospect when he wants to talk about the policies and attitudes of the Opposition when in Government.

Members may recall a B.B.C. film that was shown publicly. Information being disseminated by the mining interests in this State was refuted in its entirety on *Four*

Corners. It was then that residents of South Australia became concerned about this matter and secured clips from the B.B.C. film, and showed them publicly. I attended a meeting in the Campbelltown community affairs building, along with people from the Mining Industry Council.

It was not a political meeting, although I think Mr. Crafter and some people associated with the A.L.P. organised it. Members of the Liberal Party came and asked intelligent questions. The Attorney-General says that bound up in the Labor movement generally there is opposition to this matter, and he has singled out some trade unions. I know that there is some opposition to it in the Liberal Party. It does not do any credit to the Government to say that the Liberal Party supports the amendment, because no more than 20 or 30 members of the Party know the terms of the amendment.

Since the Ranger inquiry, Mr. Justice Fox has been an ambassador at large, and it would be good for the Select Committee to have the volume of information that Mr. Justice Fox has received since he was given the commission to wander at large. That would be of benefit to the people, not just to the six members on the committee who could not include some of that material in the report, because of the amendment. In the United States, 17 States have said, since the Ranger Report, "No" to any future nuclear energy development. Other countries also have said they will not proceed. There have been big demonstrations in America and Germany.

People on the opposite side of politics have said federally that Germany would die and industrialisation would go out overnight unless that country got nuclear fuel. However, countries have now changed their mind. Sweden, the forerunner in nuclear fuel, is one. The people of Austria, where there was a multi-million dollar production, have said, "You are not to turn it on." We as a nation cannot have any control in the international understanding and treaty area. Some countries surrounding this country are in what might be termed the mainstreams.

The Philippines have scant regard for any possible areas of disposal. They would tip it in a bucket. The British have done the same thing and have had to turn on the valve to get a quick escape to the atmosphere or the sea. I commend to members 10 pages of recent Australian Senate *Hansard* covering areas of accident and near accident. This situation cannot be controlled or counteracted. The people at Three Mile Island were lucky, but they may not be so lucky in future: it will be 10 or 15 years before we know the damage by such things as respiratory disease.

During the French nuclear tests, it was said that there was no damage in the Mount Lofty Range, but that is for the doctors of the next 10 or 15 years to say.

Many people have expressed concern about the proliferation of nuclear weapons. Today we have enough nuclear deterrents to wipe out, with one bomb, three globes of the magnitude of the world. Some people, now deceased, have written that the original stockpile of eight bombs must be nearing the stage of advanced deterioration. However, nothing further is said about that, because nothing can be done.

More frightening is the position if the Government decides to continue a policy so false that it is almost criminal. If you think you are solving the energy problem by putting a nuclear reactor in every city in Australia and every civilised country in the world, you are nuts. No provision is made for transport, except a nuclear fuel cycle affecting ships. As 90 per cent of energy is required in liquid form, the amendment cannot do anything about it. The people and the Parliament have a right to the Select Committee and, if the Government has not disagreed about appointing a committee, we should exercise the responsibility that we have to not hold from anyone the right to see what is said.

The Hon. C. M. HILL (Minister of Local Government): I support the amendment. It is a pity that the debate has tended to develop into a question of being either for or against the mining, treatment or storage of uranium. That is not the question: the question is about setting up a committee for certain purposes. The Council has before it two proposals, one by the Leader of the Opposition and one by the Attorney-General.

The arguments that have been advanced supporting the amendment deleting reference to certain aspects and considering matters including safety and other matters, but supporting that direction from the original motion, have been strong. That is accepted, and if the Council tidies up the terms of reference so that we can get the best possible result from the committee, then I am convinced that the wording in the amendment is by far the better approach.

The only other outstanding point is the matter raised quite properly by the Hon. Mr. Milne, who had some doubt about paragraph *(b)* of the motion, which provides:

> this Council permit the Select Committee to authorise the disclosure or publication, as it thinks fit, of any evidence presented to the committee prior to such evidence being reported to this Council.

I can well understand any new member inquiring about such a point, especially as the Hon. Mr. Milne's Party favours the general principle of open government. Looking at the matter from that view, a question must arise in the mind of any new member as to the wisdom or otherwise of the practice suggested by the original motion and its objectives. It is important for such a committee to get the best possible results for this Chamber.

I refer to the practice and precedent set out in Standing Order No. 398. True, the Council has the right to grant leave contrary to that Standing Order, but it does lay down the basic intent of a Select Committee and provides:

> The evidence taken by any committee and documents presented to such committee, which have not been reported to the Council shall not be disclosed or published by any member of such committee or by any other person, without the permission of the Council.

The basic intention of that evidence and the deliberations of the committee remain confidential to that committee until it finally reports. I make clear that, when it finally brings down its report to this Council and the report is tabled, it is not only the report that becomes public property but every skerrick of evidence that is produced also becomes public property.

There is nothing secretive unless a witness particularly requests privacy and the committee consents to some of the evidence not being made public. Normally, all evidence given before such a committee becomes public and in that sense the principle of open government is fulfilled. The other requirement is that there must be adequate publicity given by the Select Committee so that all people interested in giving evidence know about the committee and are given a fair opportunity to attend the committee and speak for as long as they wish before it. There is no better method of getting the best possible report than by such a procedure. When one looks at the need for confidence during the committee's hearings and when one accepts the final result and the openness that goes with it, the arguments in favour of that paragraph being deleted are strong.

I have been here for 14 years and can only recall one occasion when the Council gave permission for evidence to be made public before the final report of the committee came down. I refer to all the possibilities that can occur if paragraph *(b)* remains. The committee's deliberations could fall into shambles if bits and pieces of evidence were released publicly whilst the committee is sitting. There could be public controversy raging outside the committee at the same time as the committee is trying to deliberate in a logical, reasonable and responsible way.

The Hon. J. R. Cornwall: You want to treat the public like mushrooms.

The Hon. C. M. HILL: That just shows what an idiot the Hon. Mr. Cornwall is.

The Hon. J. R. CORNWALL: I seek a withdrawal of that remark, which is quite unparliamentary.

The Hon. C. M. HILL: I withdraw that remark.

The Hon. J. R. CORNWALL: I seek an apology.

The PRESIDENT: There is no need for an apology after such a withdrawal.

The Hon. C. M. HILL: In case the honourable member did not hear what I said before, it is important that the public knows from advertisements that it has the opportunity to give evidence to the committee. The public should be given every opportunity to make contact with the Clerk here and indicate a willingness to give evidence and, unless special arrangements are made within the committee, that evidence becomes public property afterwards. Public debate, controversy or interest can be developed after the committee's finding is known. I refer to the difficulty that can arise if bits and pieces of evidence are given out and controversy develops, yet the committee cannot reply whilst that is going on. Many problems, including the distortion of facts, can be developed through the media, and a committee of this Council, with all the powers that it enjoys, just cannot deliberate in the best interest of this Council if that occurs.

As there seems to be a general view on both sides of the Chamber that a committee be established, let us join together to obtain the best possible results and delete paragraph *(b)*.

The Hon. C. J. SUMNER (Leader of the Opposition): I thank honourable members for the attention they have given to the motion. I am pleased that there seems to be a consensus on the need for such a committee. Although I will not reply in detail to all the points raised by honourable members in the debate, two critical issues must be considered. The first is the amendment, in two parts, proposed by the Attorney, which amendment he has put on file.

The first amendment in some way restricts the terms of reference of the Select Committee as proposed by the Opposition. The Opposition had deliberately given it a very broad scope with very broad terms of reference. We felt that it should be up to the committee to decide what issues it could look at within the scope of those very broad terms of reference. I concede that the committee could come back to this Council and have those terms of reference altered, but this issue is of considerable public concern and is likely to be with us in one form or another for some time, so it would be useful for the Council to set up a committee with the broadest terms of reference, thereby giving it a considerable amount of scope in deciding what issues it could look at. As I have said, that would have the additional advantage of allowing the committee to look at particular issues as they arise, and possibly to present interim reports to this Council. The issue that recently arose in another place over the conflict of opinions in relation to reports produced following the Dunstan fact-finding inquiry on uranium mining earlier this year could have been looked at and commented on by the committee. Another matter of particular importance with respect to the terms of reference is that the Opposition was looking at them in terms of the phraseology used in a motion that was passed by the House of Assembly in March 1977; in other words, 2½ years ago an opinion of one House of this Parliament. The Opposition is concerned to ascertain to what extent circumstances have changed and for the Parliament to consider whether or not the position that pertained and was agreed to by the Lower House in March 1977 still exists; that is, whether or not it is safe to provide uranium to a customer country. That was the issue then and I believe that a Select Committee should look at this question.

Certainly it is a very broad question, but given that one House considered it 2½ years ago, and that there are now members of this Parliament claiming and alleging that the situation has changed and that it is now safe to provide uranium to customer countries, surely that is a pertinent inquiry for this Select Committee. The Opposition included that phraseology in the terms of reference, because we wished to see the original terms of reference adhered to. That would not mean that the committee would naturally go over old ground that led up to the Ranger inquiries in 1976 and 1977. However, it would allow the committee to consider new safety aspects since March 1977, which was two months before the final Ranger Report of May 1977. The Opposition considers that aspect of the terms of reference to be of critical importance, and I ask honourable members to maintain my original motion in relation to the broad terms of reference.

The second matter I wish to comment on relates to the second amendment of the Attorney-General, which is that paragraph *(b)* of my motion be deleted. I am somewhat amused, perturbed and bemused about the Attorney-General's attitude to this issue. The Liberal Party policy as stated before the last election was that Select Committees would be open to the public. There is absolutely no question and no doubt about that. The Hon. Mr. Cameron has mentioned hypocrisy. This about turn and back flip by the Government must take the prize as the best example of hypocrisy in this Parliament. On 25 October 1978 Mr. Goldsworthy, who was then a Shadow Minister and is now a Minister of the Government and a colleague of Mr. Hill, Mr. Burdett and the Attorney-General, moved in the House of Assembly:

> That in the opinion of this House hearings of Parliamentary Select Committees should be held in public subject to the following provisions:
>
> 1. The Select Committee should have the power on its own motion to go into camera at any time.
> 2. On a witness volunteering to give evidence on the basis that the evidence be given in camera, that wish should be respected.
> 3. The proceedings of the committee should be reported under the same conditions as presently apply to reports of court and Royal Commission hearings.
> 4. A list of Select Committee hearings should be published in the daily press as appropriate, for the information of the public.

In other words, Liberal Party policy, presumably just before 15 September, was that Select Committees should be open to the public, and it urged that by motion in Parliament about 12 months ago. However, the Liberal Party has now decided that that should not be maintained. In support of this proposition Mr. Goldsworthy also said:

> The Government has paid lip service to the notion that it

believes in open government . . .

If we believe in open government, this motion must commend itself to the House . . .

We have further evidence that the Government is paying only lip service to this notion of open government. I hope that this motion will commend itself to the Government, in view of its stated policy that open government is a good thing.

I can only agree with what Mr. Goldsworthy has said. In support of this motion, Mr. Goldsworthy then said:

Most committees, of the Federal Parliament at least, and certainly of the Senate, have public hearings. Of course, this practice is to the public benefit. The less secretive we can make the affairs of Parliament, the more democratic Parliamentary operations are seen to be, and, in fact, are.

That is a statement of Liberal Party policy on Select Committees, but now honourable members opposite want to completely negate that proposition. As far as I am concerned, my position on this issue is that I have consistently supported the opening of Select Committees within the councils of my Party. Unfortunately, there is a tendency in Government not to want open inquiries, because Government is afraid of what might come out in open inquiries, and that is a tendency that I regret. That tendency existed in the previous Government, and I am prepared to admit that fact. I find it very disturbing that, after five weeks in Government, this Government is already closing its mind to the question of open government. In complete contradiction to its policy which existed and which it fought for until 15 September, honourable members opposite, including the Attorney-General, are now moving a motion to make this a completely closed committee.

The Hon. J. C. Burdett: Look at Standing Orders.

The Hon. C. J. SUMNER: I ask the Minister to let me deal with the matter. In another Select Committee set up in this Council a few months ago to inquire into the conservation of fuel and energy resources, precisely the same instruction was given to the committee in relation to the publication of evidence. It was as follows:

This Council permits the Select Committee to authorise the disclosure or publication as it thinks fit of any evidence presented to the committee prior to such evidence being reported to this Council.

That committee was set up by the Hon. Mr. DeGaris by a motion moved in this Council, and, in accordance with Liberal Party policy, the Hon. Mr. DeGaris put in that additional qualification giving the committee power to publish its evidence.

If the Hon. Mr. DeGaris could speak again in this debate, perhaps he could tell the Council how this proposal in any way differs from the proposal that he put to the Council a few months ago. It does not differ from it: it is precisely the same. We have tried, in all honesty, to set up this committee so that it can make a reasonable inquiry into the matter. We have not tried, as it were, to get the numbers. Rather, we have tried to set up the committee in accordance with the traditions that were established in this Council when the Labor Government was in office and the Liberal Party had a majority in the Council. Now, the Labor Party may on occasions, with the Hon. Mr. Milne's assistance, have the majority while the Liberal Government is in office. In that reverse situation, the Labor Party decided to propose this motion with the normal conditions obtaining.

The Hon. K. T. Griffin: It is not normal.

The Hon. C. J. SUMNER: I ask the Attorney to wait for a moment. This will be a six-member committee, with its Chairman having a deliberative vote.

The Hon. K. T. Griffin: That is the point that we made to you.

The Hon. C. J. SUMNER: That is so, and we are following that. We are prepared to follow the traditional approach adopted during the past few years by the Liberal Party when it was in Opposition in the Council. On that basis, we decided to insert the additional paragraph *(b)* relating to the disclosure of evidence, because this was Liberal Party policy. Indeed, it was supported by the Hon. Mr. DeGaris a few months ago.

However, that is not all. The simple fact is that this matter does not even go as far as Liberal Party policy, which was to make committees open and, come what may, to make public their proceedings, subject, that is, to some requirements on confidentiality.

The Hon. C. M. Hill: Can you quote that from our policy?

The Hon. C. J. SUMNER: I have done so.

The Hon. C. M. Hill: No. That was a resolution in Parliament.

The Hon. C. J. SUMNER: It was a motion that was moved by Mr. Goldsworthy.

The Hon. C. M. Hill: It has nothing to do with Party policy. Our Party policies were all printed before the election.

The Hon. C. J. SUMNER: I am staggered. I recall last year Liberal members making the greatest fuss about the openness of the Public Accounts Committee and Select Committees. Mr. Goldsworthy was Deputy Opposition Leader at the time and presumably he had Party room approval to proceed with the motion that he then moved. I wish that Government members would not insult your intelligence, Sir, and that of Opposition members.

Paragraph *(b)* of the amendment will not open up the committee completely. Rather, it will give the Select Committee power to decide whether it should disclose its evidence to the public. In other words, it will still be up to the committee to decide. The provision does not say that the hearings shall be open and that the evidence shall be published, come what may. Certainly, its hearings may be public, but the publication of evidence is left to the committee to decide.

I can only say that that was the formula to which Liberal members were pleased to agree in relation to a similar committee on fuels and energy only a few months ago. It is certainly desirable in accordance with my approach to the question of Government and Parliamentary inquiry into issues of the day, and I should be surprised if the Council was willing to support the second amendment moved by the Attorney. The motion ought to pass in its original form.

The PRESIDENT: I intend to put two separate questions, the first dealing with the deletion of all words after "That" first occurring to "customer country". The question is that the words proposed to be left out stand part of the motion.

The Council divided on the question:

Ayes (10)—The Hons. Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, C. J. Sumner (teller), and Barbara Wiese.

Noes (11)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie, L. H. Davis, M. B. Dawkins, R. C. DeGaris, K. T. Griffin (teller), C. M. Hill, D. H. Laidlaw, K. L. Milne, and R. J. Ritson.

Majority of 1 for the Noes.

Question thus negatived.

The PRESIDENT: We will now deal with the words proposed to be inserted, as follows:

a Select Committee be appointed to report on:

(1) developments in Australia and overseas since the

completion of the Ranger inquiry in 1977 which have a bearing on the mining, development and further processing and sale of South Australian uranium resources, and

(2) the safety of workers involved in the mining, milling, transport, further treatment and storage of uranium in South Australia.

The question is that those words be inserted in lieu of the words left out.

Question agreed to.

The PRESIDENT: We now come to the second part of the amendment, namely, that paragraph *(b)* be deleted. The question is that paragraph *(b)*, proposed to be left out, stand part of the motion.

The Council divided on the question:

Ayes (11)—The Hons. Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, K. L. Milne, C. J. Sumner (teller), and Barbara Wiese.

Noes (10)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie, L. H. Davis, M. B. Dawkins, R. C. DeGaris, K. T. Griffin (teller), C. M. Hill, D. H. Laidlaw, and R. J. Ritson.

Majority of 1 for the Ayes.

Question thus agreed to; motion as amended carried.

The Council appointed a Select Committee consisting of the Hons. J. C. Burdett, M. B. Cameron, J. R. Cornwall, L. H. Davis, N. K. Foster, and K. L. Milne; the committee to have power to send for persons, papers and records and to adjourn from place to place and to sit during any recess; the committee to report on 4 March 1980.

[Sitting suspended from 5.57 to 7.45 p.m.]

GOVERNMENT EMPLOYEES

The Hon. C. J. SUMNER (Leader of the Opposition): I move:

That a Select Committee be appointed to inquire into and report upon all aspects of seconding daily and weekly paid employees of the Government to private industry and without limiting that generality with particular reference to:

(a) the need to maintain the security of employment of the employees;

(b) the need to maximise the just wages and other conditions of employment of such employees;

(c) the need to secure efficiency in the provision of Government construction and other services;

(d) the need to avoid uncertainty as to status of employees in relation to the Government and/or private corporations;

(e) the need to avoid breaches of awards of Commonwealth and State industrial tribunals wittingly or unwittingly;

(f) the need to avoid breaches of other industrial legislation and regulation;

(g) the need to avoid undue expense to the taxpayer as a result of litigation concerning the probable relationships established;

(h) the need to maintain good industrial relationships and community confidence; and

(i) any other relevant matter.

That in the event of a Select Committee being appointed:

(a) it consist of six members and that the quorum of members necessary to be present at all meetings of the committee be fixed at four members and that Standing Order No. 389 be so far suspended as to enable the Chairman of the Select Committee to have a deliberative vote only;

(b) this Council permit the Select Committee to authorise the disclosure or publication, as it thinks fit, of any evidence presented to the committee prior to such evidence being reported to this Council.

Unfortunately, there is a mistake in the motion on the Notice Paper in item *(b)* first occurring, in that "maximise" should be "maintain". I seek leave to amend the motion accordingly.

Leave granted; motion amended.

The Hon. C. J. SUMNER: I have read the whole motion because I do not wish to detain the Council at length on the argument in support. By my reading the number of matters that the committee would inquire into, the Council has been given a good statement of the problems that many people, particularly the trade unions and trade union members, see in the Government's proposal to second Government employees to work in the private sector. I submit that the need for a Select Committee arises out of the concern that has been expressed regarding this proposal.

I suppose that, in some sense, it is a novel proposal, although it is not radical. It certainly is not a revolutionary proposal. Nevertheless, the Government has decided to proceed with it, I believe under prompting from the Australian Democrats, whose policy it originally was. In relation to the Public Service, the Government has given an undertaking that there will be no sackings in secondment or in the system of transfers being considered. However, the Government has definitely said that there will be wastage; that is, employees who retire or resign will not be replaced, and it is a definite policy of transferring employment from the public sector to the private sector.

The Hon. R. C. DeGaris: Do you disagree with that?

The Hon. C. J. SUMNER: I believe that an important case can be made out for the public sector in the economy. We have a mixed economy and the Government's statements on this issue recently have gone too far in its commitment to return matters to the private sector. There must be co-operation between the public and private sectors, and I have been concerned about the Government's attitude to such public enterprises as the Land Commission. I hope that the Government has not got its predatory eyes on other assets established by the Labor Government.

There has been some suggestion of unused capacity in the Government service, and I think that has given rise to this secondment proposal. Perhaps there needs to be some investigation. It may be found that there is a problem regarding capacity in the Government service. I would need to be convinced about it before proceeding. That is one aspect that the Select Committee could consider and it would be useful for the Parliament to have established, to its satisfaction, whether there is any so-called excess capacity before we proceeded with this novel approach.

There seems to be inconsistency in the Government's approach. One would have thought that, if there was unused capacity, it would be better not to farm work out to the private sector but to ensure that Government employees were fully employed. In order to give effect to its policy to ensure full occupation in employment for those in the private sector, the Government has introduced secondment or hiring out to that sector.

The Hon. C. M. Hill: You seem to want the *status quo*.

The Hon. C. J. SUMNER: No. I am prepared to look at the issue, and that is why we suggest that a Select Committee be appointed. Nevertheless, the transfer and wind-down of daily and weekly paid employees and the secondment have serious implications for the rights of

employees in the Government service. The Select Committee would at least deal with the secondment aspect and the specific problems referred to in the terms of reference. I believe that the starting point for the committee is whether the secondment proposed is necessary and to what extent is there excess capacity in Government departments.

The one aspect that is of particular concern, and I am sure it is of concern to the Attorney, involves the potential legal problems. It certainly concerns the Opposition, and it is one of the motives for this motion. The potential legal problems arising from a hiring-out situation are important. I do not want to place my arguments on this any higher than some of our textbook writers, because the issues involved are clearly set out in a book by J. J. Machen, G. J. McCarry and C. Moloney entitled *The Common Law of Employment*. I will read a couple of paragraphs from page 18 of the book to indicate to the Chamber the sort of problems that could arise with hiring-out, as follows:

> One can see that "a distinction is to be drawn between cases such as the *Mersey Docks and Harbour Board Case* where a complicated piece of machinery and a driver are lent, and cases where labour only, and labour not necessarily of a highly skilled character, is lent. In the former case it is easy to infer that the general employer does not intend to permit the hirer to have control over his valuable bit of machinery in the sense of being able to tell the workman how to work it. On the other hand, when it is a matter of not very highly skilled labour, it seems to be much more easy to infer that the hirer should have control not merely in the sense of being able to tell the workman what he wants doing, but also of deciding the manner of doing it."
>
> In most cases involving "lent" employment the general employer will remain the employer of the servant. One reason for this is that an employee cannot be transferred by employer to the employment of another person without some act of assent, express or implied, on his part. Furthermore, all the cases recognise "the heavy burden which rests on the general employer to shift the responsibility to the particular employer." "The onus on the general employers, to prove that the services of their general servant were transferred to another, is a heavy one, but there may, on the facts, be a great difference between the services of a technical craftsman, and those of a labourer . . ."

The legal rights existing with the employer may depend, if that statement is correct, on whether the person transferred is a skilled tradesman or an unskilled labourer. This quotation continues:

> In fact "the conception is a very useful device to put liability on the shoulders of the one who should properly bear it, but it does not affect the contract of service itself. No contract of service can be transferred from one employer to another without the servant's consent: and this consent is not to be raised by operation of law but only by the real consent in fact of the man, express or implied . . . and even this device has in recent years been very much restricted in its operation. It only applies when the servant is transferred so completely that the temporary employer has the right to dictate, not only what the servant is to do, but also how he is to do it . . . Such a transfer rarely takes place, if ever, when a man is lent with a machine, such as a crane or a lorry: nor when a skilled man is lent so as to exercise his skills for the temporary employer . . . but a transfer does sometimes take place in the case when an unskilled man is lent to help with the labouring work."

The Hon. D. H. Laidlaw: That practice has been carried out in America for 30 years.

The Hon. C. J. SUMNER: I appreciate the interjection of the Hon. Mr. Laidlaw, because he may be right. I am not saying that he is not right. What I am saying is that it has not been a common practice for the past 30 years. It may be that the legal rights that exist in the United States or the law in the United States on this issue may be different from the law in South Australia. If it does anything, the Hon. Mr. Laidlaw's interjection supports my proposition that there should be a Select Committee inquiring into this issue.

The Hon. L. H. Davis: Do you think it is a good idea?

The Hon. C. J. SUMNER: It merits consideration, which is why I have moved my motion. Several matters need to be examined. I refer to the question of excess capacity in Government departments. I have raised several issues. One is the question of legal rights of employees if they are hired out. I appreciate what the Hon. Mr. Laidlaw has said and perhaps we can learn something from the American experience. However, we need to be sure that the legal relationships that will apply to employees when they are lent out and the relationships between the hirer and the Government are clear.

I refer to the responsibility for worker's compensation, the responsibility for payments and long service leave and other rights and benefits. I have raised this issue not to take it any further than this, but to say, as the terms of reference clearly indicate, that it is an area involving certain legal problems that need to be sorted out, which is where such a committee could be involved.

One matter not specifically covered in the terms of reference that may be of concern to the Government concerns employment. Clearly, this proposal could have some adverse effect on the overall employment situation by displacing or not leaving opportunities open for people in the private sector, because jobs are taken by the seconded Government employees and this could lead to a deterioration in the employment situation in this State.

I know that the Government's general policy is that, if it stimulates the private sector, then employment throughout the community will be increased. The direct transfer of employees will result in a loss of employment in the community because Government employees will be seconded to the private sector, thereby taking up places that other unemployed members of the community could have obtained with the private sector.

There is no doubt that the main brunt of the negotiations on this issue will be borne by the Government, the unions and their members. However, the issue is important and the committee would be useful in investigating the issue and possibly being able to offer advice or some assurance to the parties in its report.

If the motion is carried, I suggest a non-Party approach. I would be happy to see a committee comprising six members, three Liberal members and three Labor members; or indeed, if the Hon. Mr. Milne were interested in participating, given that this policy emanated from the Australian Democrats, then perhaps a similar situation to that proposed in respect of the uranium committee could apply, with three Liberal members, two Labor members and one Australian Democrat member.

The committee could carry out a thorough investigation as outline in the terms of reference. There can be no doubt that many unions have expressed concern about this proposition and would be more hostile to it at present than they are happy about it. That essentially is the initial reaction of the unions, and they may not favour the proposal. However, the committee may ease that problem by reassuring the unions and coming down with certain findings in relation to the proposal, and the unions may be happier to proceed with the Government's idea.

One cannot guarantee that position, but I do believe that it is an avenue open to Parliament to assist in an area that is fraught with legal difficulties involving a new system

upon which Parliament could usefully comment by means of a Select Committee.

The unions could be assured by such a committee that their rights are being looked at carefully and are being considered by an all-Party committee, including members from this side of the Council. Under the terms of reference, this committee would ultimately be in the public forum. Any dispute about the issue could be the subject of discussion in the committee. I cannot see that there would be any great problems with members opposite on this issue. I would have thought that members opposite would welcome a committee of this kind, set up to assist them to at least find out the facts about their proposal.

The Hon. C. M. Hill: Don't you think we are capable of doing that?

The Hon. C. J. SUMNER: You may be, but as you believe in Parliament and Parliament's right to assist the Government, I would have thought that you would be very pleased to welcome the assistance that we are offering through the establishment of this Select Committee. I cannot see any disadvantages to the community through the establishment of this committee, nor to the Government or anyone else for that matter. Although I cannot guarantee it, I can see a potential for some good coming out of it, because there will be some assurance for employees and workers that the issue has been looked at by a committee that represents all shades of political opinion within Parliament. I repeat that this Select Committee could be a potentially useful exercise, and I can see no harm in it at all for the Government. Officially, I do not know what attitude the Government is adopting, although I have heard some rumblings that it may not be very happy with it. I ask the Government to consider its position and say in what way it sees that this committee can be detrimental to its position. Surely a committee of this nature can only help. I ask this Council to give its considered view of the matter during the debate.

The Hon J. E. DUNFORD: I second the motion. If the Minister of Industrial Affairs continues in the manner in which he has been conducting himself since the Liberal Party came to Government, I can see massive disruption in the Public Service sector for weekly-paid employees. I have been associated with such employees for over 15 years as a union secretary and organiser, and I have found them to be a very docile work force.

The Hon. R. C. DeGaris: That is why you left them, is it?

The Hon. J. E. DUNFORD: They did not need any encouragement. When I was a union secretary, with the assistance of a Labor Government, I was able to get decent wages and working conditions, which Mr. Brown suggests they will get from private contractors. Mr. Brown has qualified himself in this morning's *Advertiser* by saying that on no fewer than three occasions the people concerned will probably work for higher pay. When considering labour industrial affairs, the Minister concerned must have some knowledge of industry and of people in the industry who change their jobs and look for job security. Mr. Brown does not have those qualifications. Everywhere in the world, in Western as well as Eastern countries, politicians who ignore docile working-class people and their human problems will find that those people will eventually react. For example, many years ago I tried to get local government employees to join together as they did recently, but I was unsuccessful. However, only five or six years later, 1 400 of them turned up in Angas Street in support of their demands. Local government has always had a docile work force and local government has treated them accordingly. However, at that particular meeting there was an 80 per cent turn-out.

I have read the motion moved by the Hon. Mr. Sumner and I cannot disagree with any of the 11 points he has made. I am particularly impressed with his first proposition in support of a Select Committee. Unless there is a thorough investigation, as suggested by the Hon. Mr. Sumner there will be no security of employment. Paragraph *(b)* of the motion refers to "the need to maximise the just wages and other conditions of employment of such employees". I believe that some members opposite have had experience with private contractors and I know they will not disagree when I say that dealings I have had with private contractors have caused me alarm. For that reason I am only too pleased to second this motion.

I have dealt with hundreds of private contractors and only on very few occasions have I found them not to be robbing workers in one way or another. Very few of these contractors have workers' compensation, although by law they do not have to have such a provision. However, the workers do not know that a contractor does not have workers' compensation, unless he is in a union, organises a meeting and the shop steward asks to see the contractor's workers' compensation payment receipts. Unless that is done, the contractor will say he has workers' compensation. However, over the years workers have not organised these meetings because they are afraid of getting the sack. In fact, very few private contractors have unionised workers, because those workers are afraid of being unionised. I have heard the Hon. Mr. Davis interject and say, "Don't you think we can police that?" The Labor Government tried to police this issue in every contract let to private industry and, in fact, it stipulated that contractors pay the rates prescribed by the various industrial awards. It is difficult to police such a situation unless the worker complains, yet if the worker did complain he would get the sack.

I recall a situation that arose during the dismantling of the narrow gauge railway line at Olary. A Victorian contractor from Horsham, whose name escapes me, contracted for that work. Six of his employees came to me when I was secretary and asked what their wages should be. I asked whether they were in the union and they said that they were not allowed to join the union. They then showed me their rates of pay and I asked one of them how long he had been working on that job. He said "Six weeks," and I told him that he had lost $700 in that time. I took that contractor to court and he paid the outstanding wages.

This was a regular thing. These people do not get regular annual leave like they would in their present occupations. They will find by virtue of their contract that their sites could change every two or three days.

The Hon. R. C. DeGaris interjecting:

The Hon. J. E. DUNFORD: I would rather see the Hon. Mr. DeGaris as Minister of Industrial Affairs, not because he is a better person than Mr. Brown but because he has had some experience in the working place, whereas Mr. Brown has none. Many of the people that Mr. Brown and the Government want to transfer to the private sector have had experience there. Indeed, dozens of people who work for, say, the Engineering and Water Supply Department or the Highways Department have had their serve of contractors, for whom one must make a full effort at all times, no matter how old one is.

A Mr. Fricker of Whyalla, who did not know that I was a union organiser, asked me, "What can you do about the scabs who work at the Country Club?" A back-yard contractor who built the show was painting out rooms for 10s. an hour. This was a legitimate contractor who could

not get work because another contractor had blokes all over the place cutting his price. The same man built extensions at the Whyalla Hospital. Many employers have told me that they would like to pay award rates but cannot do so in competition with other contractors. I was involved in a dispute with a large earth-moving contractor and, when the Chamber of Commerce and Industry sent me its monthly report, I saw that that man was on its executive. He was one of the greatest thieves in existence.

People seconded to the private sector will not go because they know that these things happen. They have already had this experience. A man of 45 or 50 years whose family has married may not want overtime. He therefore chooses not to work for a private contractor, who would want him to work seven days a week. Such a person will therefore work eight hours a day in a Government department.

The Hon. R. J. Ritson: Eight hours a day?

The Hon. J. E. DUNFORD: That is so, and, if I had my way, it would be seven hours. Then, more jobs would be available. I referred in my Budget speech to transfers of employees from one Government department to another, to which no Government worker objects. Indeed, these people join a Government department and transfer to another in an attempt to receive a higher rate of pay. Unions have had no reason to interfere with departmental transfers of this kind. However, it is a different situation when one finds that one has to work for a private employer. If one has, say, a son who has learnt his trade to perfection in Government employment and then goes into the private sector, he will not receive the same training in the private sector.

Also, I do not believe that workers like to change their lifestyle. Contractors to whom workers will be seconded may take on contracts at Woomera, Tarcoola or anywhere else, resulting in these persons having to be absent from their homes. It is not unusual for sons to follow their fathers in Government departments, and a man who has been working for the Government for 25 years will have his family lifestyle, recreational activities, and so on, uprooted when he works for a contractor, who usually likes to work six days a week.

When men are young, some accept these conditions. Without telling the union, they breach the industrial awards. The Government does not find out about it because it involves an agreement between a bloke who wants an extra few bob and the employer. In this way, a person could be paid, say, $3 an hour for 80 hours a week. However, persons working in Government departments do not have to put up with that sort of skulduggery. Rates paid in Government departments come from the A.W.U. federal construction award, which covers all earthmoving contractors in civil engineering and construction work, and the rate paid is the same, although an over-award and service payment amounting to $35 or $40 a week is paid after four years of service to Government employees.

Regarding transfers between departments, it has been said that a person, depending on his years of service, will continue on his higher rate of pay. If he has been there for one year or more, and up to 25 years, he will remain on the higher rate for a period of 12 months while he is working for a private contractor. Mr. Brown's document does not state anything to the contrary. After a person's 12 months are up, he could find that he is getting $35 or $40 a week less.

I have a copy of some of the resolutions that the unions moved on 31 October 1979. It is obvious from the resolutions carried at their meeting that the unions do not disagree, in certain circumstances, with consultation about transfers. However, they have different claims from what Mr. Brown suggested. At that meeting they were completely and totally opposed to State Government employees being seconded to the private sector. That would be natural enough for the reasons I have outlined previously. I do not know the number of private contractors who have gone broke.

The Hon. L. H. Davis: There were plenty before 15 September.

The Hon. J. E. DUNFORD: There have been more since there has been a Liberal Government in Canberra than ever before.

The Hon. L. H. Davis: Come on.

The Hon. J. E. DUNFORD: Saying, "Come on" does not mean anything to me. I am stating the facts. If this motion is carried we shall then be able to see evidence of what occurs when a person works in the private sector. There is no security of employment in the private sector. There are 65 000 workers in Government departments. The Premier, in his policy speech, said that he intends reducing that number, because he is going to have a maintenance core in the Public Buildings Department. The unions and the workers know all about this matter, and they have all the documents put out by Mr. Brown. If the Government wants good industrial relations, it had better sack Mr. Brown and get someone who knows the workers' problems and how far one can go with workers. It will then be able to talk to the unions and the workers.

The Hon. C. M. Hill: How many of that 65 000 went to the union meetings?

The Hon. J. E. DUNFORD: I am speaking only for the Australian Workers Union. As far as 200 miles past Penong, right up to Tarcoola, the workers are well-informed. Every Government worker has a copy of this document. Mr. Brown says that the unions are saying that they do not know what it is all about, but they do know. Today he has put out another statement. He must be worrying members opposite; he is making a different statement everyday. This motion will get to the truth of the problems in industry.

Mr. Brown says that he will police the awards and pay the correct rates of pay, and that the private contractor will not have to worry about pay-roll tax or workmen's compensation. This will have an affect on tenders. If one is tendering for a $100 000 contract one has to allow $60 000 for wages, and allow also for workmen's compensation and pay-roll tax. The contractors not receiving that sort of help from the Government are already looking for work and they will be at a disadvantage.

The Minister of Industrial Affairs seemed very nervous when, appearing on *Nationwide*, the interviewer asked him what would happen if the contractors did not agree to take on the Government workers; he said that they would agree. The interviewer then asked "Will you blackmail them?" and he said "No, we'll encourage them." He also says in this document that employees will be allowed to remain in the same union. If an employee is a plant operator and a member of the—

The Hon. L. H. Davis: Are you in favour of demarcation disputes?

The Hon. J. E. DUNFORD: Of course I am. I would like to do away with them, but Fraser will not let the unions amalgamate to do away with them.

The Hon. L. H. Davis: Have you done anything to stop them?

The Hon. J. E. DUNFORD: Yes, I voted Labor.

The Hon. L. H. Davis: What happened in South Australia?

The Hon. J. E. DUNFORD: We have seen what has happend in the last few weeks when we have mugs like you being put here. Fraser does not want amalgamations,

because although it may cut out demarcation disputes, it will make the unions stronger. The document also states, "Note: the contractor must acknowledge its responsibility for any seconded employee's claim for damages other than workmen's compensation". When the sewerage scheme was being constructed at West Beach, I took the late Mr. Stanley there, and we saw a private contractor doing a job, taking the pipes out. One winch was being used but it was not powerful enough to move the pipes in and out, so another winch was put in. It should have been put in cement but, instead, it was staked in sand. A 25-year-old man had to work in the middle of the winches, and he had his head cut off. That was carelessness on the part of the private contractor. If we have a committee dealing with this sort of thing, the evidence will show that private contractors cannot be policed. They go broke continually, they under-quote, and buy second-hand equipment or new equipment which they do not pay for. They are not as safety conscious as people in Government departments, which have a good safety record.

The Hon. R. C. DeGaris: Have you figures on that?

The Hon. J. E. DUNFORD: No, but I am led to believe that it is true. If a contractor considers that a seconded employee is unsatisfactory, the matter shall be reported to the senior departmental supervisory officer. If it is agreed that the man is unsatisfactory he shall be replaced by another departmental employee and returned to the department. The contractor will go backwards and forwards saying he can get someone better, as contractors always do. All the costs will be on the taxpayer. On page 5, the guidelines and conditions state:

> The department shall be entitled to terminate the employment of an employee who refuses secondment without reasonable cause.

What is a reasonable cause has been debated often in courts, and the judges mostly have not agreed with the employer. If I lived at Rostrevor it would be difficult if a contractor said he wanted me on a job tomorrow at Port Wakefield or Port Pirie. It may be unreasonable so far as the employee is concerned to work seven days a week, but not unreasonable for the contractor. In Government departments, there are two smoko's, and contractors have one. B.H.P. had no provision for smoko's when I was there, but everyone had one in the morning and one in the afternoon. The companies say they do not mind giving it but they do not want it in the contract. The document goes on:

> In the event of the contractor considering that a seconded employee has committed a misdemeanour warranting dismissal, the matter shall be reported to the senior departmental supervisory officer. If it is established that the employee has committed an offence for which he would have been dismissed by his department, the departmental officer shall confer with the employee's union representative and the employee shall be dismissed or other appropriate action taken.

They will know that they are going into a lion's den, they will not give a sufficiently reasonable cause, and they will be sacked. The appendix to the document deals with solving industrial disputes. Mr. Brown went overseas to study industrial relations and he has drawn up this dispute settlement procedure only for seconded Government employees, who have been taken from their work and conditions. Naturally, there will be disputes. I have explained that the trade unions are not opposed to the transfer between Government departments but they oppose completely the other proposition. Mr. Brown's document also states:

> 1. Where any employee or job steward has submitted a request concerning any matter directly connected with the employment of seconded Government workers to a foreman or a more senior representative of management or to the departmental supervisory officer and that request has been refused, the employee may, if he so desires, ask the job steward to submit the matter to management and the matter shall then be submitted by the job steward to the appropriate executive of the employer concerned.
>
> 2. If not settled at this stage, the matter shall be formally submitted by the State Secretary of the union to the employer.
>
> 3. If not settled at this stage, the matter shall then be discussed between such representatives of the union as the union may desire and the employer, who may be accompanied by or represented by such officers or representatives of an association of employers as the employer may desire, including, where agreed, processing the dispute through locally organised boards or committees set up by the parties for this purpose.
>
> 4. Where the above procedures are being followed, work shall continue normally. No party shall be prejudiced as to final settlement by the continuance of work in accordance with this subclause.
>
> 5. Notwithstanding anything contained in the previous four (4) paragraphs, the respondents shall be free to exercise their rights if the dispute is not finalised within seven (7) days of notification.
>
> 6. This clause shall not apply to any dispute as to a *bona fide* safety issue.

According to Dr. Tonkin's policy speech, he will have a feasibility study to introduce legislation to have unions who threaten disruption pay a bond to the court so that they can be fined for this sort of proposition. I am not concerned about whether the unions can beat Mr. Brown. I know that he will galvanise every worker, including white-collar workers who are already upset by sackings, against this proposal.

I do not want that to happen, but I will not be disappointed if it does. As a trade union official, I learnt not to be frightened to have a dispute but by all means to avoid it if I could. If the motion is carried, we will be able to tear up the documents to which I have referred. Mr. Brown and everyone else will be able to study the report and we may come up with a proposal that is suitable to all parties.

The Hon. K. T. GRIFFIN (Attorney-General): The Government opposes the motion. The Hon. Mr. Dunford has referred to the discussion paper that the Minister of Industrial Affairs (Mr. Dean Brown) yesterday released to the various parties who will be involved and to the media. He also issued a press release on the discussion paper and it states:

> The scheme reflects the Government's policy of not retrenching employees although they become surplus to requirements. No vacancies will normally be filled from outside the present work force, some workers may be transferred to other departments, and some will be offered secondments to private firms carrying out Government work.
>
> The discussion paper proposes that the employees seconded to private firms will have the right to take up a job with the private firm or another employer during or at the end of the secondment period, or returning to the original Government department.

The press release goes on:

> While the Government workers are on secondment they will take orders from the private employer, though technically remaining Government workers. However, the private employer will not have the right to dismiss them.
>
> If a worker is considered unsatisfactory the matter will be referred to his Government department, which may recall

him and deal with the matter under its normal disciplinary procedures.

Seconded workers will get the same wages as the other workers on the job unless the rates are lower than the Government rate, in which case their pay levels will be maintained by the Government.

The Hon. J. E. Dunford: That will make the other boys happy!

The Hon. K. T. GRIFFIN: They will get the same. The press release continues:

The secondment period will count for all leave entitlements. The private contractor will be responsible for *pro rata* sick leave but the Government will pay previously accumulated long service leave, and take responsibility for workers' compensation. The contractor will not pay pay-roll tax on seconded employees.

In certain cases workers may be seconded to firms not engaged on Government work. This will mainly involve specialised work where there is a shortage of skilled labour. In such cases, to preserve fair competition the private firm would be expected to pay pay-roll tax and assume responsibility for leave and workers' compensation.

The discussion paper, which has been circulated to the Trades and Labor Council, employer groups and others interested in the area, contains comprehensive provisions covering all the areas indicated for review by the Select Committee in the Leader's motion. I believe that the matters referred to in the discussion paper, as with the matters referred to in the motion, are properly the responsibility of the Executive arm of Government.

They concern the relationship between the Government and its employees and are not matters for Parliament. Indeed, what can be the result if this Council sets up a Select Committee? The Leader claims it will help to clarify some of the legal problems. However, the discussion paper produced by the Minister of Industrial Affairs already indicates that he has considered some of the technical aspects of secondment of employees.

On every matter concerning the Government and employees, the Government and contractors or the Government and third parties, if they involve legal questions which may be difficult, should the Government then refer them to a Select Committee for clarification? Such a suggestion is preposterous. It is a matter for the parties involved to determine and to deal with the legal and technical complications. One cannot sort out the legal technicalities in a Select Committee.

The Leader said there was a need for a committee in view of the concern expressed by trade unions. The Government knows that the unions are concerned through the statements that have been attributed to them. The Minister of Industrial Affairs has indicated that he wants to discuss the matter with the unions and with employers.

The Hon. J. E. Dunford: After he has made the rules!

The Hon. K. T. GRIFFIN: He has not made the rules, but has indicated that this is a discussion paper. Indeed, it is clearly headed "Discussion Paper". That is a most responsible course of action. Having set out many of the questions that have to be considered in connection with the Government and its relations with its employees, the Government should seek to discuss the matter with those who will be directly involved and their representatives.

One would hope that there would always be an opportunity for discussing such questions rationally and reasonably but if, as the Hon. Mr. Dunford suggests, the unions are going to be opposed to it without having had the opportunity for discussion, that is an irresponsible attitude to adopt. It is not the attitude—

The Hon. J. E. Dunford: They know what's behind your move.

The Hon. K. T. GRIFFIN: In fact, the Trades and Labor Council had some discussion with the previous Government about the transfer of employees, first, between Government departments and, secondly, between Government departments and statutory bodies, and it accepted the concept of transfer between both Government departments and such instrumentalities. That in itself is a form of secondment. The area of secondment that the Government now seeks to become involved in is merely an extension of what has already been agreed between the previous Government and the Trades and Labor Council and, as I understand it, it is fairly much agreed between the present Government and the council. There has been no opposition from the unions with respect to that.

The Hon. C. J. Sumner: Which one is that?

The Hon. K. T. GRIFFIN: The transfer between Government departments and Government departments and statutory instrumentalities. As I said to the Hon. Mr. Dunford, it is a form of secondment. We are trying to establish the ground rules upon which the Government will be able to second its workers to private contractors. That is one of the principal policies that we went to the people with at the recent election, that we would reduce the size of government, that we would give more work to the private sector.

The Hon. J. E. Dunford: You didn't say how you will do it.

The Hon. K. T. GRIFFIN: We did indicate, and the Minister of Industrial Affairs in several interviews indicated that secondment was one way that he hoped to achieve this. The proposal for secondment is consistent with the undertaking that the Government has given that there will be no sackings. If one is to achieve a reduction in the size of the Government work force, and with a consequent increase in the volume of work undertaken by the private sector, the Government has to achieve some reduction in its work force by one of these means; that is by secondment. We have a clear policy commitment to that concept. The Leader claims it is a novel approach, but it has been going on in industry and commerce for several years. If industry and commerce have been able to work out the legal technicalities to such an extent that there have not been the sorts of problem that the Opposition has been raising in respect of this proposition, then it is a sensible proposition that can be worked out between the parties involved in the discussions.

In respect to Government employment, the Leader suggested that, if there was excess capacity in Government, it was better to see Government employees either working harder or for more work to be made available so that they could be fully employed. I suggest to honourable members that that only perpetuates the system which this Government is committed to amend. If there is not more work given out to the private sector there will not be more jobs created in that sector, and the objective that the Government seeks to achieve will just not be capable of achievement.

I believe that the suggestion by the Opposition that there will be massive disruption in the public sector, if the Government persists with its proposals, is an irresponsible statement, because it presumes that the unions and employees have already made their decision without having had the opportunity to consider the discussion paper.

The Hon. C. J. Sumner: I didn't say that.

The Hon. K. T. GRIFFIN: The Hon. Mr. Dunford did. I am saying that it is an irresponsible statement, because what we should be encouraging is dialogue and not confrontation.

The Hon. J. E. Dunford: You'll not do it with Brown.

The Hon. K. T. GRIFFIN: Of course we will. He has indicated on many occasions that he is willing to discuss reasonably and rationally and he has done that.

There is no doubt that some members of the union movement are hostile towards this proposition. It is our hope, when they have had a chance to discuss it, that that hostility will diminish to the point where we hope they will readily accept the proposal that we are putting forward.

The Hon. J. E. Dunford: A lot of them voted for you, but they would not have voted for you if they had known what you were up to.

The Hon. K. T. GRIFFIN: They knew what our policies were, because they were clearly stated. One of the problems was that, although we clearly stated our policies, the Labor Party did not have any such policies. The Leader of the Opposition suggested that the formation of this Select Committee would allow unions and employees to be reassured by virtue of the fact that they would be able to make representations to the Select Committee. However, the deliberations of the Select Committee could go on for up to five months, and we cannot afford to wait that long while the Select Committee deliberates. We need to act now and deal with this matter now.

The Hon. J. E. Dunford interjecting:

The PRESIDENT: Order! The Hon. Mr. Dunford has just spoken for almost an hour. Surely he can listen now.

The Hon. J. E. Dunford: The Hon. Mr. Davis will not stop talking to me.

The PRESIDENT: Order! I will look after the Hon. Mr. Davis, if the Hon. Mr. Dunford looks after himself.

The Hon. K. T. GRIFFIN: This measure is a responsibility of the executive arm of Government, which we are exercising. The Government is seeking to discuss and negotiate this issue without confrontation. The Government proposes to exercise that responsibility now, rather than wait for at least five months while a Select Committee deliberates. The Government wants action now in the spirit of what it hopes will be goodwill, which is the basis upon which the Government is entering into these discussions.

The Hon. J. E. Dunford: You sound like Fraser.

The Hon. K. T. GRIFFIN: The Government is being quite responsible in entering into these discussions in a spirit of goodwill. At the election and subsequently the Government has indicated that a number of things can be achieved by this Government if those things are approached by those affected in a spirit of goodwill. The proposition for a Select Committee is totally inappropriate, and accordingly I oppose the motion.

The Hon. FRANK BLEVINS: I will be very brief. I am not going to debate the merits or otherwise of the substance of this motion. I agree with it completely. At this stage I am not sure whether the resolution will be carried. I rise to put in a plug for Select Committees. I suppose the basic reason why Parliaments conduct Select Committees can be summarised in several ways. If there are complex matters that demand great attention to detail, matters that may potentially cause harm, insecurity or anxiety to one section of the community, then those matters of serious public concern are deserving of a Select Committee. There is no doubt that workers in public employment feel that harm could be caused to their working positions and future career prospects. They have a feeling of insecurity and certainly anxiety; because of this I believe there is great public concern about this issue. Therefore, a Select Committee is the best way to examine those points in detail. Select Committees are being used by Parliament more frequently, and I strongly applaud that trend. For the benefit of the Hon. Mr. Cameron I will explain why I support the increased use of Select Committees.

The Hon. M. B. Cameron: Because you are in Opposition.

The Hon. FRANK BLEVINS: No, that is not true. It appears that in most Western Parliaments, including the United States of America, Canada, Australia and England, Select Committees are being formed on almost any contentious matter or complex Bill. As I have said, I applaud that situation. The fact that the Liberal Party is not supporting this Select Committee surprises me, because in the past it has expressed strong support, particularly in this Council, for the calling of Select Committees. It has repeatedly said that it wants more information, that the public is concerned, that the public should have a say in legislation, and that the Select Committee system is the best way to do that. I agree with that principle. I believe that the Hon. Mr. Dunford has clearly outlined some of the problems that will arise if this proposition for secondment ever gets off the ground, but I have very grave doubts whether it will get off the ground. It appears to be a proposition that sounds very good in theory, but I am quite sure in reality it will be quite different. I believe there will be very few secondments, if any, particularly with the present hostility of the trade union movement.

There are some points in that proposition that are worthy of consideration. Those points should be considered outside of what could be termed "the dust of battle". I believe a lot of dust will be thrown up, because there will be a very large battle over this issue. Earlier this week about 20 unions met and unanimously opposed this proposition. If members opposite think that that is not going to lead to a great deal of industrial dispute, then they are kidding themselves. Arrangements have already been made to hold meetings throughout the metropolitan area and throughout the State. Government workers will be advised of all that transpires on this issue, and I am quite sure that a hard line will be taken, because the union feels that it has not had a fair hearing. The union has some doubts about the benefits of this proposal to its members, and there will be some large and nasty industrial disputes as a result. This situation is being promoted by the Government, and I am not sure whether that is deliberate or not. I believe that some members opposite do know something about industrial relations; for example, the Hon. Mr. Laidlaw.

The Hon. Mr. Laidlaw is strangely silent on this issue, as he was on the pay-roll tax issue. I can only interpret his silence as meaning that he does not support the issues proposed by his Government and, rather than stand up in the Council and quite honestly oppose them, he prefers to remain silent.

The Hon. L. H. Davis: He is just well behaved.

The Hon. FRANK BLEVINS: That is a tactic that we all adopt at times. All members support their Party's policies with varying degrees of enthusiasm. I infer from the Hon. Mr. Laidlaw's silence that he has a total lack of enthusiasm for this measure. As all members know, the Hon. Mr. Laidlaw was sent here to represent the industrialists of this State on the retirement of Sir Arthur Rymill.

By and large, the Hon. Mr. Laidlaw represents very well the interests of industrialists in South Australia. The total lack of enthusiasm on the part of the Hon. Mr. Laidlaw and this State's industrialists illustrates clearly the lack of enthusiasm for the proposition that exists amongst some members opposite.

However, a Select Committee would be able to establish

the facts. The Leader and the Attorney-General have made certain statements, and other conflicting statements have been made by the Minister of Industrial Affairs. So, what are the facts? Those facts would best be established by a Select Committee.

If this motion is carried, the committee could also investigate the ways of minimising costs. If Government members think that this kind of scheme can be set up without enormous costs being incurred, and without the bureaucracy being increased enormously, they are kidding themselves. I do not believe that they are doing so, as I think they realise that this is an airy-fairy scheme that will not get off the ground. Also, a Select Committee will ensure that a minimum of harm is done to those concerned, namely, workers in Government employment. If these people could be convinced by the Select Committee's coming down with certain findings that they had no worries in relation to their security and careers, their fears would be very much minimised. The Hon. Mr. Cameron was amused previously when I said I supported the Select Committee system. However, I strongly support it.

The Hon. M. B. Cameron: For the past six months.

The Hon. FRANK BLEVINS: That is not so.

The Hon. L. H. Davis interjecting:

The Hon. FRANK BLEVINS: The Hon. Mr. Davis, who constantly sneers and interjects in this place (indeed, he has done little else since he entered the Council), would not know the first thing about this matter. I therefore suggest that he keep quiet, so that perhaps he will learn something. I support the Select Committee system. I admit that when first I entered this place I had certain attitudes. However, I have had to change my mind regarding some matters, experience having taught me that my opinion on them was not correct. One such matter related to the Select Committee system.

About 12 months or 18 months ago, along with the present Attorney-General, the Minister of Community Welfare, the Hon. Mr. DeGaris, and the Hon. Mr. Sumner, I was a member of a Select Committee that was chaired by the very capable Mr. Banfield. The Hon. Mr. DeGaris said that this was the best committee on which he had served. It was certainly a real eye-opener to me. The amount of information that the committee obtained, the report that was written and the amendments that were suggested unanimously to the complex five Bills that were the subject of the committee's deliberations were valuable not only to the Parliament but also to the people of South Australia. Since then, I have changed my attitude regarding Select Committees. They are a superb vehicle for obtaining information and facts and for suggesting amendments to legislation, thereby possibly improving it.

This motion is a sincere attempt by the Opposition to do something to short-circuit possible industrial unrest. It ill behoves the Hon. Mr. Davis to sneer at this motion, as the Opposition is merely saying that it cannot do any harm, and that is has the potential for doing good and for preventing industrial conflict. For those reasons, I strongly support the motion.

The Hon. K. L. MILNE: A real problem exists, and it is no good one's pretending that it is not a problem or that it will go away. Unfortunately, the problem has existed for a long time and the public will not put up with the situation for much longer. I make it clear that it is in everyone's interest that the Government is taking action.

The problem is a most unusual one, and we cannot blame the people concerned, namely, the weekly-paid and daily-paid workers. The proposal that has been put forward to solve the problem is a novel and innovative one, which will need goodwill on everyone's part to work. To generate the maximum possible goodwill, all interested parties (and there are many of them) ought to be allowed, and indeed should be encouraged, to play a part in designing a solution.

The Government's proposal is indeed innovative and, in an experiment such as this, the parties participating will do so voluntarily. Whether or not a Select Committee is appointed, no amount of legislation will change the situation, as the scheme will work only if everyone wants it to work. A solution to this problem will involve co-operation between the two major political Parties, as well as a compromise between unions and employers, and the assistance of the men and women employed on a daily-paid or weekly-paid basis.

One cannot tell me that certain people are not sick and tired of being paid day after day and week after week for doing nothing. These people know perfectly well that this situation cannot continue, and I happen to know that most of them do not like the situation in which they find themselves.

My instinct would be to support a Select Committee, co-ordinating committee or working party so that all the interested parties could get together. Although that would be preferable, the Government will not agree to it. The Government has its own reasons for believing that this course of action is not necessary. I hope that it is correct in that respect. If it is wrong and time is still available, we will need to go through this exercise again, quickly. However, being practical, I realise that the Government will not participate in a Select Committee and, indeed, that it will still be trying, separately from a Select Committee, to find a solution to the problem. Therefore, the scheme would not work.

If a Select Committee was appointed, it should comprise three Liberal members and three Labor members, but I do not think that it will. The Government has made up its mind to do the negotiations its way. I do not see any sense in labouring the matter. Therefore, with reluctance I will oppose the motion.

The Hon. C. J. SUMNER (Leader of the Opposition): I am very disappointed in the Government's approach to this motion and, indeed, the approach of the Australian Democrat representative, Mr. Milne. All honourable members will see from the motion that it was not something that we just thought of off the top of our head. The number of matters that we wish to look at was specified very clearly in the terms of reference and were clearly matters of considerable importance and concern, particularly to the employees involved in Government service, so it was not just a Select Committee that we dreamed up out of the blue. It had a positive aspect, which was to ensure that Parliament could make some contribution to the Government's approach in this area. Allegations have been made that in some areas of Government employment employees are doing nothing. I referred to that when moving the motion. Surely, if we are going to go into this secondment of employees, we need to establish the facts surrounding the situation where people are under-utilised in their current employment in the Government. That has not been done to my satisfaction.

A Select Committee would enable this position to be looked at as a starting point to finding solutions to this problem. I do not believe that the Government has ever said that it would not take part in a committee. I would find that a surprising approach, and I would like to know whether it was in fact the Government's attitude that, if the committee had been set up, it would not have participated in it. Had it not done so, the Government would have been treating the resolution of this Parliament

almost with contempt. I do not believe that the Government would have wanted that to occur. I trust that the Council will see the validity of our arguments in this respect. It is in the parties' interest that the committee proceed in public. There could be assurances to the parties concerned that the matter had been properly investigated by Parliament.

It may well be that the fears of some parties, especially the trade unions and its members, would prove to be groundless. A Select Committee is one way of finding this out in a reasonably calm atmosphere. A Select Committee would have facilitated the Government's position in this matter. It was an approach that we adopted to give potential assistance to the Government and to ensure that the employees concerned participate in a debate and consideration of the issue. The motion still has some validity. I ask honourable members to reconsider the issue and vote for the motion.

The Council divided on the motion:

Ayes (10)—The Hons. Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, C. J. Sumner (teller), and Barbara Wiese.

Noes (11)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie, L. H. Davis, M. B. Dawkins, R. C. DeGaris, K. T. Griffin (teller), C. M. Hill, D. H. Laidlaw, K. L. Milne, and R. J. Ritson.

The PRESIDENT: There are 10 Ayes and 11 Noes. The motion is resolved in the negative.

Motion thus negatived.

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL

The Hon. C. J. SUMNER (Leader of the Opposition) obtained leave and introduced a Bill for an Act to amend the Criminal Law Consolidation Act, 1935-1978. Read a first time.

The Hon. C. J. SUMNER: I move:

That this Bill be now read a second time.

In amending the Criminal Law Consolidation Act, this Bill gives effect to both Liberal and Labor policy as announced during the recent election campaign in providing for the Crown to have the right of appeal on the question of sentence where a defendant has been convicted on indictment. The Crown already has this right where a defendant is convicted on complaint. The Bill can be summarised by five points, as follows:

1. It provides for the Crown right of appeal against sentence.

2. That a defendant cannot have his sentence increased where he appeals against its severity. This is possible at present. For the defendant to be at risk of having his sentence increased the Crown must have lodged the appeal.

3. That the appeal is to be instituted by the Attorney-General with leave of the Full Court of the Supreme Court.

4. That the Attorney-General may refer matters of law to the Full Court after the acquittal of a defendant.

5. That the defendant acquitted is not subject to retrial on such referral; that is, it is not in the nature of an appeal which could lead to the defendant's being placed on trial again.

Points 1 and 2 accord strictly with the recommendations of the Mitchell Committee on Criminal Law and Penal Method, whereas points 3, 4 and 5 are variations of the recommendations.

With respect to No. 3, the Mitchell committee did not consider that the personal institution of the appeal by the Attorney-General was necessary. Although the Attorney-General is ultimately responsible for all criminal prosecutions by the State, it was thought by the Mitchell committee that this appeal could be instituted without personal reference to him.

I believe that the delegation powers in the Supreme Court Act might allow the Attorney-General to delegate this authority to a Crown prosecutor, but in any event there is probably some merit in the Attorney-General's personal involvement at the early stages of the implementation of this new procedure. I would like the present Attorney's view on this matter and would certainly look favourably on an amendment now or at some later time, if he believes that the implementation of an appeal does not require the personal attention of the Attorney-General.

The Mitchell committee also recommended that the Crown participate more actively on the question of sentencing. I understand that this now occurs to a greater extent than previously, particularly if the judge requests such assistance.

When I was Attorney-General, I was happy for prosecutors to participate more fully. I doubt whether any legislative change is required to give effect to this recommendation. It will naturally flow from the Crown right of appeal and can be dealt with administratively.

These proposals should lead to greater consistency in sentencing, more judicial principles enunciated in respect of it, and help to allay public fears that the community through the Government has no input into the sentencing process.

With respect to points 4 and 5, the Mitchell committee recommended an appeal against acquittal and that the Court of Criminal Appeal have a discretion to refuse to put the accused upon trial for a second time even where it is of the opinion that he should not have been acquitted.

My proposition allows the Crown to seek a ruling on a direction of the trial judge after acquittal but without placing the defendant in further jeopardy. A problem with placing the defendant in further jeopardy is that the point of law upon which the mistake is made may not in fact have been the point exercising the jury's mind in recommending acquittal, and there is of course no way of determining this. Accordingly, I think it is potentially unfair to subject an acquitted defendant to the possibility of a retrial.

During the months prior to the election and certainly during the period I was Attorney-General, the question of sentencing policy was the subject of much public debate and controversy. Much comment was made about the alleged leniency of sentencing. The general principle of sentencing in our system is that Parliament lays down the maximum penalties (which are very severe for the most serious offences) and allows the courts to determine the sentence in each individual case, taking into account the nature of the offence and the circumstances of the defendant. I would not wish to depart from this as a general proposition.

I was very concerned about the nature of the debate on this issue and particularly about the many misunderstandings that there were in the public mind. To try to provide for a more informed debate on this issue, I had asked the Director of Crime Statistics to prepare a booklet on criminal justice policy in South Australia. I believe this booklet is a good summary of the issues and hope that the Attorney will see fit to give it wide distribution.

I am sorry that during the campaign proper the debate that I had welcomed was not assisted by the way the issue

(a serious and difficult one) was used to promote and play on people's fears. I was particularly concerned that even the Liberal Party felt the need to insert advertisements of the following kind:

> A Liberal Government will make the streets safe for your daughters without their being molested by all those thugs that have been acting as if they owned the place for the last 10 years.

There also was the effort of Mr. Buick in one of the third party advertisements where great prominence was given to the stockinged head. This was particularly disturbing when it had been known for some time that policy on law and order was essentially bipartisan, in that Labor was advocating Crown right of appeal against sentence in the same way as the Liberal Party, that Labor had improved the Criminal Injuries Compensation Act and taken other measures to assist victims of crime, that a review of penalties generally had been undertaken, and that consideration was being given to the Mitchell committee's recommendations relating to the abolition of the unsworn statement.

The previous Government had intended to introduce the measure contained in this Bill as part of the Mitchell committee package during this session of Parliament. I realise that the Government has many other matters before it and may not be able to fully consider the Mitchell committee recommendations in the near future. However, as the principles in this Bill generally have the support of all sides of politics, and as it is a matter of public concern, I introduce it tonight with the hope that the Government can see its way clear to ensuring its early passage through both Houses. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal, and clause 2 repeals an obsolete provision. Clause 3 amends section 350 of the principal Act, which deals with the reservation of questions of law. This amendment inserts a new subsection numbered (1a), which provides that where a person is tried on information and acquitted, the court shall reserve any question of law arising out of the trial for the determination of the Full Court on the application of the Attorney-General. Other amendments to the section consequential on the insertion of the new subsection are also included in this clause.

Clause 4 effects other essentially consequential amendments to section 351 of the principal Act, which sets out certain procedural matters relating to the reservation of questions of law. These provide, *inter alia*, that the Attorney-General shall pay the taxed costs of the defendant in cases where a question of law is reserved for the Full Court on the application of the former following an acquittal, and further, that in such proceedings the Attorney-General may instruct counsel to present argument to the Full Court as might have been presented by counsel for the defendant, if the defendant does not appear.

Clause 5 amends section 352 of the principal Act, which is concerned with the right of appeal in criminal cases. The amendment inserts a new subsection numbered (2), which empowers the Attorney-General to appeal to the Full Court against sentences passed on defendants convicted on information.

Clause 6 amends section 353 of the principal Act, which sets out certain provisions relating to the determination of appeals by the Full Court. The effect of the amendment is to prevent the court from imposing a more severe sentence than that imposed in the lower court, except where the appeal is instituted by the Attorney-General.

The Hon. K. T. GRIFFIN secured the adjournment of the debate.

WHEAT INDUSTRY STABILISATION ACT AMENDMENT BILL

Received from the House of Assembly and read a first time.

The Hon. J. C. BURDETT (Minister of Community Welfare): I move:

That this Bill be now read a second time.

It is designed to ensure that the complementary Commonwealth-State wheat marketing arrangements can continue without any hitch during the Parliamentary recess preceding the resumption of the present session in February. The position is that the Commonwealth is in the course of preparing an Act to replace the Wheat Industry Stabilization Act of 1974. It is not entirely clear, at this stage, what complementary provisions will be required on the part of the States.

If the new Commonwealth Act is brought into operation during the Parliamentary recess, it may be desirable for this State to make complementary alterations to its legislation to ensure that the scheme as a whole will operate smoothly. This Bill makes provision for the necessary changes to be made expeditiously by regulation. It is envisaged that any such regulations would be supplanted by legislation to be introduced during the February sittings. Accordingly, the Bill provides that no such regulation shall have effect beyond 31 March 1980.

Clause 1 is formal. Clause 2 empowers the Governor to modify the provisions of the principal Act in order to complement the operation of the proposed new Commonwealth legislation. However no such regulation is to be made, or to have effect, after 31 March 1980.

The Hon. B. A. CHATTERTON secured the adjournment of the debate.

CONSTITUTIONAL POWERS (COASTAL WATERS) BILL

The Hon. K. T. GRIFFIN (Attorney-General) obtained leave and introduced a Bill for an Act to request the Parliament of the Commonwealth to enact an Act to extend the legislative powers of the States in and in relation to coastal waters. Read a first time.

The Hon. K. T. GRIFFIN: I move:

That this Bill be now read a second time.

It stems from a High Court case in which all States challenged the validity of the Commonwealth Seas and Submerged Lands Act. The High Court decided by a majority that the boundaries of the States stopped at the low-water mark and that the territorial sea was not part of the State.

Before the seas and submerged lands case there had been what the High Court called "a common misconception" that the territorial sea adjacent to each State was part of the State territory. Upon this basis there was colonial and, after Federation, State legislation governing activities in the territorial sea as, until the High Court's decision, it had been considered to be the property of and under the control of the States. The States had previously believed that such resources as there were in the territorial seas belonged to the States.

The High Court held that this was not the position and furthermore that the Commonwealth has legislative power in respect of what lay beyond the low-water mark under its external affairs power, excluding internal waters. The States and the Commonwealth considered the decision to

be very inconvenient; for example, the Commonwealth did not have the facilities or the wish to exercise responsibility over the territorial sea.

Accordingly, the Commonwealth agreed that the States should be put, so far as possible, in the position they believed they were in before the High Court case.

At the October 1977 Premiers' Conference it was agreed that the territorial sea should be the responsibility of the States and that, in order to overcome problems caused by the High Court's decision on the validity of the Seas and Submerged Lands Act, the limits of the powers of the States should be extended to embrace the territorial sea. These problems are:

(i) The uncertainty of operation of State laws in the territorial sea—as a consequence of the High Court's ruling that the coastal boundaries of the States end at low-water mark, there arose the necessity for the Legislature to ensure that the civil and criminal law applies in the territorial sea by clearly evincing an intention that it should so operate. There is a presumption, however, that the Legislature intends laws to operate within the territorial limits of the State.

(ii) Uncertainty as to State extra-territorial legislative competence in the territorial sea—only those State laws which satisfy the necessary criterion of being for the peace, order and good government of the State may validly operate in the offshore area. This requirement of nexus does not exist in relation to State laws which operate within State territory.

(iii) Possible invalidity of State laws with respect to such matters as seabed mining, marine parks, marine pollution and ports and harbours and sea protection works beyond State limits and so on. These laws may be invalid for inconsistency with the Seas and Submerged Lands Act and/or lack of nexus with the State. Doubts as to the validity of these laws would be removed if State territory included the territorial sea.

(iv) Practical legal problems which arise from the difficulty in determining the precise location of State maritime limits—it is difficult, if not impossible, to determine the closing lines of State internal waters in some parts of the coastline, because the High Court has not yet seen fit to expound the relevant legal principles. Elucidation is likely to be on a case-by-case basis. Furthermore, the location of low-water mark on the coast is also a matter of difficulty and uncertainty. By taking the State boundary to the outer limit of the territorial sea, these legal problems will be considerably reduced.

(v) The potential problems arising from the Commonwealth's new found legislative power beyond low-water mark—the High Court decision confirmed to the Commonwealth an external affairs power which is larger than had been previously thought. The Commonwealth may now have the potential to pass laws to operate beyond low-water mark on any subject. If this potential were realised the valid operation of many State laws would be excluded by virtue of section 109 of the Constitution. An extension of State limits to embrace the territorial sea would result in the Commonwealth being precluded from enacting legislation under the external affairs power in the relevant area, except for the purpose of implementing a convention.

Various methods were considered to give effect to the Premiers Conference decision, but the one that seemed to have general acceptance was an exercise under section 51 (xxxviii) of the Constitution whereby the States could request the Commonwealth to pass legislation giving to the States the same legislative powers in respect of the territorial sea as they have on the land mass. Section 51 (xxxviii) authorises the Commonwealth to make laws with respect to "the exercise within the Commonwealth, at the request or with the concurrence of the Parliaments of all the States directly concerned, of any power which can at the establishment of this Constitution be exercised only by the Parliament of the United Kingdom or by the Federal Council of Australia". This means, of course, that the territorial sea would be still subject to the possible exercise of Commonwealth legislation under section 51 of the Constitution as is the land mass at present.

The Bill has been drawn under the auspices of the Standing Committee of Attorneys-General at the request of the Premiers' Conference and has been endorsed by both those bodies. The Bill is to be coupled with a further Commonwealth measure referred to as the "titles" legislation under which the Commonwealth, in exercise of its external affairs power and its sovereignty over the territorial sea, is to grant title to the States over the territorial sea. That measure is regarded as a safeguard as any subsequent expropriation will be subject to the payment of compensation under the Constitution.

The Prime Minister is most anxious to introduce Commonwealth legislation during this spring sessional period of the Commonwealth Parliament and can do so only when all States have passed the necessary request and consent legislation. The Standing Committee of Attorneys-General, at its July 1979 meeting, agreed that the Bill should be presented to State Parliaments as soon as possible.

The opportunity is also taken in the Bill to confirm the extra-territorial legislative competence of the States beyond coastal waters in respect of subterranean mining from land within the limits of a State, port-type facilities and fisheries. This measure represents a milestone in Commonwealth/State co-operation. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 requests the Parliament of the Commonwealth to enact an Act in the form set out in the schedule. The schedule sets out the proposed form of the Commonwealth legislation. Clauses 1 and 2 are formal. Clause 3 defines the "coastal waters of the State" to be, in effect, the area of three nautical miles from the low-water mark of the State coast. Clause 4 provides that the coastal waters of the State will not, for the purposes of this Act, exceed three nautical miles, notwithstanding any future international determination to extend the territorial seas of Australia. Clause 5 extends the legislative powers of the State to cover all matters relating to the coastal waters of the State and the seabed under, and airspace above, those waters. Paragraph *(b)* empowers the State to make laws relating to subterranean mining, ports and coastal works, even though those things may be beyond the three-mile mark. Paragraph *(c)* empowers the State to make laws relating to fisheries, even though those fisheries may be outside the coastal waters of the State, for the

purpose of giving effect to Commonwealth-State agreements.

Clauses 6 and 7 provide several important savings provisions. Clause 6 provides that nothing in the Act is to affect Australia's international standing. Australia, the Federation, is still seen as having sovereignty over the territorial sea. Paragraph *(a)* of clause 7 states that nothing in the Act "extends the limits of any State". The significance of this is that, if the State's boundary were extended, then that would be in contravention of section 123 of the Commonwealth Constitution. That section states that a State may only be enlarged by the process of referenda. The legislation only increases the area over which the State has legislative competence. The Commonwealth will still maintain sovereignty over those areas. Paragraphs *(b)* and *(c)* recognise the existing position of the State's power to legislate extra-territorially, and the Commonwealth's supremacy in the event of inconsistent legislation—a restatement of section 109 of the Commonwealth Constitution.

The Hon. B. A. CHATTERTON secured the adjournment of the debate.

SUCCESSION DUTIES ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 6 November. Page 701.)

The Hon. M. B. DAWKINS: I am very pleased to be able to support this Bill, which abolishes succession duties in this State on estates of people who die on or after 1 January 1980. It was the Hon. Mr. DeGaris last night who said that he was "delighted" to support this legislation, and I cannot think of a better word. I, too, am delighted because I believe that, quite apart from any effect on individuals, it will be of great benefit to the State.

It means that South Australia will be catching up with the other States who have abolished or who are in the process of phasing out this iniquitous tax, including the two A.L.P. Governments in New South Wales and Tasmania. We have heard from honourable members opposite terms such as abolition "in one fell swoop" or "in one stroke". However, honourable members know and I am sure that honourable opposite know this also that, in respect of revenue, it is not a case of abolishing the tax in one fell swoop. The experience gained in Queensland shows that revenue from this tax drops away slowly and not in one fell swoop at all, because some estates take a long time to wind up. Although it may be desirable to wind up estates within six months, it is by no means always practicable to do that and much longer periods are often needed.

That means that the revenue will dry up slowly and will not have a one fell swoop effect at all. In a recent speech I said that we had heard much from the Australian Labor Party about the removal of this tax benefiting only the wealthy; that is a lot of nonsense. On previous occasions I have told this Council about very small estates that have attracted duty because the deceased had no issue, but wished to leave their small amount to a near, but not direct, relative. I have given examples where these estates have dwindled to such small amounts as $750 in one case and $1 500 in another and still attracted some duty because those persons had no direct issue and wished to leave their money to a relative who supported them in their old age. I now wish to refer to those estates that amount to $50 000 and under. I believe that the Hon. Mr. Cornwall said that 86·6 per cent of estates paying duty are estates of $50 000 or under.

The Hon. J. R. Cornwall: No, it was 83·6 per cent.

The Hon. M. B. DAWKINS: In any case, it is still a very large percentage. By today's standards an estate of $50 000 is by no means a wealthy man's estate: it can be the estate of a frugal working man. I know of an elderly person who has a home worth only about $35 000, a little money and a few other assets. A person such as that has virtually no income at all and yet their estate amounts to about $50 000. Therefore, a very large number of people have been suffering this tax on estates which through today's inflation rate are really only small estates. I know of people who have been frugal and careful during their lifetimes and have managed to secure estates of this value, probably partly through the inflationary value of their homes. Examples in this category, where relatives have been suffering as a result of this tax, give a direct lie to the statement about the abolition of succession duty benefiting only the wealthy.

Much has been said about the benefits in one spouse leaving an estate to the other spouse. I believe the Hon. Anne Levy only last night interjected and said that there is no duty between spouses now. Whilst that may well be so, it is really a snare and a delusion. All that means is that, if a husband leaves his estate to his wife and she lives for another two years, the two estates are aggregated and the Government receives a larger amount in succession duty payments at a higher rate. Therefore, this business about the benefits of an estate being left to a spouse is a snare and a delusion, because in many cases after a very short period the family has to pay a larger amount on an aggregated estate. These anomalies will be removed with the passing of this Bill. Not only are they anomalies: in some cases they involve very heavy penalties.

Last evening the Hon. Mr. DeGaris gave an example, which was by no means an isolated one, of these very heavy penalties. It could be said that such people did not do their homework in regard to their estate, but in some cases it has caused a very great problem and has meant that a family has had to spend another half a lifetime to pay for the assets they already own as a result of the large sum of succession duties charged upon them. These problems are being overcome by this Bill.

I wholeheartedly support the Bill and hope that it will be completely supported in this Council. As I have said, this Bill will contribute much to this State through the retention of capital, the investment of outside capital which otherwise would not come to this State, and the opportunity for people to progress and expand instead of having to spend another half a lifetime paying for what they already own. I have pleasure in supporting the Bill.

The Hon. ANNE LEVY: It is not with great pleasure that I support this Bill. I do so only because I regard it as fulfilling an election promise on the part of the Government, which now has a mandate to implement this policy. However, I could not be more strongly opposed to it in principle. I have already given my reasons for opposing this Bill on several other occasions, and to some extent I feel that this speech is merely recycling what I have said before. Nevertheless, I believe these arguments have validity, are important and should be included in the report of the debate on this Bill. In this country we have a situation where wealth is concentrated in the hands of a small proportion of the population. Studies have shown that the top 1 per cent of people in Australia own 22 per cent of the wealth in this country. The top 5 per cent of people in Australia own 46 per cent of the wealth of this country. Furthermore, the bottom 50 per cent of people in this country (which is half the population) own only 8 per

cent of the wealth of this country.

The Hon. R. C. DeGaris: Surely with your income you include yourself in that top 5 per cent.

The Hon. ANNE LEVY: I am talking about wealth distribution not income.

The Hon. R. C. DeGaris: Wealth is income, and you are in the top 5 per cent in Australia.

The Hon. ANNE LEVY: No, income is part of wealth, but it is not total wealth.

The Hon. R. C. DeGaris: Yes it is.

The Hon. ANNE LEVY: I am sorry, it is not. Wealth is the value of accumulated assets. Wealth is defined in that way; it is not one's income. I am talking about wealth as accumulated assets of the individual. In this country we have a situation where half the population own only 8 per cent of the wealth of this country.

The Hon. J. C. Burdett: How do you define population? Is it all persons, or persons over 18?

The Hon. ANNE LEVY: In the study to which I am referring it is persons over 18.

The Hon. R. C. DeGaris: You can have assets with no income.

The Hon. ANNE LEVY: So what? If one has assets and no income, one is wealthy. One can sell the assets and have income. Wealth is defined as the value of assets.

The Hon. R. C. DeGaris: Where is that definition?

The Hon. ANNE LEVY: I cannot think of any other way to define it, and that is certainly how all the studies on wealth have been conducted. In any study on the distribution of wealth the value of assets has been looked at. In this country the top 5 per cent of people own more than the bottom 90 per cent of people. We have great inequalities of wealth in this country. There is a similar situation in the United Kingdom where a more thorough study has been done. The Royal Commission into the distribution of income and wealth in the United Kingdom specifically looked at not only the distribution of wealth in that country but also the role of inheritance in wealth holdings.

Using 1973 figures, the Royal Commission found that 25 per cent of all personal wealth in Great Britain was transmitted, not earned, wealth. In fact, this average figure for the whole population discloses very real differences between groups in the United Kingdom. In terms of ownership and wealth, the top 1 per cent of people in the United Kingdom own 25 per cent of all personal wealth, and 75 per cent of their holdings had been acquired by inheritance or gifts.

The Hon. J. C. Burdett: Who conducted this study?

The Hon. ANNE LEVY: The Royal Commission on the Distribution of Wealth and Incomes in the United Kingdom. I repeat that not only the top 1 per cent owned 25 per cent of the total wealth of the country but also that 75 per cent of their wealth had been obtained by inheritance or gifts. That was not earned wealth from their own personal efforts. The top 2 per cent to 5 per cent of wealth holders in the United Kingdom accounted for another 22 per cent of all personal wealth in that country, and that group had inherited or been given 52 per cent of their assets.

Honourable members can certainly see that in the United Kingdom transmitted wealth contributes enormously towards the assets of the rich and that many of the wealthy are so placed not through their personal exertion but because of the accident of their birth. I should be very surprised if the situation was very much different in Australia in terms of the proportion of wealth that is inherited, although I doubt whether the current Federal Government is likely to set up a Royal Commission adequately to study this matter.

The Hon. R. C. DeGaris: Do you think that the Labor Party would reintroduce it if it got back into power?

The Hon. ANNE LEVY: Certainly, I would support its putting some sort of a tax on wealth.

The Hon. R. C. DeGaris: But not death duty?

The Hon. ANNE LEVY: There are different forms of taxation of wealth, of which succession duty is one. By abolishing succession duty, we will abolish a major source of wealth tax in Australia. I regard this as a retrograde step.

The Hon. R. C. DeGaris: Income tax is a wealth tax.

The Hon. ANNE LEVY: It is not; it is a tax on income. Government members have made much of the fact that succession duty, as we now have it, hits the little people. I regard that as rubbish. In 1978, no succession duty at all was paid on 64 per cent of estates in South Australia.

The Hon. R. C. DeGaris: They aren't necessarily small, you know. It depends on the number of inheritors. If it is a large estate with 10 inheritors, nothing is paid.

The Hon. ANNE LEVY: If the proposals put forward by the Australian Labor Party at the last election had been implemented, instead of the measure that is now before us, 70 per cent of estates would be paying no succession duty whatsoever. I do not think it can be claimed that the remaining 30 per cent who would pay succession duty would be small estates.

It is obvious that succession duty as we currently have it is not an imposition on little people: it is largely an imposition on the wealthy. They are the ones who will benefit from this Bill, and I maintain that they should not so benefit at the expense of other people.

The Hon. R. C. DeGaris: You have not done your homework very well.

The Hon. ANNE LEVY: I have done a considerable amount of homework in this area, and I am convinced by the figures that I am quoting. The Hon. Mr. DeGaris and other members referred to the situation in other States. Only Queensland has abolished succession duty in one fell swoop, as this Bill does.

I realise that a promise has been made in New South Wales and Tasmania that succession duty will eventually be abolished. However, the Governments of both those States have indicated that they will not proceed with such a move at present as they are not in a financial situation to do so. I am surprised indeed that anyone can suggest that South Australia is better off financially than other States and therefore is able to implement such a measure.

I certainly predict that there may be a drastic financial situation in South Australia next year, depending on the result of the Premiers' Conference later this year, and that the Government may well rue the day that it abandoned $16 000 000 or $17 000 000 in this way.

I might add that in Victoria, which is a Liberal State, succession duty has not been abolished entirely. It has been abolished between spouses in that State, as it has been in South Australia. It has also been abolished for children in Victoria, although not for other categories of relative. Succession duties are still paid there. As far as I know, the Victorian Government has no intention of changing that situation in the foreseeable future.

I certainly consider that this is an ill-advised measure. Its benefits will go to the wealthy. As I have indicated, a small proportion of the population will benefit disproportionately by such a measure. The penalties of such a measure will fall on the general population in the resultant reduction of services which are not extensively used by the wealthy but which are used by the underprivileged and small people of South Australia. They are the people who will suffer, and South Australia's financial situation in

future years may, as a result of this measure, be such that the Liberal Government will have to implement Mr. Fraser's idea of double taxation.

The Hon. L. H. DAVIS: If one was to believe what Opposition members have said about this matter, one could argue that no man is an island, except, that is, for the Labor Party in South Australia. Honourable members opposite seem to be out of step with the Labor Party at Federal and State levels, not to mention the voting public of South Australia.

The Hon. Miss Levy has just said that succession duty is an imposition on the little people. It is interesting to reflect on that proposition and to compare it with what the Tasmanian Labor Party found in the Blackwood inquiry, which was commissioned to examine the matter of succession duty. The Tasmanian Labor Government acted on the Blackwood Report.

It was these comments which eventually led to the abolition of death duties in Tasmania. They had the foresight to rebut what the Hon. Miss Levy told us. First, they made this proposition, and I quote from the Blackwood Report as follows:

> Death duties are being paid by the wrong people. A notable feature of the law is the comparative ease with which the duty can be avoided if the testator has sufficient disposable assets for the procedures involved. Usually only the wealthy can do this. This means that lower and middle estates pay the bulk of the tax.

The Hon. J. R. Cornwall: Does that make the legislation wrong or the principle wrong?

The Hon. L. H. DAVIS: We will come to that point in a moment. The second point made by the Blackwood Report was as follows:

> Death duties are universally regarded as unfair. No tax is liked but most witnesses regarded probate as basically unfair. The major complaint was that taxes are levied at high rates during the life of the citizen and then again when he dies.

The third point made was:

> The overwhelming advantage even to ordinary people of moving their assets to a duty-free State will in the end, and is now, having serious and prejudicial effects on the Tasmanian community.

That was in 1977 and, believe it or not, the Hon. Miss Levy is saying that she has researched the subject thoroughly and yet does not have the grace to acknowledge that the Labor Government in Tasmania, through the Blackwood Report, abolished death duties.

The Hon. Anne Levy: They are phasing them out and not abolishing them. I did mention Tasmania.

The Hon. L. H. DAVIS: We are playing with words.

Members interjecting:

The PRESIDENT: Order! Some interjections may assist but too many slow the game down. The Hon. Mr. Davis.

The Hon. L. H. DAVIS: If one wants to go on saying that the Labor Party here is correct and everyone else is wrong, I point out that Mr. Wran, on 6 August 1979, said that the New South Wales Government was still committed to the abolition of death duties. Why is it that Mr. Wran can say that in New South Wales, yet we have everyone on the other side here bleating about the removal of succession duties in South Australia. The Hon. Miss Levy tried to hang one of her arguments on the very slender point that the New South Wales and Tasmanian Governments have deferred the abolition of death duties.

The Hon. Anne Levy: Do you deny it?

The Hon. L. H. DAVIS: I do not deny it, but they have accepted the principle of the abolition of death duties, and that is the point we are debating in this Council tonight.

The Hon. G. L. Bruce: Why did they defer it?

The Hon. L. H. DAVIS: The New South Wales and Tasmanian Labor Governments deferred it because they cannot manage their affairs as well as the Liberal Party is going to manage the affairs of this State, after the last decade of Labor mismanagement.

Members interjecting:

The PRESIDENT: I suggest that the Hon. Mr. Davis address the Chair instead of answering interjections. The Hon. Mr. Davis.

The Hon. L. H. DAVIS: New South Wales and Tasmania have accepted that principle, and that is an important point; it is not a matter of whether they have deferred it. It is interesting to reflect on the fact that succession duties have not increased revenue in South Australia. In 1974-75, the actual collection of succession duties was $15 600 000, while total taxation amounted to $224 900 000. That represented 7 per cent of the total tax collected. By 1977-78 that figure had fallen to 6 per cent, the actual amount collected being $17 200 000. In 1978-79 the amount collected was $16 100 000, which constituted only 5·3 per cent of the total taxation collected. Certainly, this was partially due to the measures of the Labor Government which made succession duties applicable to fewer estates than they had been before. Succession duties had been contributing less and less to State revenue. If we are going to collect taxation, it is far better to collect it through direct taxation on income and indirect taxation measures. In 1972-75, when the Federal Labor Government was in office, it did not take one step to crack down on tax avoidance. It has been left to the Federal Liberal Government to move in this direction. This Party in this State, as indeed federally, is committed to the proposition that tax avoidance should be cracked down on, that people who earn income should pay income tax. That is the way to collect taxation.

It is interesting to see that Victoria has intended to abolish succession duty, Queensland abolished it in 1977, New South Wales is to abolish it in three phases, Tasmania has indicated a similar move, with Western Australia having complete abolition after 1 January 1980. It is pleasing to note that the Liberal Party has come to Government in time to make sure that this State joins with the Commonwealth and all other States in moving to the abolition of this tax.

The Hon. FRANK BLEVINS: The Liberal Party is able to introduce this measure because it won the propaganda battle over succession duties. There is no doubt that they put fear into the minds of people with smaller estates, which they would leave to their spouses and children. They feared that it would be taken from them by the Labor Government. That was utter nonsense, but the campaign was successful. The campaign peaked at the Norwood by-election. To some extent we were retrieving some ground on that when we lost the election on 15 September. One of the reasons we lost the propaganda battle was that the legislation was very complicated and to that extent it was our fault because we failed to simplify. We are paying the price on this side of the Council, and the whole of South Australia will be paying the price for at least three years. It was inevitable that this tax had to be removed the moment that Joh Bjelke-Petersen removed it in Queensland. It was obvious that every other State had to follow. We lost the propaganda battle but it was certainly a battle worth fighting. When I spoke to the Budget a few days ago I quoted extensively from a booklet prepared by an organisation belonging to the Catholic church. They stated in that booklet that one of the great problems in Australia was the inequality in the distribution of wealth. That has been demonstrated quite clearly over the last few days in this Council so I will not go through the

figures again.

The Hon. Mr. Laidlaw, by interjection, asked where the figures came from and whether we could prove how large the inequality was. The figures came from a study from a Phil Raskall and were published in the *Australian Journal of Political Economy*, and I have given the Hon. Mr. Laidlaw a copy. I can see no way in which anyone can refute those figures. I suggest that all other members obtain a copy from the Parliamentary Library or from me. They will be ashamed of the inequality of the distribution of wealth in this country.

It also has been suggested that over the years the position has got better, that wealth is now distributed more equally, but the figures also refute that. There has been a redistribution of wealth but it has been within the classes and amongst the wealthy and amongst the poor. I suggest that members also obtain a book entitled *Class in a Capitalist Society*, written by Westegaard and Resler. The writers state:

> . . . from the richest one per cent to those a little way down the scale from them is plain. The shift represents, primarily or even exclusively, the measures taken by the very rich to safeguard their wealth against taxation. Property which is transferred to relatives, or others, some time before the death of the original owner has not been liable to death duty. Protection of private wealth has therefore required—and produced—earlier divisions of large holdings of wealth among kinsfolk, with little effect on the social distribution of capital.

That is an extremely interesting book on the distribution of wealth, and I suggest that members read it. In the Labor Party it became almost an article of faith that succession duty and taxes distributed wealth to the poor. However, evidence has shown that that did not work. In the United States, the United Kingdom and most Western countries, the distribution of wealth has not changed one iota. It was really only an article of faith.

In the United Kingdom, despite the fact that a Labour Government was in office, the distribution went the other way, and there was a shift from the less wealthy to the wealthy, so anyone who puts faith in succession duties as redistributing wealth is kidding himself. It was not a matter of such things as death duties: the problem is the whole way society is structured. Until something is done about that, the inequality in society will remain.

The Hon. R. C. DeGaris: What do you suggest?

The Hon. FRANK BLEVINS: As a socialist, I suggest a socialist society. I do that on any platform I can find.

The Hon. R. C. DeGaris: Do you believe in equality of income?

The Hon. FRANK BLEVINS: As I said in my maiden speech, exploitation by one person of another is immoral. I still believe that.

The Hon. R. C. DeGaris: You have not answered my question.

The Hon. FRANK BLEVINS: The question of equality of income is a bit of a red herring. Presently there is no equality of income. Our income tax laws do nothing whatsoever to equalise income amongst people in the community. There is no evidence at all to show that the distribution of income is any different after taxation than before taxation. People who have an article of faith and believe that taxation will redistribute income are kidding themselves and will find that the evidence disproves their article of faith.

The Hon. R. C. DeGaris: What's your answer?

The Hon. FRANK BLEVINS: To have a socialist society where people are not exploited.

The Hon. R. C. DeGaris: What does that mean?

The Hon. FRANK BLEVINS: I will probably tell the Hon. Mr. DeGaris that in the next Address in Reply debate, when I will have time to explain what I mean by a "socialist society". I supported succession duties, gift duty and so on, not because I thought that they were revolutionary or radical but simply because they were a nice source of revenue for the State.

Generally, they were paid by those who could afford them, and in South Australia they raised about $18 000 000 a year. That money has to be found somewhere, or services will be cut. The Government will not increase taxes elsewhere to find that money, so it will decrease services to the peope of this State. That is regrettable. However, the Government has managed to persuade most people in this State that its policy is correct. It did win the 15 September election and for that reason alone, and for no other, I support the Bill.

The Hon. K. T. GRIFFIN (Attorney-General): The arguments for and against succession duties have been put well during the course of the debate and have clearly identified the differences in philosophy between the Government and the Opposition. Suffice to say, it is pleasing that the Opposition has been willing to concede that, as a result of its success at the recent election, the Liberal Government has a mandate to abolish succession duties.

In the second reading explanation I put a number of matters relating to succession duties which, in my view, amply justifies the reasons for this Bill. I am therefore pleased that all honourable members will support the Bill to abolish succession duties.

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

GIFT DUTY ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 31 October. Page 547.)

The Hon. J. R. CORNWALL: This Bill is consequential on the Succession Duties Act Amendment Bill, which has been passed by this Chamber. There seems little point in going over the arguments that were aired earlier, although I will make one or two points briefly in rebutting some of the argument we heard earlier this evening. We have had the old story about double taxation. People pay tax as they go and, by the sweat of their brow, accumulate a modest estate, but their relatives have to pay succession duties when they depart. As I pointed out in the second reading debate on the Succession Duties Act Amendment Bill, the reality is that a significant number of people pay no tax at all. All that has been necessary in this country for many years has been to get yourself in the super-income bracket, and arrange your affairs so that you pay little or no income tax. That is the case in 1979, despite what the Hon. Mr. Davis might say.

Now, we have the position in which no tax will be paid on those estates, either. We have a super-privileged class in this day and age who do not pay income tax and whose heirs and successors pay no tax on the estate when they depart.

To compare that situation with that which exists for the vast majority of people who earn a modest living by the sweat of their brow or by their skill is ludicrous. It is impossible to convince Government members of this, because I believe they have little contact with that class of people. It has been my good fortune to work among them continually for almost 10 years, and I know the real trials and tribulations they face. I do not think that most

Government members would have any idea of what it is like to try to live on a take-home pay of about $135 a week. This is the class of people that the Hon. Jim Dunford tried to help for many years, as did my colleague the Hon. Gordon Bruce. They know what it is all about. To hear the nonsense about succession or gift duties being some sort of unfair burden on ordinary working people of modest means quite frankly nauseates me.

Again, with this Bill, the Opposition does not intend to oppose it for two reasons; first, because it is a money Bill and, secondly, because the Government has a mandate for it.

The Hon. L. H. DAVIS: As the Hon. Dr. Cornwall rightly says, the gift duty legislation is a consequence and corollary of the succession duties legislation. Again, it is instructive to look at the contribution to State revenue from gift duty. In 1974-75 it raised $1 200 000, whereas four years later it is raising $1 320 000, which is only ·4 per cent of total State revenue, so it is not a great contributor to State revenue.

Again, as we have seen from the debate on the succession duties legislation tonight, other States have abolished gift duty or are in the process of abolishing it. There have been only three States that have ever had gift duty legislation, namely, Queensland, Victoria and South Australia, together with the Commonwealth, which has abolished gift duty recently. Queensland abolished gift duty at the beginning of 1977. Western Australia and New South Wales have no gift duty as such, neither does Tasmania, and Victoria is in the course of liberalising the existing legislation. In respect of this gift duty legislation, since the succession duties legislation has passed this Chamber, it should meet with similar support from this House.

The Hon. K. T. GRIFFIN (Attorney-General): I thank honourable members for their contributions. I am pleased to hear that there will be no opposition to this Bill.

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

CONSUMER TRANSACTIONS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 6 November. Page 703.)

The Hon. J. C. BURDETT (Minister of Community Welfare): I thank the honourable Leader of the Opposition for his contribution to this debate. As he indicated, there is little to argue about on this subject. The Government is now seeking to implement part of a report initiated by the Leader when he was the Minister. Yesterday the Leader asked me for an assurance that this Government would not repeal section 36, which gives a *bona fide* purchaser of a chattel, subject to a consumer lease or consumer mortgage for value without notice of any encumbrances, a good title. The Government has not considered repealing this section and has no intention of doing so. While at common law the purchaser of a chattel in fact encumbered has no protection, there is plenty of precedent in law and in equity for protecting the *bona fide* purchaser for value without notice. This proposition is very well recognised. The Leader referred to emotionalism about the issue of fraudulent conversion. The Australian Finance Conference claims that 91 cases came to the attention of its members in 1977.

The Hon. C. J. Sumner: I did not say that just about fraudulent conversion, but about the whole matter of consumer protection legislation.

The Hon. J. C. BURDETT: I am only referring to the issue of fraudulent conversion at the moment.

The Hon. C. J. Sumner: Don't quote me out of context.

The Hon. J. C. BURDETT: I am not quoting the Leader out of context. Among other things he referred to fraudulent conversion. I repeat that the Australian Finance Conference claims that 91 cases came to the attention of its members in 1977 and 172 in 1978. The problem is certainly substantial and it is increasing. The Leader expressed reservations about the defence provisions requiring a defendant to prove not only that he did not know, but could not by the exercise of reasonable diligence have known that the goods were subject to a consumer lease or a consumer mortgage.

The Leader thought this might be too severe an onus. He referred to a case where a consumer sold to a *bona fide* purchaser and that purchaser subsequently sold the chattel. He acknowledged, in reply to an interjection from the Hon. Dr. Ritson, that the intervening purchaser, while he acquired a good title, nevertheless sold goods that were subject to a consumer lease or consumer mortgage and would be caught by the offence in proposed new section 35.

I suggest that this is not the case. Where a person other than a dealer purchases goods that are subject to consumer lease or consumer mortgage *bona fide* for value without notice, according to section 36 he shall "acquire a good title to the goods in defeasance of the interest of the lessor or mortgagee in those goods". These words "in defeasance of" are quite clear. If the purchase was one *bona fide* for value without notice, the consumer lease or consumer mortgage cease to have any legal effect *que* that *bona fide* purchaser. So, the person in question does not commit an offence under section 35. The only persons who could be charged are the original consumer, some person other than a *bona fide* purchaser who is in possession of the chattel, or a dealer. The fact of conversion (and this I suggest is important) has to be proven beyond all reasonable doubt. It is reasonable that all of the people I have just mentioned who are proven to have converted a chattel subject to consumer mortgage or consumer lease should have to prove that they could not, by the exercise of reasonable diligence, have ascertained that the goods were subject to a consumer lease or consumer mortgage.

The Leader has referred to a suggestion in the report that it may be feasible to set up a system of registration of encumbrances on the original registration certificate of a motor vehicle. Motor vehicles are not, by any means, the only chattels involved, although it has been because of fraudulent conversions in the case of motor vehicles that this matter has become urgent. I recently heard that the same problems arise in relation to television sets, white goods and all sorts of other things.

However, the particular problem is with motor vehicles, and it has been suggested in the report that it may be feasible to set up a system whereby encumbrances be registered on the original registration certificate of a car. The Government is actively investigating the feasibility of such a system, but it is clear that such a system, if it was set up, could not be set up quickly. It would take, according to the investigations that have already been made, at least two years to make the system effective. In the meantime, the Government proposes this present measure in order to give some protection to the dealer who, as I said in the second reading explanation, is the person who at present has to carry the brunt. He has no effective redress and, in order to protect him, this measure is proposed.

The measure simply proposes that, where a person sells goods that are subject to consumer lease or consumer

mortgage, he is guilty of an offence without the necessity of having to prove that there was a fraudulent intent at the time of the conversion, because so often that cannot be proved. So often it is maintained by the person charged that, at the time he converted the goods, he intended to keep up payments. Often, the payments have been kept up for one or two instalments after the goods have been sold.

Therefore, for the purpose of preventing this quite prevalent form of fraud and dishonesty, this measure has been proposed in accordance with a report that was presented to the previous Government.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Fraudulent sale or disposal of goods subject to mortgage or lease."

The Hon. C. J. SUMNER: The Minister referred in his reply to the second reading debate to the query I raised in relation to the proposed new section 36. I am very pleased about the Minister's attitude since his appointment to the Ministry. When he was in Opposition, we could not agree on anything. The Labor Government used to put up legislation that was very reasonable and carefully thought out but the Hon. Mr. Burdett would always oppose it and battle on into the night. To show that I am not like that and that I can be convinced by reasonable argument, I am happy to say that the Minister's persuasive reply to me when closing the second reading debate resolved substantially any doubts that I raised in the second reading debate.

This matter has been discussed with the Parliamentary Counsel, who considers that the issue is adequately covered. I was concerned that the conditions that had to be fulfilled for the establishment of the defence placed too onerous a burden on the consumer. I am prepared to accept the Minister's and the Parliamentary Counsel's assurance that section 36 adequately covers the position in that an innocent purchaser for value without notice of any encumbrance obtains good title to a motor vehicle, and that the consumer mortgage over the vehicle at the time he obtained title to it is extinguished. Accordingly, the person caught in that position could not then be prosecuted under section 36. Although I had some doubts about the matter, I hope that the Minister and the Parliamentary Counsel are correct. I believe that they are, and I will not persist with the query that I raised in relation to this clause.

Clause passed.

Title passed.

Bill read a third time and passed.

ADJOURNMENT

At 10.46 p.m. the Council adjourned until Thursday 8 November at 2.15 p.m.