LEGISLATIVE COUNCIL

Thursday 8 November 1979

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

MOTION FOR ADJOURNMENT: PUBLIC SERVICE TRANSFERS

The PRESIDENT: The Hon. C. J. Sumner has informed me in writing that he wishes to discuss as a matter of urgency the following:

> The failure of the Government to provide satisfactory answers to questions raised about Public Service transfers since 15 September 1979, and in particular failure to satisfactorily explain whether contraventions of the Public Service Act have occurred resulting from the transfers and bans placed on some officers from working in core departments within the Public Service.

In accordance with Standing Order No. 116, it will be necessary for three members to rise in their places as proof of the urgency of the matter.

Several members having risen:

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

> That the Council at its rising adjourn until Friday 9 November at 10 a.m.

Since Parliament resumed, following the election, a number of questions have been raised in this Council, in another place, and in the public forum about Public Service transfers that have occurred since the election of a Liberal Government on 15 September. Those who have listened to the questions in this Council (and I believe Government members can be placed in this category as well) can only be dismayed at the total failure of the Government to satisfactorily explain what has happened regarding many of the Public Service transfers that have occurred. It is a pity that this motion has had to be moved, because some Government members have acted with the utmost propriety on the question of Public Service transfers, and I make no complaint about those concerned.

For example, the Attorney-General knows that in his department there are people who have advised a series of Labor Attorneys-General—Mr. King, Mr. Dunstan, Mr. Duncan and myself—but he has resisted the temptation to engage in a purge of those public servants. Indeed, in answer to a question I asked him about transfers that had occurred in his department, he said that only one Ministerial officer had been transferred, and the Opposition makes no complaint about that. Other Ministers have acted with the utmost propriety, and I believe that Mr. Wotton and Mr. Wilson fall into this category, to name but two. However, there is evidence, and this is the reason that I have introduced this urgency motion today, that the Premier and certain other Ministers have not acted with the same propriety.

Taking an optimistic view of the Premier's actions and the Government as a whole it could be said that, in an excess of enthusiasm after the election, the Premier wielded the axe in certain areas and caught some innocent people. Upon its election, the Government has over-reacted to the situation regarding the Public Service, and that may be understandable. Indeed, it might be explainable, in that it is a new Government with a new Premier who has had no experience in Government and who was unaware of the constitutional niceties that pertain to a transfer of the Government. That could be excused, provided the mistake was admitted and matters were set right. However, the Premier and some Ministers have either evaded providing an explanation or abused the Opposition for raising this matter.

I referred last Tuesday to the intemperate language that the Premier used in his statement to the House. It is interesting to note that the Premier has used intemperate language when discussing this issue over the past few weeks. His comments in the press have been of exactly the same kind. A few of the phrases and words he has used are as follows: scandalous misrepresentation, false information, ridiculous, rubbish, outburst, irresponsible, and sabotage. I understand that he also accused the Labor Party of being bitter. However, I assure the Premier that I am on very good terms with myself.

The point I make about these descriptions of the Opposition's stance on this matter is that it is the reaction of someone who does have something to worry about and something to hide; that is, the Premier is hitting out in all directions with abuse.

Certain arguments have been raised by the Opposition, and certain questions have been asked in the Council and in the House of Assembly, and they deserve proper answers from the Government. However, we have not had those answers. All we have had is evasion and an attempt to escape the issue by straight-out abuse with the sort of language to which I have referred.

I do not wish to dwell on the constitutional position. It ought to be well known to all honourable members. However, it was understood that public servants served the Government of the day irrespective of their politics and the Government's politics. The criterion for running the Public Service is the efficient administration of that service.

It is interesting to note, when talking about this issue, what the Fraser Government did in 1975 when it came to power. Mr. Menadue was the head of the Prime Minister's Department at that time. He had been the Personal Private Secretary to Mr. Whitlam in the 1960's when he was Leader of the Opposition. Mr. Menadue had obtained the job as head of the Prime Minister's Department during 1975, and he remained in that position after the 1975 election, despite his close political and personal affiliations with Mr. Whitlam. When he took over, Mr. Fraser accepted that position, and continued Mr. Menadue in his position for at least 12 months, after which he was appointed an ambassador.

The Hon. L. H. Davis: Didn't Mr. Fraser make any changes?

The Hon. C. J. SUMNER: I am sure that some changes were made but, as a general rule, he accepted the constitutional proprieties. It is now accepted practice in Government for Ministerial officers to be appointed. These are the people who may fill a more personal, and indeed more political, role for the Minister concerned. That has been recognised in this Government by the Hon. Mr. Burdett, who has put a failed Liberal candidate on his personal staff as a Ministerial officer.

The Opposition does not make any complaint about that, except to say that it conflicts with everything that the Hon. Mr. Burdett said before he became a Minister. We make no complaint about the removal of such officers from their positions in Ministerial offices. However, there is an important qualification if they are public servants. The tradition has been that Ministerial officers seconded from the Public Service to a Ministerial office return to their substantive positions. That has not happened in this case.

The Hon. C. M. Hill: Is there any precedent for that?

The Hon. C. J. SUMNER: That is the normal practice.

The Hon. C. M. Hill: But is there any precedent for it?

The Hon. C. J. SUMNER: It is the normal practice.

The Hon. C. M. Hill: Quote one precedent.

The Hon. C. J. SUMNER: I have said that it is the normal practice. This is the case in the Federal situation and in South Australia.

The Hon. C. M. Hill: That is not so.

The Hon. C. J. SUMNER: A Ministerial officer seconded from the Public Service to a Ministerial office ought to have the right to return to his substantive position.

The Hon. C. M. Hill: That's not what you said before; you said there was a precedent for it.

The Hon. C. J. SUMNER: I did not. I said the traditional practice for Ministerial officers seconded from the Public Service was to return to their substantive positions in the Public Service at the change of Government if the incoming Minister did not wish to retain them on his staff. That has not happened in this case or possibly in others. There is a case where candidates for political Parties may be in a sensitive area, and a case could be made out that perhaps they should no longer work in that sensitive area. I do not necessarily argue with that situation, although in theory there is probably no reason why those people could not do their job in the traditions of the Public Service.

There is also something in the "style of Government" argument, whereby a new Government should be able to set its priorities and have the Public Service adapt to that. There is a need for flexibility in the Public Service to ensure that policy is implemented in accordance with the Government's wishes, and that may involve changes. We would want to make the same sort of changes if we were returned to Government. We handed this Government a much more flexible and adaptable Public Service than that which we inherited in 1965.

Making all those concessions, the simple fact is that this Government has over-stepped the mark. It went beyond these general principles, and it has not properly accounted to Parliament for its actions. That can be demonstrated from a record of *Hansard* in the Council. It is a pity that I have to start with the Leader of the Government, Mr. Griffin. He had not, until very recently, entered the fray on this issue. Although I have no complaint about his behaviour in this area, he did say last Tuesday:

> The Hon. Mr. Hill has not admitted that the transfers—

by "transfers" he means transfers in the Ethnic Affairs Division—

> were for political reasons and he has not indicated that his information was obtained from Party supporters outside the Public Service.

If one examines those two assertions by the Attorney-General, one finds that they do not stand up to examination. On 24 October, Mr. Hill said:

> One matter that gave me some concern regarding the manner in which officers in that department were carrying out their duties was that they were indulging in politics which, in my view, is contrary to Public Service practice in general and, in particular, contrary to the practice in that department.

That was in answer to a question that I asked as to why certain officers were transferred. When asked what his evidence was, he said that he was not invited to the opening of the ethnic information office at Felixstow, but his words were "indulging in politics". Further, on 31 October, in answer to another question about the transfer of officers in the Ethnic Affairs Branch, the Hon. Mr. Hill stated:

> One of the reasons for that was that the two officers involved were very friendly and very close to the Leader of the Opposition and his Party.

It is interesting to see how, from those two statements, the Attorney-General can maintain the Mr. Hill did not make the transfers for political reasons. The questions were about why certain officers were singled out, and the replies were that they were indulging in politics and were friendly with the Leader of the Opposition and his Party.

The next aspect of this business is how Mr. Hill made his decision on the transfer of these officers. The Attorney-General said that Mr. Hill had not learnt from outside the Public Service of the political affiliations of these officers, yet on 31 October Mr. Hill said:

> I, as a shadow Minister in this area of administration, was well served by my Party members on committees in the ethnic affairs area. Through that, one learns that certain people have strong political affiliations in respect of the other side of politics.

What has happened in this situation is that Mr. Hill has learnt from sources outside the Public Service, not independent sources but sources within his own Party, that certain officers had political views that he did not agree with, and he then shifted them for political reasons. That is on record in *Hansard*, and I think it should concern every member—

The Hon. J. C. Burdett: Where does it say that he shifted them for political reasons?

The Hon. C. J. SUMNER: I asked him why the transfers had been made.

The Hon. C. M. Hill: I said because of inefficiency, and you know it. You're twisting it.

The Hon. C. J. SUMNER: What are you saying the reason was?

The Hon. C. M. Hill: What I said originally, that the department was not as efficient as it should have been.

The Hon. C. J. SUMNER: How absurd that is, and how that can be tied in with these statements I have just quoted to the Council, I do not know. This precedent means that one can hear by rumour and innuendo from outside the Public Service of someone's political affiliations with a change of Government and, without a chance to explain, the person is told, "You can no longer work in that department."

This did not extend to senior officers in the branch: five officers were involved and it went right down to the most junior officer, the stenographer. These officers were shifted for political reasons—indulging in politics—on the Minister's own admission. Further, the Minister did not have an inquiry carried out by the board into the efficiency of the Ethnic Affairs Branch. No inquiry was carried out by his department into its efficiency. If Mr. Hill maintains that that is the reason why they were shifted, let him produce some report from the board. He has not done that. On 31 October, in reply to another question, he said:

> There was not any specific inquiry. I had general discussions with departmental staff on the matter.

Further, I think on the same day, he said:

> The decisions were made by me before I discussed the matter with the Public Service Board.

There was no inquiry by the board. Mr. Hill made the decision, got the head of the department to call the officers in, and scattered them to the four winds. Clearly, the two factors that the Attorney-General denied, namely, that they were shifted for political reasons and that it was on the basis of information from outside, are correct, from the statements Mr. Hill has made, as reported in *Hansard*, and the Attorney-General's statements do not stand up. Further, incorrect information has been given to the Council. On 23 October, in reply to a Question on Notice, Mr. Hill said the shifts were for the more efficient

operation of the Ethnic Affairs Branch prior to the transfer to the proposed Ethnic Affairs Commission. That does not tie in with his statements to which I have referred. Anyway, that reason is phoney, as is indicated from other replies that Mr. Hill has given to this Council. When talking about the future role of the Ethnic Affairs Commission, on 11 October the Hon. Mr. Hill said:

> The commission will carry on the administration that was undertaken in the term of the previous Government by the Ethnic Affairs Branch. I hope that all the work which has been done and which is now being carried out by the Ethnic Affairs Branch, including the interpreting, translation, and the supply of information to people of ethnic origin, will come within the umbrella of the Ethnic Affairs Commission.

When it is established, the commission will carry out the same duties as the Ethnic Affairs Division from which the Hon. Mr. Hill has just removed five officers. Either there will be a reduction in services or other appointments will be made to take the place of those transferred. Nearly half of the information and policy staff were transferred from that division. Looking more closely at the situation, one sees even more inconsistencies in it. The Hon. Mr. Hill said on 24 October:

> I have already told the Leader and I thought I made it clear that all Ministers on assuming office looked at their departments and the sections and branches within those departments to see whether any adjustments were desirable to comply with the present Government's policy to try to reduce government.

That was his excuse then. I refer now to the statement he made in this Chamber on Tuesday 7 November with respect to the future staffing and structure of the commission, as follows:

> However, at this stage it appears that more staff will be required than exists at the moment.

In other words, he has removed five officers in the interests of more efficient government, and now he is saying that more staff will be required within five or six months, when the commission is established. The situation gets more phoney and evasive the more one examines it.

I also refer to the Premier's statement in the House of Assembly last Tuesday, because originally the Hon. Mr. Hill said that five officers were transferred, but the Premier's statement gave the impression that only four officers were transferred from the Ethnic Affairs Division, four, that is, that could be complained about. On 16 September, the day after the election, the Hon. Mr. Hill said that efficiency required the transfer of five officers, yet on 7 November efficiency then required that one officer be returned to the division, which is what happened.

It is difficult to see how the original rationale of the Minister can stand up to that sort of analysis. In the first few days of the Minister's reign, these transfers took place in a manner, as I have pointed out, that contravenes the Public Service Act. It was done without any inquiry by the Public Service Board and without the officers or anyone else being given the opportunity to explain themselves.

One must now look at the Premier's situation, he being the Minister of Ethnic Affairs. The Hon. Mr. Hill is the Minister Assisting the Premier in Ethnic Affairs. On 25 October the Premier said that the transfers from the Ethnic Affairs Branch were a matter entirely for the Minister Assisting the Premier in Ethnic Affairs. It is interesting to note why the Premier, as the Minister of Ethnic Affairs, did not have some say or did not take some interest in what was happening in his division, especially when one takes into account that it was nearly half the policy and information staff that was transferred. Apart from that I believe that the Premier gave incorrect information to the House of Assembly, because, in relation to who was responsible for the transfers, the Hon. Mr. Hill stated:

> General discussion took place between several Ministers, and my recollection is that the Premier might have been present.

When further questioned, he stated:

> I indicated a moment ago that certain discussion took place amongst the Ministers. I am not certain whether the Premier was involved in that discussion. I think that he was, but I am not indicating that that was so as I would have to reflect upon the meeting at which this discussion took place.

He believed that the Premier was there, but perhaps he can now tell us whether or not the Premier was there. When asked whether the Premier approved of the Minister's actions, he said:

> Yes, I believe that the Premier has approved of the action.

Despite the fact that the Premier said it was entirely a matter for Mr. Hill, it is clear from what Mr. Hill said, or at least Mr. Hill could make the position clear, that the Premier was involved in the discussions. Turning now to other evasive and incorrect evidence, I refer to the bans that have been placed on some members of the Public Service. On 31 October Dr. Tonkin stated:

> So far as continuing the ban (as the Leader says) there is no ban. What a ridiculous thing to say!

He further said:

> There are other similar situations, but to say there is a ban and a widespread lack of morale in the Public Service is absolutely ridiculous.

The Hon. Mr. Hill replied as follows to a Question on Notice asked in this Council:

> This officer was advised that he could not be transferred to "core" Public Service departments, namely: Treasury, Auditor-General's Department, Public Service Board or Premier's Department.

Further, it is interesting that the Premier, in his answer to a Question on Notice dealing with the transfers from his department, said that he was not aware of any conditions that had been placed on the transfer of officers. It seems that even within the Government some departments placed bans on where officers could work while other departments did not. There are further disturbing stories of people displaced from the Premier's Department Policy Division and other officers going from one department to another trying to find a position; the Public Service Board has found them a satisfactory position, the head of the department is satisfied with the officer coming to work there, and then a Ministerial veto is exercised against the officer's working in that department. That situation needs to be cleared up by members opposite, because there is much evidence that this has been happening.

Talking about the so-called new style of government excuse, and this relates particularly to the Policy Division that the Premier says he no longer wants, I see that he has moved another failed Liberal candidate, Mr. Nicholls, into his research branch in the Premier's Department. Will that branch grow within the Premier's Department and be given a new name? In six months will it have 10 or 15 people working in that area and be called, say, the Premier's Special Project Branch? The Premier, in one of his more hysterical contributions to the debate, described the Policy Division as massive, and stated:

> One of the major contributors to the number of changes was the dismantling of Labor's massive Policy Division.

If one looks at that statement made in the House of Assembly last Tuesday, one can see how many officers have been transferred from the so-called massive Policy Division. It seems that 11 officers have been transferred. How is that massive? Honourable members do not know

whether the Premier was merely being vindictive against these public servants or whether he is genuine in his attitude towards a new style of government. Only time will tell. Surely any Premier would need some policy advice, given that he has the overall supervising role to perform in Government.

The Hon. C. M. Hill: Do you think the Premier ought to come and consult you before he makes any changes?

The Hon. C. J. SUMNER: This is a serious contribution that I am making. I am raising serious points.

The Hon. C. M. Hill: Then why—

The PRESIDENT: Order!

The Hon. N. K. Foster: This is all because you were not invited to a tea-party—

The PRESIDENT: Order!

The Hon. N. K. FOSTER: On a point of order, Mr. President. The Hon. Mr. Hill made the first interjection, yet you have not said one word to him but have been referring to members on this side. Rip him into gear as well as me, Mr. President, and I will accept your ruling.

The PRESIDENT: Order! As a matter of fact, if the Hon. Mr. Foster had not been talking so consistently he would have noticed—

The Hon. N. K. Foster: I have not said anything.

The PRESIDENT:—that I was speaking to the Hon. Mr. Hill. There will be less interjecting across the Chamber.

The Hon. C. J. SUMNER: On the question of the Policy Division, we will not know for sure whether the Premier was being vindictive, unless within a few months he expands his research section within the Premier's Department and puts his own political appointees into it. I believe that that is what he will do, because I do not believe that any Premier worth his salt in this day and age can effectively and properly supervise what is happening in the overall areas of his responsibility (given that he must have responsibility for all areas of Government) without some policy back-up. The other area mentioned by the Premier was Public Service morale, and he accused the Opposition of making irresponsible statements about that issue. In his statement to the House of Assembly on Tuesday, the Premier said:

> That is why I am confident in saying that the morale in the Public Service is good, and the so-called morale issue raised by the Opposition is a non-issue.

In a newspaper report of his statement in response to my comments last Monday, Mr. Tonkin said that morale in the Public Service was at an all-time high. However, in today's *News* under the headline "Job for the boys hits at Public Service morale" the following appeared:

> Public servants from various departments expressed concern at what they described as blatant political patronage and "jobs for the boys" taking place within the Public Service.
>
> The South Australian Department of Trade and Industry is cited as one example where morale has hit a low point.
>
> The senior officers consider the Public Service Board is impotent to act, particularly with the power Premier Tonkin has given Treasury.
>
> One officer indicated Mr. Bakewell, behind his professional Public Service face, was very concerned with the morale of his officers and the Public Service generally.
>
> He went on to indicate many senior and middle level public servants in level departments were looking to Mr. Bakewell—as a senior public servant—to give a lead, as his views on nepotism and political patronage were well known and respected.

The Hon. L. H. Davis: Are you reading the *News* again?

The Hon. C. J. SUMNER: Yes. So much for Mr. Tonkin's statements of last Monday and Tuesday that morale in the Public Service is at an all-time high. One really needs to ask the question of whether these Public Service shifts are just the tip of the iceberg and that in fact the problem is much worse than what the Opposition had thought it was and whether the matter needs an even more thorough airing than it has received up to this time. One problem that exists in this area is that public servants do not wish to take matters of this nature to the Government or the Public Service Board because many of them have already been victims of shifts for no valid reason of efficiency, but for the sorts of reasons that the Hon. Mr. Hill has referred to, and clearly those officers fear further recriminations if they complain to the Government.

I also believe that, had these issues not been raised by the press and in Parliament by the Opposition, staff transfers could have occurred on a much wider scale. In other words, in raising this issue the Opposition, and the press in takng this issue up, have brought to a halt some of the more enthusiastic axe wielders in the Government ranks. One interesting sidelight to this was that on Tuesday the Premier accused the Opposition of misleading the media. The Premier stated that the media were allowing themselves to be misled by the Opposition. That is an absurd proposition for the Premier to try and put forward. From what has happened in this Chamber and in another place and from what we know has happened in the Public Service generally, the simple fact is that there is a considerable amount of truth in what the Opposition has been saying on this issue; that is why this issue has received coverage in the press. Members opposite have refused to answer legitimate questions, and they have been evasive and contradictory. It is no wonder the press has taken this issue up; there would have been something wrong with the press if it had not. Apart from the issues I have raised, there are several other very important questions that the Government must look at very quickly and answer.

I would like to know under which sections of the Public Service Act these transfers were carried out. I believe that some of them were carried out pursuant to section 77, which mentions officers in excess of the number required to perform certain work. The criteria for that is the efficient and economic performance of the work. It is clear from what I have said that those were not the criteria used as justification for some of the transfers, and they were certainly not the criteria used in some of the transfers carried out by the Hon. Mr. Hill. Those transfers had nothing to do with the efficient and economic performance of the work in the Ethnic Affairs Division. The Ethnic Affairs Division, when I was Minister, was functioning very well. No case could be made out to say that that division was in any way inefficient, uneconomic or that the officers were not performing their duties satisfactorily. In fact, in another statement the Hon. Mr. Hill conceded that he did not have any complaint against the officers in that division. The point is that, regardless of that, those officers were shifted.

On the Hon. Mr. Hill's admission in this Council, the grounds for those transfers were the political and indeed personal affiliations of five officers. That was done without any Public Service inquiry and without any time being allowed for those officers, including the secretary and low-level officers, to explain their position to the departmental head. Those officers were moved by the Minister, I believe, in contravention of section 77 of the Public Service Act. Another section that should interest the Attorney-General, when he is looking at this issue to determine whether there has been a breach of the Act (as I am sure he will do, because he is the Chief Law Officer of this State), is section 29, which deals with the abolition of offices. I have a Question on Notice about this, and I hope that the Government will supply me with information

relating to each transfer that has occurred to the present time.

The final question that I believe must be resolved by the Government is whether or not it will lift the bans that have undoubtedly been imposed on some public servants. The Premier has tried to say there have been no bans, but I believe I have demonstrated to the Council that clearly some people have been told that they cannot work in certain departments. Will those bans be lifted? Will those people, like any other public servant, be able to apply for positions throughout the Public Service and if they do not get those positions will they be able to use the normal appeal procedures, rather than have a complete ban on their employment in certain sections of the Public Service?

I believe those bans are in contravention of the Public Service Act, and certainly in contravention of the spirit of that Act. Despite the Government's protestations on this issue, I believe that it has avoided answering some very important questions relating to the Public Service. I believe that some Ministers, not all, have wielded a very indiscriminate axe against certain officers in the Public Service and in so doing have placed officers' careers in jeopardy for what the Hon. Mr. Hill admits are "political reasons".

That really is quite absurd. I wonder whether the Attorney-General would like me to give him a list of all the people that I know in the Public Service. I know a large number of people in the service. Indeed, I know people who work in sensitive areas and policy areas thereof. Some of those people, who are actively involved on my side of politics, are still in some departments. The Ministers have obviously decided that those people can continue to work in those areas. They do not see that any conflict can occur. That is the tragedy of the situation: some Ministers observe the constitutional proprieties, whereas others, including the Premier, do not.

My main point in raising this matter is to put it before the Government in a clear unequivocal way and to see whether the Government is prepared, instead of avoiding the issue and evading questions, to come clean and to provide to the Council a clear and definitive statement on where it stands in relation to the whole issue.

The Hon. K. T. GRIFFIN (Attorney-General): This motion is an insult to the Public Service Board, and it is mischievous. It seeks to continue the approach that the Opposition has constantly peddled since it was dramatically dumped from office on 15 September. It seeks to make the Public Service and all in it a political football. The Opposition has been trying desperately to score a goal but it has failed to do so.

The Government, however, has tried constantly to demonstrate goodwill. It believes in consultation and not confrontation. Only yesterday, the Council debated the Opposition's proposal to establish a Select Committee to examine the Government's policy on secondment. I indicated in that debate (I believe in a number of ways) the extent to which the Government is going in an attempt to discuss the problems with those who are affected in order to achieve a position of negotiation rather than confrontation.

The Liberal Party stated before and after the election that it had a policy of no sackings. Of course, it has a policy of reducing the size of the Public Service, and it could easily have implemented that policy by retrenchments, which would have created not only personal hardship for the employees concerned but also a great deal of public controversy.

The Opposition would then have been entitled to become involved politically, and it would have had an issue. However, the fact is that the Government has been bending over backwards to ensure that consultation occurs, that no hardship is created by the implementation of its policies, and that discussion takes place with those who are affected by its decisions and policies.

The Opposition has chosen to ignore the facts. As I said on Tuesday in a Ministerial statement similar to that made by the Premier in another place on the same day, 38 public servants (not 100, as has been stated now on three occasions; until last Tuesday, it had been said twice) have been transferred. However, one sees in today's *News* a report that continues the myth that 100 or more public servants overall have been moved.

The Hon. Frank Blevins: Are you saying that the *News* is telling lies?

The Hon. K. T. GRIFFIN: I am merely indicating that the truth has been grossly misrepresented three times. The Opposition, in its criticism of the Government, has ignored the fact that a number of the transfers have occurred because of the Government's policy. The Government has disbanded the Unit for Industrial Democracy and the Policy Research Unit in the Premier's Department. Transfers occurred as a result of the change of Leader of the Opposition and at his request. Changes have also occurred as a result of the change of Premiers. We really must get this matter into proper perspective and look at it in a balanced way.

I should like now to highlight some of the points that I made in my Ministerial statement on Tuesday, and to deal with the changes to which I referred on that occasion. On Tuesday, I said:

> The largest number of the 38 public servant transfers were 11 from the former Policy Division of the Premier's Department.

That was because of a policy decision made by the Government. I continued as follows:

> Six more transfers involved officers who at the change of Government were Ministerial officers and who were members of the Public Service, and therefore held a substantive position within the Public Service. They have reverted to their previous classifications although in different positions from those they originally held. Two officers in the Department of Community Development, Ethnic Affairs Branch, other than those already mentioned in the categories above, have been transferred . . . Three more former Ministerial employees, who did not have a substantive Public Service position, have been found appropriate Public Service positions.

They have, in fact, been found appropriate Public Service positions. I continued as follows:

> Five Public Service staff employed in offices of former Ministers (they are a different category from Ministerial appointees) were also reassigned . . .

One cannot really quarrel with that. I went on to state that two staff were employed in the Unit for Industrial Democracy and that they had been redeployed. I also said that there were three officers who asked, or were asked, to join the staff of the Premier's Department, and that four persons sought to join the staff of the Leader and Deputy Leader of the Opposition.

The Hon. C. J. Sumner: Why go through all this? We've got all that in *Hansard*.

The Hon. K. T. GRIFFIN: I am merely repeating it in order to give a proper and balanced view of the matter. It continued as follows:

> In addition, the Leader of Opposition in the Upper House has asked that the officer performing steno-secretarial duties to the previous Leader be redeployed.

Redeployment is not new, as I said in my Ministerial statement. In fact, a significant number of changes were

made when the former Premier came to office earlier this year without a change of Government having occurred.

I also point out, as I did previously, that, in addition, at the Opposition's request, three members of the previous Labor Government were offered re-employment in State Government departments following their defeat. Two of those persons have chosen to accept the employment offer. I suggest that, if one looks at these facts and figures, one will see that there is some balance in the whole position.

The Hon. Frank Blevins: Did we ask for the three defeated candidates to be employed?

The Hon. K. T. GRIFFIN: That is what I said. The Public Service has a responsibility under the Public Service Act, and I am informed that it has not imposed or administered any bans in dealing with transfers. In fact, I draw the Council's attention to one important point. The Leader referred to core departments. Of the 38 persons transferred, more than one person has gone to the Public Service Board, a core department. Three persons have gone to the Premier's Department (another core department), and one has gone to the Treasury, also a core department.

The Hon. C. J. Sumner: Why ban the others?

The Hon. K. T. GRIFFIN: I am merely indicating to the Leader that his argument is fallacious.

The Hon. C. J. Sumner: But why ban them?

The Hon. K. T. GRIFFIN: Of course, those Public Service officers who are aggrieved by anything that is done to them in relation to transfers have a right of appeal under, I think, section 118 of the Public Service Act.

The Hon. C. J. Sumner: That would do them a lot of good under your Government!

The Hon. K. T. GRIFFIN: They are entitled to appeal to the Public Service Board.

The Hon. C. J. Sumner: They'd be further victimised then.

The Hon. K. T. GRIFFIN: As far as I know, only one of those persons has sought to exercise that right.

The Hon. C. J. Sumner: I am not surprised.

The Hon. K. T. GRIFFIN: What the Leader is suggesting is more than an insult to the integrity of the Public Service Board.

The Hon. Frank Blevins: Public servants are scared of the Government.

The Hon. K. T. GRIFFIN: That is not so. The Public Service Board is exercising its proper function under the Act and, if the Opposition is suggesting that the board will not fairly and reasonably hear any appeal, it is doing a great disservice to the officers of the Public Service Board.

The Hon. C. J. Sumner: We are not blaming the board. These people cannot appeal because they know they will be further victimised.

The Hon. K. T. GRIFFIN: We hold the view that public servants are there to serve the Government of the day. They must subordinate their political view to the service of the Government of the day. We know, as a Government, that many members of the Public Service are members of the Australian Labor Party or are sympathetic to A.L.P. policy. In fact, there are two former members of the A.L.P. Government who are now re-employed in the Public Service.

The Hon. Frank Blevins: And the Liberal Party.

The Hon. K. T. GRIFFIN: Be patient; I will get to that. We expect that within the Public Service there will be persons who come from a variety of backgrounds and who will hold diverse political views. When the Labor Party was in Government there were a number of Liberals in the Public Service. We would expect that, too. It was the former Government which unfortunately introduced politics into the Public Service and degraded and demoted the career aspect of the Public Service. I hasten to reiterate that the Premier and I, as well as other members of the Government, have stated, on a number of occasions since the election, that we have the utmost confidence in the officers of the Public Service. I will relate to the Council one unfortunate aspect of a unit—the Inquiry Unit—which the former Government established and which demonstrates quite clearly the political nature of that unit. It demonstrated generally the attitude which that Government had to some aspects of the Public Service. I have a report prepared by that unit to justify its existence. One section refers to business problems. I will quote from that report, deleting names so as not to abuse the privilege of this Council by identifying people who may not have an opportunity to respond. The report states:

> A most interesting case concerned a particular businessman on Prospect Road. The problem was generated by damage caused by a Highways Department vehicle causing damage to a sign. The matter remained in dispute, and finally resulted in the Supreme Court appointing a liquidator. Some time after this action, the person was referred to the Inquiry Unit by an applicant. Advice was given, and the business acted accordingly. Within 72 hours the matter had been heard by the court.
>
> The court-appointed liquidators were severely criticised by the court, and constraints were removed. Assistance was given on several other matters that required to be resolved. An officer of the Department of Economic Development was then involved, and arrangements are currently being made for the company's banking operation to be transferred to the State Bank. The final result: that person, previously a Liberal supporter, has become an ardent A.L.P. supporter and is actively engaged in John Bannon's electorate activities. This particular exercise is a fair indication of the public relations worth of the unit work.

That is degrading the status of the Public Service, if anything is. I refer to a number of other points in answer to the Leader of the Opposition's urgency motion. He has indicated that the criterion for the working of the Public Service is the efficient working of that service. He has unwittingly acknowledged the very sound reason for the transfers—

The PRESIDENT: Order! I draw the honourable Minister's attention to the fact that the time allowed for this debate has expired.

The Hon. C. M. HILL (Minister of Local Government): I move:

> That the time allowed for the debate be extended by 10 minutes.

Motion carried.

The Hon. K. T. GRIFFIN: The Leader of the Opposition has unwittingly acknowledged the sound reason for the transfers—efficiency. The question is whether it is efficient to have an extra division of the Premier's Department culling out Cabinet submissions before they go to Cabinet. That was the procedure adopted by the Policy Research Unit under the former Premier.

The Hon. N. K. Foster: No, it was not.

The Hon. K. T. GRIFFIN: Yes, it was. It had the responsibility of reviewing all submissions to Cabinet by other members of the Cabinet. That did not give support to the other members of Cabinet. Another procedure was announced by which proposals which have already been proposed by a Government department through a Minister were subject to further review. Our view is that that is inefficient, and it is a duplication of effort which ought not to be allowed to continue. The Premier took the

initiative to disband the Policy Research Unit because of that.

The other point which the Leader of the Opposition has suggested is that a new Government should be able to set its own priorities. There should be room for flexibility. If that is so (and I support that proposition), why condemn this Government for exercising such flexibility? I have already indicated that there have been 38 transfers (that includes Ministerial officers) out of 17 000 public servants. That is a problem which fades into insignificance.

The Hon. C. J. Sumner: Even if one of those had been transferred for the sort of reasons and motives that Mr. Hill has admitted that he transferred them—

The Hon. K. T. GRIFFIN: You are imputing the motives.

The Hon. N. K. Foster: He said he moved them because he didn't get an invitation.

The PRESIDENT: Order!

The Hon. K. T. GRIFFIN: The *News* today has indicated that there has been a secret meeting of 70 Government employees who say that they are concerned at moves taking place within the Public Service. In answer to that article, I would be surprised if there had been any such meeting. If there had been that meeting, the proper course is for those public servants who are concerned about their position to raise the difficulties which they believe they are facing with the permanent head of their respective departments, or raise the question with the Public Service Board. If they are raised with the Public Service Board, the board has a duty under the Public Service Act to ensure that there is no victimisation and nothing being done which is contrary to the Public Service Act. The only other point I wish to make concerns a reference in that article to Public Service morale. The Premier and I, on Tuesday, indicated that we believed the Public Service morale is good.

The Hon. J. R. Cornwall: What grounds have you got for making that statement?

The Hon. K. T. GRIFFIN: Many public servants have expressed their confidence in the Government.

The Hon. N. K. Foster: They are not being political, are they?

The Hon. K. T. GRIFFIN: They have expressed confidence in the Government, and that is different from expressing confidence in a political Party.

Morale in the Public Service is high but I suggest that, if the Opposition continues the tactics that it has adopted in the past two, three or four weeks, out of an attitude of something resembling a disgruntled, disenchanted, and deposed Government, it will create greater difficulty in the Public Service and will raise many difficulties which need not be there and for which there is no basis. I believe that there is no substance in the urgency motion that the Opposition has moved today. It is mischievous and contains insults to the Public Service Board. That ought to be deplored and the motion opposed.

The Hon. K. L. MILNE: I do not know that I am as keen about speaking now as I was previously, because I think the Leader of the Government has said much of what I wanted to say. I have been disturbed by much of this whole discussion on the Public Service. When I was not in Parliament but was a member of the public we were very unhappy about what was going on in the Public Service under the Dunstan Government. Going back to the days of the Playford Government—I do not know how long ago that is, but they were the days before electricity, deep drainage and sliced bread—there was not a large number of Labor supporters in the Public Service. If people were Labor supporters, they had to be very quiet about it.

The Hon. C. J. Sumner: Was this under Playford?

The Hon. K. L. MILNE: Yes. When the Labor Government came to office after 25 years in the wilderness, there was no witch-hunting. It was extraordinary that the public servants surprised themselves, the public, and the politicians, regarding how quickly they adjusted. There can be no question but that, in the later years, the Labor Government did use the Public Service in a way that I thought was sad and unwise. They flagrantly and frequently used sections 42 and 108 of the Public Service Act to make appointments.

Those sections deal with direct appointments, section 42 for permanent appointment and section 108 for non-permanent appointment. Those sections are for people going directly into the Public Service from outside, with no right of appeal against them and no waiting. The sections are rarely used generally but, especially in 1978, there was a long list of them. Members can check that from the Public Service records.

I do not think that all members of this Council knew about this matter. I am prepared to believe that they did not, but it would be very wise to keep this kind of discussion in very low key in future, because the accusations could be made on both sides. With the heat generated during the election campaign, it was predictable that the Government would make adjustments. If you have overdone it, will you admit it and rectify it?

The Hon. C. J. Sumner: That's the problem. They won't.

The Hon. K. L. MILNE: I do not know. What I am concerned about is the fact that, if the Government changes, the Australian Democrats will have to make the alterations themselves. If we go on behaving like this, we will get into the American situation, where it is the done thing to change the Public Service after an election, and that is disastrous. There is not the same sort of thing, or very little of it, in Britain, where there is more temptation to do it.

The Hon. Frank Blevins: They're far more civilised.

The Hon. K. L. MILNE: The ones who are left are. We have no excuse for behaving like this. Will you rectify the situation now, and leave it so that no-one else has to rectify it? I am sick and tired of someone doing something because he was not asked to a party. I was not asked, either.

The PRESIDENT: Order! The time allotted for the extension of the debate has expired.

The Hon. C. J. SUMNER (Leader of the Opposition): I seek leave to withdraw my motion.

Leave granted; motion withdrawn.

QUESTION

ENVIRONMENT LEGISLATION

The Hon. J. R. CORNWLL (on notice) asked the Minister of Community Welfare:

1. How soon will the promised environment assessment (protection) legislation be introduced?

2. Will the legislation bind both the private and public sector?

3. Will the Department for the Environment carry out the invironment impact studies under the proposed legislation?

4. Will the Minister of Environment be the ultimate approving authority?

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

1. This legislation was under consideration for some years by the previous Government and is currently being

assessed. When studies have been completed, a decision will be made concerning its introduction.
2. Vide 1.
3. Vide 1.
4. Vide 1.

WHEAT INDUSTRY STABILIZATION ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 7 November. Page 797.)

The Hon. B. A. CHATTERTON: I support this legislation, which is very desirable to ensure that the wheat stabilisation scheme continues to operate smoothly. It is somewhat ironic that the present Government should introduce legislation drafted in this way. I remember numerous occasions when the Labor Party was in Government on which our legislation was criticised because of excessive power of regulation in a Bill. However, the measure before us is a Bill of regulation, and the present Government has gone much further in terms of regulations than we went, or tried to go. I realise the need for the legislation but I am pointing out the irony of it. I cannot see any other way of resolving the present situation, which has been caused by changes in the Federal Ministry for Primary Industry and the delays in the Federal area in getting necessary legislation through Parliament.

The Commonwealth legislation will be only introduced this evening and will not be passed in the Senate until next week, so it is obviously necessary for State complementary legislation to be available to ensure that farmers are paid for this current wheat crop. I understand that the Wheat Board is to make a payment of $75 per tonne to farmers who have already delivered their crop or who are delivering their crop in the next few weeks.

I am not sure of the constitutional justification for this payment, and I do not think it is a good idea to inquire too deeply into it, but that payment is being made. The full amount of the first advance cannot be paid to farmers until this legislation is passed, because it is only when the legislation is passed that the guaranteed minimum price can be determined and the first advance can be paid out.

A number of farmers will be getting the first $75 a tonne and then another payment to make it up to whatever the guaranteed minimum price is. I support the legislation, because it is essential to ensure the continuity of the wheat stabilisation scheme, which we will be able to debate and consider in more detail next year when that legislation will expire and we will have the full legislation in front of us.

The Hon. M. B. DAWKINS secured the adjournment of the debate.

CONSTITUTIONAL POWERS (COASTAL WATERS) BILL

Adjourned debate on second reading.
(Continued from 7 November. Page 799.)

The Hon. B. A. CHATTERTON: The major purpose of this Bill is to give effect to legislative changes which will correct "a common misconception" that the territorial sea adjacent to each State is part of the State's territory. I will leave it to the lawyers in our midst to chew over these legal bones and point out all the anomalies that arise from such an interpretation.

This Bill seeks to return the position to what it was understood to be before the High Court decision on the Seas and Submerged Lands Act. No doubt it is all fascinating to the legal profession but to the rest of the community it has little effect on their daily lives. However, the Bill will ". . . 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 agree that it represents a milestone in Commonwealth-State co-operation and one of the few areas where the Federal Government's policy of new federalism can claim any success. It is in the area of fisheries that confirmation of extra-territorial competence of the State will have the greatest impact on the lives of fishermen and their families.

This new look State-Commonwealth jurisdiction gives us the opportunity (and only the opportunity) to rationalise the present highly unsatisfactory system of fisheries management in Australia. The origin of the present chaotic system (based as it is on territorial lines on a map) goes back to 1952 when the Commonwealth Government took steps, concerning which I quote as follows:

> . . . to establish its right to control fisheries outside State waters. The Minister for Commerce and Agriculture (McEwin) saw the development of fisheries taking place in Commonwealth waters and said so quite clearly:
>
> > The future development of fisheries in Australian waters depends mainly on the catching of pelagic fish most of which will be taken outside the ordinary State limits.
>
> The Commonwealth Government was also concerned that:
>
> > . . . in the absence of domestic legislation that provided for the management of fisheries in Australian waters, Australia would be in an extremely weak position if it attempted to negotiate agreements on fishing with other countries.

The States made no protest. After all, they were reassured by McEwin's statement, as follows:

> If this legislation is passed, power can be delegated to the State Fisheries Departments by the Commonwealth to control those fisheries—

and later:

> I stress again that the existing State Fisheries Departments, with their inspection staffs will, as far as possible, with the concurrence of the State Governments, be used to carry out the various functions envisaged by this Bill.
>
> In fact, the course of fisheries development in economic terms has not been in the direction of pelagic fish—rather it has been in the State-based fisheries of rock lobster, prawns and molluscs. In South Australia alone the State fisheries have increased their returns to fishermen from approximately $6 000 000 in 1968 to $17 500 000 in 1976-77.

Even now with the declaration of the 200-mile economic zone and the increased interest in deep-sea fishing, it is the coastal fisheries that provide the income for Australian fishermen.

In South Australia the Minister of Fisheries has compared the 200-mile zone to Roxby Downs in terms of economic potential. I suggest that this guestimate of a return of $2 000-$3 000 000 000 is something of a flight of fancy—based on no research that is yet to hand—and something to be kept as a fantasy while the State Government makes sure that it safeguards the present income of its fishermen. This it can do by fighting for the

rights of South Australia and supporting this present legislation.

The present system of fisheries management that has evolved is a joint State-Commonwealth management of those fisheries that extend beyond the State territorial sea. The State and the Commonwealth have mirror legislation to cover the rules of the management regime. The consequence is as follows:

> . . . is unavoidable and wasteful duplication of Public Service administration provided by the respective Governments. Each Government employs public servants who are essentially engaged in identical tasks of drafting and administering Acts and regulations; consulting with fishing industry representatives and individual fishermen; and developing management policies and strategies.
>
> A serious consequence of joint management is the insidious shift of decision-making power from Federal and State Ministers to public servants that is occurring as the result of the growing institutionalisation of various decision-making functions. For instance, the increasing complexity of dual management regimes has resulted in the break-up of the Standing Committee of Fisheries (State and Federal Directors of Fisheries meeting together) into regional groups of officers.
>
> Management conflicts and proposals are negotiated and consensus is achieved at these separate meetings. They are remote from, and almost totally inaccessible to, members of the fishing industry. Decisions made at these meetings are then referred to the Standing Committee of Directors, and finally to the Council of Ministers which meets once a year—usually for one day.

A practical example of the stupidity of joint management is the conflict that occurred in the South-East rock lobster fishery when the Commonwealth insisted in imposing a management regime that demanded that all rock lobsters caught in Australia should be 100 millimetres in length.

The South Australian position was that it should be 98.4 millimetres in length. From the realms of Canberra the small difference in size did not appear to be of any importance but, in fact, it represented nearly 20 per cent of the rock lobster catch in places like Port MacDonnell and represented 20 per cent of what was the most profitable part of that catch. There was no biological reason why that length should be rounded off to 100 millimetres, and it was a long and difficult period of negotiation that was needed to persuade the Commonwealth to alter its regulation.

This regulation rigidity caused no end of bother to our rock lobster fishery and much taxpayers' money, reams of paper and many person hours went into negotiating a return to a practical and simple solution. We finally returned to the *status quo*. Briefly, that is the sort of situation that has faced not only the South Australian Government and the South Australian fishing industry, but also most other State Governments in Australia. And that was the situation when the Fisheries Ministers met in Perth in October 1976. That was an historic meeting of Fisheries Council, as the State Ministers took the first steps in turning back the tide of Commonwealth encroachment that had taken place since the 1952 Commonwealth Fisheries Act. The Ministers were heartened by the High Court decision in the case of *Pearce v. Florenca* handed down in May of that year. The Standing Committee of Attorneys-General had made the following comment on that particular decision:

> . . . it was held by the High Court that the Act was valid because the State possessed the power to enact legislation with an extra territorial effect in offshore waters. Such legislation would be subject to section 109 of the Constitution and rendered inoperative by inconsistent Commonwealth legislation. However, the court decided that the operation of the Western Australian Fisheries Act in the territorial sea adjacent to that State was not inconsistent with the declaration of sovereignty made by the Commonwealth in the Seas and Submerged Lands Act with respect to that area.

In other words, if the Commonwealth was prepard to vacate the area of legislative control over fisheries in Commonwealth territorial waters then the States could legitimately control their own fisheries and/or negotiate joint management regimes with other States and/or the Commonwealth.

The Hon. R. C. DeGaris: What about the question of mining?

The Hon. B. A. CHATTERTON: I will get to that in a moment. So the legal possibility was available. But was there the political will? Again, the Ministers were optimistic that this existed because of a letter from the Prime Minister (Mr. Fraser) to the State Premiers dated 22 December 1975, which read:

> . . . my Government would set out to improve Commonwealth-State administrative relationships. In my mind were means of meeting the complaints about the extent to which our predecessors . . . by resort to Commonwealth powers, intruded on what were formerly regarded as State domains. There were also suggestions that there was some limited scope for rationalising Commonwealth-State administration in areas where both Commonwealth and States have responsibilities, with one or other having dominant responsibilities.

While the letter did not mention fisheries explicitly, the theme was taken up by the then Minister for Primary Industry (Mr. Sinclair) in a speech to the Australian Fishing Industry Council in February 1976, as follows:

> . . . it is my intention to initiate discussions with State Ministers to ensure that to the maximum their departments will be responsible for administration of fisheries jurisdiction to the limit of Australian jurisdiction.

However, an early resolution of these problems was not to be. Since 1976 the matter has been mulled over by the Attorneys-General Standing Committee, Premiers' Conferences, and Fisheries Councils. The result is that we now have clause 5 *(c)* before us, which provides:

> . . . laws of the State with respect to fisheries in Australian waters beyond the outer limits of the coastal waters of the State, being laws applying to or in relation to those fisheries only to the extent to which those fisheries are, under an arrangement to which the Commonwealth and the State are parties, to be managed in accordance with the laws of the State.

The critical words are ". . . under an arrangement". Some progress has been made on these arrangements, and extensive amendments to the Commonwealth Fisheries Act have been drafted. There are three options available for fisheries in terms of management responsibility:

(1) A fishery where the majority of the catch is within State waters and where the fishermen who catch the resource live within that State is now regarded as a State-based fishery. These should be completely managed by the State Government, both within the major waters which are State and within that portion of the fishery which is geographically located in Commonwealth waters.

(2) The Commonwealth could manage a fishery completely where the major part of the resource is in Commonwealth waters and the State could concede management responsibility for that portion of the resource which is in State waters.

(3) Where there is an ill-defined territorial definition of the fish stock between both Governments' geographical boundaries or where several States and/or the

Commonwealth are involved in the fishery, there can be joint management with one party carrying out the administration on behalf of all.

To achieve the simplicity and rationality desired by the fishing industry, the great majority of present fisheries should be placed in the first or second category. Unfortunately this appears not to be the case, and the petty jealousies of the States and the desire of the Commonwealth for administrative and policy superiority are presently sweeping up numerous fisheries into a bureaucratic jungle of joint management. The present proposal (which no doubt the Minister of Fisheries in this State considered at the Fisheries Council meeting in Queensland last week) is that the old regional advisory committees should be reconstituted as regional authorities with executive power over joint fisheries.

These proposed authorities show every sign in their proposed structure of exercising a territorial imperative over as many fisheries as possible, thus destroying the opportunity that we have had of achieving simple, rational management that is easily understood by the fishing industry and is less costly to the taxpayer. I hope I am wrong, but I believe the signs are there that the whole period of negotiation and review since 1976 could be wasted. We could see a nightmare for the fishing industry in this State if this is so.

In conclusion, I support the Bill at the moment, because it will give Governments the opportunity to continue to press for the system we all as State Ministers saw as the best one for our State's fishing industry and our State Administration. If this Bill becomes law, the challenge will then be with the State Governments to see that the opportunities (seen so clearly in 1976) are realised.

The Hon. M. B. CAMERON: I agree with many of the things mentioned by the former Minister of Fisheries. The situation in the past, concerning who was responsible for fisheries and in what areas, was quite confusing for the fishermen and made life extremely difficult, particularly as he mentioned where there was a variation of measures between two Governments. That certainly created problems that were obviously difficult to overcome. However, this Bill will potentially return us to that situation, unless agreement on the fisheries is reached between Governments.

The fishing industry does not want to return to the confusion of the past. I believe it is of extreme importance, once this Bill is passed, that this matter be cleared up as soon as possible, and I support the previous speaker's remarks in that regard. I believe there is a need in some areas for the commission to be involved in fisheries, because some potential fisheries of a very extended nature have a potential fishing ground that goes beyond State borders.

It would be impossible for individual States to administer that, because the licensing system would have to allow for fishermen fishing between various States, and it would be difficult to identify the State boundary while at sea, particularly when catching fish. Also, it is necessary on many occasions for international agreements to be reached and for people from other countries to be allowed fishing rights. Again, that is a matter of which it is not proper for the States to be in control. It requires some, if not total, Commonwealth jurisdiction. That is the problem that arises, and it is probably one of the problems that has caused the agreement to be not yet fully concluded.

I have no doubt that the lobster and prawn fisheries, which are to a large extent localised within the State, should be controlled by the State not to the three-mile limit but to the extent of the Continental Shelf or whatever area is required within the potential State jurisdiction to enable it to be properly controlled.

The ground rules ought to be acceptable to all States wherever possible so that there is no confusion when a fisherman catches his fish in one State and lands his catch in another State. A problem arises in relation to State boundaries, when the State fisheries boundaries are exactly the same as those used for the purpose of detailing the point to which mineral rights and State boundaries extend at sea.

I distinctly recall in years gone by the former Government in its early days of office giving away a part of South Australia by allowing Sir Henry Bolte to put a curve in the boundary as it left the South-East of South Australia. To my mind, it extended in the wrong direction. However, that is a matter of the past, although it made me extremely cross as the time. I thought that our negotiators were weak at the time that the boundaries out to sea were determined. It certainly involved South Australia's losing a large area of potential resources. However, that fault cannot be laid at the feet of the present Government or of any previous Liberal Government. I understand that the agreement was negotiated by a previous Labor Government.

Generally, I support the remarks of the former Minister of Fisheries (Hon. B. A. Chatterton). It is essential from South Australia's point of view that total agreement is reached on all matters appertaining to fisheries as soon as possible after this legislation passes. I support the honourable member's hope that the negotiators will conclude their negotiations in such a manner that we do not have in future the confusion that fishermen have had to experience in the past.

The Hon. C. J. SUMNER (Leader of the Opposition): The Attorney-General having indicated that he wishes to have this Bill passed today, I will certainly not take up much time debating it. The Bill results from an Australia-wide agreement which has been reached and in which, in fact, I participated at a meeting of the Standing Committee of Attorneys-General that was held in July 1979. It was finally agreed at that meeting that this Bill should be introduced requesting the Commonwealth to legislate to extend the limits of the States' powers to embrace the territorial sea. This position was negated by the Seas and Submerged Lands Act case in the High Court. The Bill that the Minister has introduced today is in exactly the same terms as that which was discussed at the July meeting of Attorneys-General to which I have referred, and it was not modified in any way by the meeting that was held more recently. Perhaps the Attorney might confirm that for me in his reply.

Certainly, when I became involved in this matter in July, it was no longer a question of policy. It had been decided at the Premiers' Conference in October 1977 that the Commonwealth would try to give powers over the territorial sea to the States and thereby establish the position that people had assumed existed before the Seas and Submerged Lands Act case.

An interesting point arises when one talks about the territorial sea. I do not believe that the Commonwealth Government wishes to give the States powers over the whole of the territorial sea should that be extended from three miles to 12 miles. If it is extended to a 12-mile limit, I understand that the Commonwealth wants to restrict the extension of power to the three-mile limit. Although I understand that the Prime Minister was not willing to extend it beyond the traditional limit of three miles, some States (I think Western Australia and, surprisingly, Queensland) would argue that it should go to the 12-mile

limit. Perhaps the Attorney-General might clarify that point when he replies.

This was not a matter of policy for discussion by the time I became involved in 1979. If it had been, I am not sure that I would necessarily have agreed with it. However, there is no doubt that it accords with the agreement that the States have been able to reach over a fairly protracted period in the past two years, and we in South Australia have gone along with the exercise.

I suppose I should indicate to the Council (the Attorney may wish also to comment on this aspect) the constitutional means whereby this has been done. I refer to the use of section 51 (xxxviii) of the Constitution. This is an untried section in terms of this exercise, with the States requesting the Commonwealth to pass a law or exercise a power that the Imperial Parliament would have had at the date of Federation.

I understand that the Attorneys-General have agreed to use this power in section 51 (xxxviii) upon the recommendation of the Solicitors-General. However, I understand that there may be some doubt about the constitutional validity of the exercise, given that it is something that I do not believe has been done previously in Australia.

The other interesting point about section 51 (xxxviii) is that, if it works out, it may be a means whereby the States can request the Federal Government to legislate to dispense with the colonial fetters that currently exist on our State, that is, in effect, to repeal the United Kingdom Colonial Laws Validity Act, which holds that the Parliament of the State of South Australia cannot pass a law that is in conflict with a law of the Imperial Parliament applying particularly to the colonies.

Although the Imperial Parliament does not now pass legislation to affect the colonies, the older Imperial legislation applies in South Australia and does have paramountcy. That Colonial Laws Validity Act means that the South Australian Parliament does not have full legislative competence in areas whee there is an Imperial law, particularly referring to the State of South Australia.

That position came about because the Statute of Westminster did not apply to the Australian States, although it applied to the Commonwealth of Australia and other dominions at the time, such as Canada. If the section 51 (xxxviii) exercise (in this case, the conferring of State powers by the Commonwealth Government on the States to the limits of the territorial sea) does work, it may be an exercise or section that can be used to completely do away with the colonial fetters that the States now have to work under, which includes a limitation on the capacity for a State Parliament to abolish appeals to the Privy Council.

If section 51 (xxxviii) of the Constitution is a valid means of operating in this way, that would overcome the necessity for an approach to the Imperial Parliament, the United Kingdom Parliament, to remove those fetters—an approach which I am sure would not be particularly welcomed by the United Kingdom and which has the other difficulty that we need the uninanimity of all the States and the Commonwealth Government before the United Kingdom Parliament would act to affect the Australian constitutional position. If section 51 (xxxviii) of the Constitution is a valid means of doing away with the colonial fetters, it could be done on a State-by-State basis so that, if South Australia wanted to do away with the Colonial Laws Validity Act and abolish appeals to the Privy Council, it could request the Commonwealth Government to pass laws accordingly. In fact, the New South Wales Parliament has done that, although the Commonwealth Parliament has not acted on it yet, but it could be a method whereby, if a particular State wished, it could take that approach and abolish appeals to the Privy Council, and abolish the effects of the Colonial Laws Validity Act. I merely raise that point and introduce a word of caution that, although it has been recommended as the best way of carrying out this exercise (that is, section 51 (xxxviii)), there may be some doubts about its constitutional validity. However, if it is valid, it does in effect mean that Australia could act to remove what remaining colonial fetters exist. I support the Bill.

The Hon. R. C. DeGARIS: I understand that the Attorney-General requires this Bill to be put through today. I am prepared to go along with that request, although I would have liked to have time to go through my own papers on this issue and to look at the history leading up to the present position. Right throughout the world in the last few years there has been considerable controversy in relation to continental shelves, territorial waters and the open sea. I would like to quote from a book by R. D. Lumb, called *The Law of the Sea and Australian Offshore Areas*, as follows:

> The exploitation of the resources of the sea-bed has opened up new legal vistas and posed new problems for solution by lawyers. Hitherto in Australia it has been recognised that the exploitation of the resources of *terra firma* is, under our federal structure, primarily a matter for regulation by the States and that the rights of an individual to an interest in land are qualified by the limitation that minerals such as petroleum are the property of the Crown in right of the State. The mining and petroleum legislation of the Australian States has made provision for private individuals and companies to take out exploration licences and to appropriate specified minerals discovered on private or Crown land, subject to the payment of licence fees and royalties and to compliance with rules relating to such matters as methods of operation and safety precautions.
>
> This pattern of law is not of course immediately applicable to the resources of the sea-bed because the status of the sea-bed is qualitatively different from that of land. Is a country entitled to control and does it have rights of ownership in the sea-bed depending on occupation or adjacency, or are the resources of the sea-bed to be treated as *res communis*? This is the fundamental question which must be faced and answered before one can analyse the particular system of rules which may be applied to the acts of extracting the mineral resources of the sea-bed.
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> The Anglo-Saxon legal heritage has, of course, taken account of many legal problems associated with the sea. The growth of the Admiral's jurisdiction in England was brought about by the profound legal problems associated with maritime commerce and intercourse between European nations. The judgments of the English Admiralty Courts which were staffed by some of the most distinguished of English judges have often been referred to as a primary source of knowledge on what was a most complex area of law in that it required a specialised knowledge of maritime custom and foreign mercantile practice. But Admiralty law in the main does not contain solutions to the legal issues which have been raised by the modern discoveries of the mineral wealth lying underneath the seas and the success of methods of extracting this wealth. Rather the solution is to be found in the rules of public international law, in particular in the provisions of the conventions which have recently been framed to regulate activities on the sea and sea-bed.

As far as Australia is concerned, the problems outlined by Lumb in that part of the chapter of his book have been further compounded by the fact that Australia is a federation. One of the fundamental questions that have been resolved by Commonwealth legislative action, and a subsequent decision of the High Court, is the status of

territorial waters following federation. Briefly, the dispute on the constitutional competence of the States and the Commonwealth is that, if the nineteenth century doctrine of English law denied ownership of the sea-bed beneath territorial waters to the Crown and if the same doctrine applied to the Australian colonies, the States are today without those rights, there having been no grant of such rights to them on or after federation. Because of this, the sea-bed is open to appropriation only by the Federal structure.

Going back in history on this question, some years ago this problem was raised when the Petroleum (Submerged Lands) Act was passed. That was a very excellent exercise in Commonwealth-State co-operation. The question of the sovereignty of territorial waters and the sea-bed did not arise, because the problem was solved by the Commonwealth and the States agreeing co-operatively to pass mirror legislation to control this area. The States have traditionally been the controllers of the exploration for and the exploitation of mineral wealth. The Commonwealth is not guaranteed to that situation. So, the Petroleum (Submerged Lands) Act was passed because of the interest some years ago in offshore exploration for petroleum products. This was still the correct approach when it came to the question of offshore mineral exploration and exploitation other than petroleum. In 1968 the Commonwealth decided that it would proceed to legislate in its own right as the people responsible for all waters outside the high-water mark on the Australian continent, with the exception of those areas covered by the letters patent as far as South Australia was concerned. Even here there is some other argument in relation to the exact area covered by the letters patent. There may be, at the present time, waters between Kangaroo Island and the two gulfs, where a decision as to who has sovereignty has to be determined. As to the question of co-operation, the correct approach was then taken in relation to the Petroleum (Submerged Lands) Act.

However, that is long past. The Commonwealth did legislate regarding the Submerged Lands Act in 1973 and the High Court upheld the validity of that legislation, so we are left with the problem that the territorial waters are under the sovereignty of the Commonwealth. I understand that this Bill asks the Commonwealth to allow the State to administer the territorial waters under certain conditions.

One could ask the Attorney questions. Matters have been raised about fishing, whether the Commonwealth intends to allow the State to legislate within three miles, 12 miles, or 200 miles, and whether the Commonwealth will allow the State to administer some fisheries whilst it administers others. There also are the problems about the overseas fishing fleet within the 200-mile limit. Nevertheless, the question of exploitation of the seabed is the matter that concerns me, as a former Minister of Mines.

The question is as to the application of the 200-mile limit in relation to exploitation of the seabed regarding mining, and I hope that the Commonwealth does not take the view that it will hand over to the State that area, whether three miles or 12 miles, in regard to this question. I should have liked to have more time to deal with this question, because I was closely associated with it when, in 1969, the Gorton Government decided to proceed with the legislation.

I also ask the Attorney-General what is the status of the legislation that defines offshore the boundary between Victoria and South Australia and whether that is still valid in regard to submerged lands as between the State and the Commonwealth, or whether we negotiated with Victoria on a wrong basis. The legislation is necessary and I am sorry that this position has arisen. It has been held that, outside high-water mark, the rights are contained in letters patent, and the other is under the Commonwealth. It is up to the Commonwealth to be realistic regarding the areas it allows the State to administer. However, whatever it allows the State to administer, it can, by administrative action, withdraw the handing over. That is bad. It would have been better to use the approach in the submerged lands legislation than for the Commonwealth to assume sovereignty over territorial waters.

The Hon. K. T. GRIFFIN (Attorney-General): I appreciate the contributions made by honourable members. I am sorry that there has not been more time available for them to consider the matter in more detail. However, as I indicated in my second reading explanation, the urgency is that the Commonwealth is anxious to have the legislation passed by all States so that, before the Federal Parliament adjourns in the next week or two, the Federal Minister will be able to introduce legislation.

The Leader of the Opposition has asked whether the Bill is in the same form as that approved by the Standing Committee of Attorneys-General in July 1979, and my answer is "Yes". He also raised the question of whether there had been any agreement between the States and the Commonwealth with respect to the extension from three international nautical miles of the territorial sea to 12 miles. I understand that that matter was discussed at Premiers' Conference level. It has not been raised, during the short time I have been Attorney-General, at meetings of the Standing Committee of Attorneys-General.

In the schedule there is the legislation that we request the Commonwealth to enact, and that specifies the three international nautical miles. It does provide flexibility in that limit to either extend or decrease it. The Leader has referred to the use of section 51 (xxxviii) of the Australian Constitution as the authority for passing this legislation and for the Commonwealth to enact the Bill that is in the schedule. There are two principal reasons for the use of section 51 (xxxviii), but I doubt that I need go into them in any detail. It should suffice if I indicate that it is a novel way to deal with the situation. An alternative had been proposed, but, on balance, it was deemed more suitable to use section 51 (xxxviii) because of the greater safeguards for the States.

The Hon. Ren DeGaris has raised the question of the legislation that defines the boundary of South Australia and Victoria. I understand that that boundary was negotiated between the States before the sovereignty with respect to the territorial waters had been clarified. It was only in the seas and submerged lands case that that position was clarified. I am not sure of the answer to the question. I suspect that it is that the boundary negotiated between the States will not necessarily have any relevance to this legislation, because it was negotiated for a different purpose.

One must remember that, at that stage, the States believed that they had legislative competence over the territorial sea. As a result of the seas and submerged lands case, they did not. Their legislative competence extended only to high-water mark. I will have inquiries made to clarify the position so that I can give the Hon. Ren DeGaris a more precise answer, taking into account some of the complexities with which the matter has been bedevilled over the years.

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

APPROPRIATION BILL (No. 2)

In Committee.

(Continued from 6 November. Page 706.)

Schedule.

The Hon. FRANK BLEVINS: As I have several questions that I wish to ask the Minister of Local Government, representing the Minister of Aboriginal Affairs, and as I doubt that the Minister has the detailed information with him, I will ask my questions although I do not expect to receive the detailed replies today. This will give the Minister the opportunity to refer my questions to his colleague and bring down a reply.

Referring first to the line "Administration expenses, minor equipment and sundries" (page 89 of the Estimates) what cutbacks and other savings are expected to account for the budgeted reduction?

On the same page but in respect of the purchase of motor vehicles, as an increase of over $100 000 in the line has been made, is a new direction being taken in respect of motor vehicle purchases? How many vehicles, if any, will be changed from six cylinder to four cylinder operation?

Concerning Child Welfare Treatment Centres, the actual payments in 1978-79 for the purchase of plant and equipment amounted to $13 572, yet the $2 000 provided for 1979-80 represents a substantial reduction. Where are these cuts to be made? Secondly, does the Minister agree that for a treatment programme to be successful, reasonable equipment must be provided?

Turning to page 90, can the Minister indicate how much was specifically allocated in the last financial year for "Assistance to approved non-statutory children's homes—Operating grants"? I ask the same question in relation to the "Maintenance of children". Can the Minister say how much was specifically allocated and paid during the last financial year? I ask the same question in relation to the "Maintenance of children under private care".

Turning to page 91, a footnote indicates that the "Aboriginal Affairs" estimate is now provided under Residential Care Centres. Is that a new policy of the Government—for many aspects of Aboriginal Affairs to be covered under Residential Care Centres? If the answer to that question is "yes", what is the new policy in respect of these aspects of Aboriginal affairs under community welfare responsibility?

Also on page 91 under the heading "Miscellaneous" and in respect to sundry grants as recommended by the Community Welfare Grants Advisory Committee, $635 000 is proposed for this year, yet $964 995 was spent last year. Can the Minister account for the difference and explain whereabouts in the Budget it can be found? What guidelines will now be used to distribute money from the Department of Local Government? Will the Minister give an assurance that payments of minor grants will continue?

Further, can the Minister explain the enormous reductions in the amount proposed for contributions towards administration and maintenance of Aboriginal housing, which is of particular importance? That incredible reduction warrants some explanation.

Turning back to page 90 under "Aged Care", can the Minister say why there is such a reduction in the amount proposed for the purchase of plant and equipment in comparison with last year, when $7 137 was spent, yet only $1 000 is proposed for 1979-80. The Minister will possibly not have the great detail I have asked for, so I ask him to obtain it for me.

The Hon. C. M. HILL: I thank the honourable member for his questions and his generosity. I represent the Minister of Aboriginal Affairs, whose portfolio is relatively new and, as can be seen from the Estimates before us, it has not been separated from the Estimates for the Department for Community Welfare. Because of that and because of the great amount of detail required by the honourable member, I will refer all his questions to the Minister in another place and bring down a reply.

The Hon. ANNE LEVY: Can the Minister of Community Welfare say which line includes payments for children's shelters, particularly those funded by voluntary organisations? I may be incorrect, but I presume the line "Assistance to approved non-statutory children's homes—Operating grants" refers to children's homes run by the Department for Community Welfare and would not include those run by voluntary organisations. I expect provision is made for those homes under the "Miscellaneous" line. Women's shelters are mentioned under that line, but there is no specific mention of children's shelters.

The Hon. J. C. BURDETT: I will obtain that information for the honourable member.

The Hon. ANNE LEVY: I have a further question for the Minister of Community Welfare regarding the health line. I presume the Minister would not have this information, so I will ask my question and hope that the Minister can obtain the information for me. Looking at the estimates of receipts and payments for the South Australian Health Commission, I cannot identify under which line the school dental service would appear. Although the school dental service is operated for primary schools in this State, I understand that it is funded by the health section of the Budget and not out of the Education Department section. Can the Minister inform me of the total amount spent on the school dental service in 1979, and what is the amount expected to be spent on that service in 1979-80? I understand that about 50 per cent of all primary school children are currently covered by the school dental service. If that figure is incorrect, I would be grateful to have it corrected. I also understand that it is the intention of the Government to include all primary school children in the school dental service programme in 1980, as was indicated in a reply to a question in another place.

The Hon. J. C. BURDETT: Since the establishment of the Health Commission, the allocation for the Minister of Health has been difficult to follow, because more than $150 000 000 is allocated in only a few lines, and most of that allocation goes to the Health Commission. I will obtain an answer from my colleague and forward it to the honourable member.

The Hon. FRANK BLEVINS: I was in error a moment ago when I put an unnecessarily heavy burden on the Minister of Local Government, representing the Minister of Aboriginal Affairs. My last question should have been directed to the Minister of Community Welfare, who I am sure will have very detailed knowledge about this portfolio. Perhaps he may choose to show off a little and explain to me why there is such a reduction in the figure for the purchase of plant and equipment from $7 137 spent last year to only $1 000 this year.

The Hon. J. C. BURDETT: The only provision made this year has been for the replacement of small items. In the previous year, the savings were due to equipment ordered but not delivered.

The Hon. C. J. SUMNER: Will the Minister obtain an explanation of why there has been a disproportionate increase in the line "Deputy Commissioner of Police, Medical Officers, Administrative, Accounting, Supply, and Clerical Staff"?

I refer to last year's payment of $4 338 for damages for unlawful imprisonment. What is the nature of the claims and, more particularly, to which claims does the $4 338 relate?

The Hon. K. T. GRIFFIN: The sum of $5 000 is being provided this year to meet possible claims, although at this stage no claims are in hand. Although I understand that

last year claims were made to cover the $4 338, I do not have specific details of them.

The Hon. C. J. SUMNER: What sort of claims come within this payment?

The Hon. K. T. GRIFFIN: I do not have the specific details, but I undertake to get that information for the Leader.

The Hon. C. M. HILL: Regarding the Leader's query about the line relating to the Deputy Commissioner of Police, Medical Officers, Administrative Accounting, Supply and Clerical Staff, I am able now to say that last year's under-expenditure of $76 603 was due primarily to the excess of savings from the postponement of appointments to new positions required in relation to the Firearms Control System, over the additional cost of salary increases under wage indexation, and increment payments during the year.

Provision is made in 1979-80 for, first, 26 pays at 30 June salary rates for staff on strength at that date, which includes the carry-over effects of salary increases and expansion appointments made in 1978-79, plus provision for those public servants formerly classified as police auxiliaries, and, secondly, 25 new public servant positions required in relation to new initiatives, namely, Firearms Control System (14 positions), traffic policing (nine positions), and crime statistics (two positions), all of which are estimated to cost $177 000.

The Hon. ANNE LEVY: Is the Minister of Community Welfare now able to say where the allocation for children's shelters can be found?

The Hon. J. C. BURDETT: As the honourable member anticipated when she asked her question, the allocation for assistance to approved non-statutory children's homes comes within the departmental category of "Care and maintenance of children in the community".

The Hon. C. J. SUMNER: Knowing how Parliament has in the past taken a close interest in the overseas visiting intentions of various Ministers (I am sure that all honourable members would want the Opposition to keep a close watch on that item of Government expenditure), will the Attorney-General explain the Law Department allocation of $6 000 for a Ministerial overseas visit and a similar allocation, under the corporate affairs portfolio, for a Ministerial or officers overseas visit? Does the Minister think that he can put the two together and have a reasonable trip away, or have these sums been left over from when I was Minister?

The Hon. K. T. GRIFFIN: Regarding the Law Department, $6 000 has been allocated for the current year in this respect. Increased expenditure during 1978-79 related to a study tour of Europe undertaken by a research officer attached to the Rights of Persons with Handicaps Committee. The 1979-80 provision includes additional costs connected with the above trip which was undertaken in late June 1979, and costs associated with the Attorney-General's Standing Committee meeting in Papua New Guinea. Of the $6 000 allocation for the current year, only about $1 000 is left.

Regarding the corporate affairs provision, another $6 000 has been allocated. One notices that in 1978-79 the previous Minister responsible for corporate affairs matters (Mr. Duncan) spent $17 613. That related to an overseas visit by that Minister, his wife and a Ministerial officer, as well as by the Director of the department. I am informed that those trips were unexpected and that no funds were voted for that purpose last year. The trips were funded by making compensatory savings from other lines. The provision of $6 000 for this year is to meet the costs incurred on those trips that remained unpaid as at 30 June 1979. Of this sum, $2 000 related to the trip by the Director and $4 000 related to the Ministerial party. No provision is being sought for further overseas trips during 1979-80. Certainly, I have no intention, as Attorney-General or as Minister of Corporate Affairs, of undertaking an overseas trip in the coming year.

The Hon. C. J. SUMNER: I am pleased to hear that the Minister does not intend to travel overseas this year. However, he said that I was fortunate enough, when Minister, to go to Papua New Guinea.

The Hon. K. T. Griffin: It was not a criticism.

The Hon. C. J. SUMNER: I realise that. However, my predecessor and the Attorneys-General in other States had organised the Papua New Guinea meeting. Also, the New Guinea Minister of Justice, who has been in the news recently, is invited to meetings of the Australian Standing Committee of Attorneys-General and, if she does not come, she sends a representative.

It was New Guinea's turn and, whilst I went along a little reluctantly, I can tell the Council quite honestly that I had a dreadful time. I wished that I had stayed home, as I got the flu, and I do not think it was money well spent. While I was Attorney-General publicity was given to the establishment of an organisation that Mr. Whitrod, the former Commissioner of Police in Queensland, was interested in setting up—the Samaritan Institute—to assist victims of crime. At the time, I spoke with Mr. Whitrod when he came to see me to explain what the organisation was all about, and we discussed the question of whether Government assistance was appropriate or required. I understand that there was some doubt within the organisation itself as to whether it would be interested in Government assistance. I said that, if it was, we would have been prepared to provide some assistance in establishing the organisation and that at some later stage it could operate as a voluntary organisation, fulfilling a community welfare purpose and possibly becoming eligible for grants under the Community Welfare Grants Advisory Scheme. At least in the initial stages of the discussion with me as Attorney-General, the Government was prepared to provide funds for that purpose. Can the Attorney-General report on any developments in that area or say whether the present Government is prepared to adopt the same attitude?

The Hon. K. T. GRIFFIN: No provision has been made in the Estimates for a grant to that organisation. I answered a question several weeks ago which I think the Leader of the Opposition may have asked in relation to the association for supporting victims of crime. I indicated at that stage that I had seen Mr. Whitrod and those interested in establishing an association to assist victims of crime. I recollect saying in answer to that question that I was sympathetic to the objectives of that association, but that, as it had not been formally established and had no guidelines for its operation, or a constitution or other established rules, it was at that stage premature to consider what the Government's attitude would be to that association. I understand that it has had one public meeting, which was reported in the daily press. I have indicated to Mr. Whitrod and those supporting him in this work that I am always available to talk to them about it. I shall be most interested in the progress it makes and if, in the future, it appears that it does need some support, having got off the ground, I shall be pleased to consider any submission that may be made.

The Hon. ANNE LEVY: Can the Minister of Community Welfare say how the $915 000 allocated for "Operating grants to non-statutory children's homes" is proposed to be split up, compared with the sums received by the same homes last year? Could the Minister also indicate what proportion of the sum comes from Federal

finances as opposed to State finances?

The Hon. J. C. BURDETT: I will obtain that information for the honourable member.

The Hon. FRANK BLEVINS: I ask the Minister of Local Government for information about the local government levy to hospitals, which levy he has promised to abolish. Will he say when he intends to do that, how much it will cost the Government, and where the provision has been made in the Estimates for it? Further, if he is going to replace the levy with an equivalent amount from Government sources, will he say whether there will be any restrictions or conditions on the way the hospitals will be able to use this money that is provided in lieu of the hospital levy through local government?

The Hon. C. M. HILL: The levy will be phased out during the term of this Government.

The Hon. Frank Blevins: Phased out rather than abolished?

The Hon. C. M. HILL: It will be phased out over the three-year period. The exact method of phasing out has not yet been determined. The Government has several alternatives under consideration at the moment. The matter of the machinery measure is under consideration within the Health Commission. I cannot say exactly what will be the first step. Secondly, it is not shown in these Estimates, because it is a matter for the Health Commission, details of which are not before us, as it is a separate statutory body. Regarding the honourable member's third question, it means that local government will not have to pay this money out of its revenue to hospitals as has been the requirement of local government in the past. The honourable member quite properly asked what local government is going to do with the money saved.

The Hon. FRANK BLEVINS: It is not a matter of what local government is going to do with this money but rather what the replacement from the Minister's department involves. Will the Minister find out whether any decision has been made on any conditions attached to this replacement of finance to the hospitals, or whether the hospitals will be able to do as they wish with the money?

The Hon. C. M. HILL: With respect, the honourable member is a little confused about the origin of the money. The money originally came from local government. The Government is hopeful, and will offer all the encouragement it can in this respect, that local government will continue to expend funds on the delivery of health services at the local level and, as the local government body sees fit, within its own area.

The money previously paid out of local government revenue by this compulsory levy will not mean in some cases that local government will not be contributing to the delivery of health services, provided local government meets its responsibility and shares the cost of such services locally. If that occurs, local government has the aspect of compulsion removed from it, since it will not be a compulsory levy on the one hand and, secondly, it will be able to spend the money as it thinks best. I hope that it will spend comparable sums in health areas after the change takes place. The point that the honourable member was getting at was whether health services would suffer by a smaller amount of money being funded into them. I hope that those services will not suffer, because a comparable amount will be spent on them.

The Hon. FRANK BLEVINS: I direct a question to the Minister of Community Welfare, representing the Minister of Health. The Lyell McEwin Hospital receives $224 680, I understand, from the local bodies in the area serviced. With the phasing out of the levy, that amount of money will not be available. I assume (perhaps incorrectly) that the Government, via the Health Commission, will make up that amount. If that is the case, when that amount is made up by the Government, will there be any conditions or restrictions on how the hospital spends it?

The Hon. J. C. BURDETT: It is expected that the money will be found by the Government to balance the former local government levy, and there will not be any restriction.

The Hon. BARBARA WIESE: On page 88, an amount of $9 925 399 is proposed this year for salaries and wages for the Deputy Director-General of Community Welfare, Directors, professional, administrative, clerical, and other staff. The payment last year was $9 843 897. Taking into account inflation and salary increases, it seems that there is expected to be a reduction in salaries and wages. The amount suggests that there will not be sufficient funding to maintain current staff numbers. Can the Minister say whether there are to be any staff cuts?

The Hon. J. C. BURDETT: Staff cuts are not contemplated. The method of funding in the State is that a provision is not made in the State Budget for increases through cost of living allowances. These are provided for on page 4. The opposite position applies with the Federal Government. In the Federal Budget, the increase in wages expected during the year is provided in prospect. In the State area, regarding individual lines for departments, the increase is provided in retrospect and does not appear. On page 4 of the document, there is provision for increases in salaries. While it may be expected that during the year there will be increases in salaries, they are not provided for on page 88.

Schedule passed.

Title passed.

Bill read a third time and passed.

PUBLIC PURPOSES LOAN BILL

In Committee.

(Continued from 6 November. Page 680.)

Remaining clauses (2 to 11) passed.

First schedule.

The Hon. C. J. SUMNER: Before the recent election, I had discussions with the Chief Justice of the Supreme Court about a new building for the Supreme Court. The building became known as the western court building and I think it was to contain six new criminal courtrooms. At that time, that seemed to the Chief Justice to be necessary, and I think he convinced me and the Government that he was right. There was an urgent need for this building. It had obtained some priority with the previous Government in terms of the Loan programme. Is there still provision under the Loan programme for the construction of this building?

The Hon. K. T. GRIFFIN: I am not sure that there is that provision, but I will make inquiries and obtain a reply for the Leader. I do know of the proposal for six criminal courts to be built on the western side of the present Supreme Court building. The planning is well advanced but, as to the exact details that the Leader has requested, I cannot give a specific answer. However, I will obtain a reply.

First schedule passed.

Second schedule and title passed.

Bill read a third time and passed.

CATTLE COMPENSATION ACT AMENDMENT BILL

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

JOINT COMMITTEE ON MEAT HYGIENE LEGISLATION

Consideration of House of Assembly's resolution:

That—

(a) pursuant to Joint Standing Order No. 1, the House of Assembly requests the concurrence of the Legislative Council in the appointment of a joint committee with power to adjourn from place to place and to inquire into and report on matters pertaining to the meat hygiene legislation as embodied in the Abattoirs and Pet Food Works Bill, 1978; the Abattoirs Act Amendment Bill, 1979; the Health Act Amendment Bill, 1979; the Local Government Act Amendment Bill, 1979; and the South Australian Meat Corporation Act Amendment Bill, 1979 with special reference to—

(i) the establishment of an industry consultative committee to advise the Minister and the Chief Inspector;

(ii) the embodiment of hygiene relating to poultry processing in a separate Act, possibly the Poultry Processing Act; and

(iii) the regulation-making powers under the Health Act, 1911-1977, relating to the upgrading and maintenance of hygiene standards for country slaughterhouses outside proclaimed abattoir areas;

(b) in the event of the joint committee being appointed, the House of Assembly be represented thereon by three members, two of whom shall form a quorum of Assembly members necessary to be present at all sittings of the committee;

(c) Messrs. Lynn Arnold and Olsen and the Minister of Agriculture be the representatives of the Assembly on the said committee; and

(d) the said committee have power to invite specially qualified persons to attend any of its meetings in an advisory capacity.

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

That the Council concur in the resolution of the House of Assembly contained in Message No. 14 for the appointment of a joint committee; that the Council be represented on the committee by three members, of whom two shall form the quorum necessary to be present at all sittings of the committee; and that the members of the joint committee to represent the Legislative Council be the Hons. J. A. Carnie, B. A. Chatterton, and R. C. DeGaris.

The Hon. B. A. CHATTERTON: I do not oppose the motion, but I think it is wrong of the Government to appoint a Select Committee on the legislation that it is bringing before Parliament. I do not think that such a committee is necessary now any more than it was when this matter was before this Council previously. The Minister of Agriculture should look at *Hansard* to see that I opposed the setting up of a committee when it was raised in this Chamber, and he is incorrect in saying in another place that we agreed to the setting up of a committee. We did not agree and we opposed it strongly.

It does not seem that such a committee is necessary. I doubt that any other piece of legislation has been so thoroughly debated and available to the public for comment for such a period of time. An inter-departmental committee was set up to look into the question of meat hygiene and inspection, and it investigated the question thoroughly, called witnesses, took submissions from interested parties, and visited and photographed nearly all slaughterhouses in South Australia. That inter-departmental committee did a thorough job on the question of meat hygiene and inspection.

The other part of the legislation that is involved in this package of Bills is the lifting of quotas for the entry of meat into the metropolitan area. That aspect has been equally and thoroughly investigated by the Potter committee, which took submissions from interested parties and prepared a thorough and complete report. Additionally, the legislation was prepared and placed before Parliament nearly 12 months ago, and people within the community have had an ample opportunity to look at the legislation and make submissions and comments about it.

The establishment of a committee is unnecessary and will only cause delays to the Bill, which is vital to a number of abattoirs in South Australia. I understand the reason for setting up the committee: the Minister of Agriculture does not want people to be aware of the reversals of policy that he has had on this issue. His nickname of "U-turn Ted" is thoroughly deserved. Regarding meat quotas, when the present Minister was in Opposition he stated that the Minister of Agriculture (at that stage I was the Minister of Agriculture) could alter quotas "with a sweep of the pen". However, when he became Minister and two abattoirs in the Mount Gambier area required that sweep of the pen to change their quotas, the Minister did a complete U-turn and said, "No, that is impossible." He said it was up to the Samcor board.

He then received submissions from those Mount Gambier abattoirs owners who said that they would be running out of quotas and would be retrenching employees. Then the Minister did a U-turn and said that he would give a 50 per cent increase. That is not satisfactory for abattoirs in South Australia operating on a quota basis.

This legislation abolishes quotas and gives such operators the opportunity to make their own arrangements with the various large meat wholesalers. It gives them a stable market not based on a quota that can be altered at the sweep of a pen or at the whim of the Minister at that time.

When we previously debated this matter in this Council, we were inundated with virtually a snow storm of telegrams from the Local Government Association and local government bodies throughout South Australia. That put the wind up the Liberal Party and forced it to support the Legislative Council Select Committee on that occasion. We now have before us the policy of the Local Government Association on the question of meat hygiene. The Minister of Agriculture has not included that in the specific items that he mentioned in setting up this committee.

I can understand why he has not done that. He has made several references to local government, but he has not referred to any of the policy statements. That is because the policy is somewhat confusing and, in fact, its interpretation is such that it would put all country slaughterhouses out of business, because according to that policy all meat would be subject to a basic hygiene requirement and should be inspected. The main object of this legislation is not the inspection of meat in country slaughterhouses, because it would be extremely expensive for country butchers if an inspector had to travel around and inspect meat each time it was slaughtered.

The policy also envisages three levels of inspection: by local government, the State Government, and the Federal Government, so it would be a very expensive policy to implement. This Select Committee will delay the very

necessary implementation of this legislation, which is designed to protect consumers and provide them with hygienic meat through inspection, to which they are entitled. A Select Committee would also delay the abolition of quotas and would therefore place a number of abattoirs looking to supply meat to the metropolitan area in financial jeopardy, because they would not know where they were going. I support the establishment of the Select Committee on the grounds that the Government has a right to appoint it, but I still consider that it is unnecessary. This legislation has been thoroughly discussed and investigated and could now be proceeded with.

The Hon. J. C. BURDETT (Minister of Community Welfare): I do not find the honourable member's reference to my colleague, the Minister of Agriculture, as "U-turn Ted" very respectful. I find the honourable member's suggestion that a Select Committee is held to hide something as being "chattertoning", I mean shattering, and it is an amazing suggestion. By holding a Select Committee, surely everything is brought out into the clear, bright light of day. If you want to keep something under the carpet, you do not appoint a Select Committee. My colleague has called for a Select Committee on this issue so that everyone may put their point of view.

Motion carried.

ADJOURNMENT

At 5.23 p.m. the Council adjourned until Tuesday 13 November at 2.15 p.m.