

## LEGISLATIVE COUNCIL

Wednesday 6 August 1980

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

## PAPERS TABLED

The following papers were laid on the table:

By the Attorney-General (Hon. K. T. Griffin)—

*By command—*

Guidelines for Public Servants Appearing Before Parliamentary Committees.

Uranium Enrichment Committee—Progress Report.

## QUESTIONS

## LEGAL AID

**The Hon. C. J. SUMNER:** I seek leave to make a brief explanation before asking the Attorney-General a question about the cost of providing legal aid.

Leave granted.

**The Hon. C. J. SUMNER:** The question of the Government's policy towards providing money for the Legal Services Commission to open regional offices has been raised in this Council on previous occasions. The Government has said that at this stage it does not intend to provide that finance. Given that part of the reason was that it considered it to be—I believe the Attorney-General said something like—"an extravagant cost", a further reason was stated in a letter from the Attorney-General to Mr. Max Brown, member for Whyalla, when the Attorney said:

The Government recognises that in the provision of legal aid the private legal profession should play the principal role. An article has been drawn to my attention which appeared in the *Legal Services Bulletin* of June 1980. That article, written by Susan Armstrong and Flavio Verlato, who are both employees of the Legal Services Commission, states:

It provides compelling evidence that services can always be provided more cheaply through efficiently organised salaried lawyers than through private practitioners.

I will not go through the reasoning outlined in that article, but the following conclusions are made:

The conclusion which must be drawn from the present study is that any decision to use private practitioners rather than salaried staff in providing legal aid in criminal and family law matters must be based on some factor other than cost, and that a substantial increase in the amount of legal aid provided could be achieved by diverting funds from paying private practitioners to employing additional staff. For example, the cost of ten criminal cases assigned to private practitioners would allow for 34 assigned to staff lawyers, including additional employment, accommodation and support costs.

My questions are as follows. First, has the Attorney-General considered this article and, if so, does he agree with its conclusions? Secondly, if so, why does he give financial grounds as one of the reasons for failing to agree to fund the establishment of regional legal aid offices? Thirdly, will the Attorney reconsider the request for funds to be provided for regional offices of the Legal Services Commission, given that the Federal Government is prepared to contribute to their establishment, and, if not, why not?

**The Hon. K. T. GRIFFIN:** When I have been asked questions, in this House and in other places, about regional offices being established by the Legal Services Commission, I have always indicated that the question of regional offices was a matter that I had considered but that I was not satisfied that there have been responsible discussions between the Legal Services Commission, the Law Society and the local legal practitioners to explore other more economic and efficient ways of providing legal aid to persons living in the localities where regional offices had been requested. That is still my view.

There is a very real need for the local legal practitioners to be fully involved in discussions about the provision of legal aid in regional areas, just as there is also a need to have the Law Society involved with the Legal Services Commission, because there are many ways in which legal aid can be provided, both at the regional level and centrally. One of those is by the provision of a straight-out Government office. This Government has a commitment to containing the bureaucracy, because we believe that services can, in general principle, more effectively be provided by private individuals than by a Government bureaucracy.

On the other hand, if there is a demonstrated need, and if it can be shown that there have been discussions between the parties as to the provision of legal aid at the regional level, and that a full-time office of the Legal Services Commission is the only way of providing that legal aid, the Government is prepared to consider further the question of regional offices for the Legal Services Commission. I understand that the commission is having some discussions with the Law Society and, until they have been concluded, I am not prepared to pursue the matter further.

I am aware of the article in the *Legal Services Bulletin*, but I have not had an opportunity to consider it in detail. However, it will receive my attention when time permits.

## VINDANA WINERY

**The Hon. B. A. CHATTERTON:** I seek leave to make a short explanation before asking the Attorney-General a question regarding the Vindana Winery.

Leave granted.

**The Hon. B. A. CHATTERTON:** Last Thursday, I raised the matter of the Vindana Winery and the problems that are facing a large number of grapegrowers in the Riverland area who have made grape deliveries to this winery but have not received payment therefor. Of course, the winery is now in very severe financial difficulties, and growers are concerned about whether they will ever obtain their money for the grapes that they have delivered.

A meeting was held and certain arrangements were made as to the financial affairs of the winery, but I have been contacted by people in the Riverland who are still not satisfied and who feel that in the past arrangements have been made that have allowed some of the winery's assets to go elsewhere, and that growers will not have the opportunity to get the funds that are rightfully theirs.

For example, one person mentioned to me that Kulcurna Station in New South Wales had been purchased for \$250 000. Evidently, the station belongs to the son-in-law of the proprietor of Vindana Winery, yet I was told by people in the Riverland that the only occupation of the son-in-law before he became the owner of this sheep station was driving trucks in the Riverland. Much surprise was expressed that he should suddenly find \$250 000 to purchase this property. That is just an example that I want to use to draw the Attorney-General's attention to some of

the remarks that have been made in the Riverland. It has been suggested that the assets have been filtered off elsewhere.

In his reply to my question last Thursday the Attorney-General did say that he was not prepared at this stage to appoint an inspector under the Companies Act, and that he would wait until he had received proper advice and information about the affairs of the company. First, will the Attorney-General try to see that the advice and information on the company that he needs before making that decision, and any other information, is supplied to him as quickly as possible? Also, could he indicate to the Council how long he thinks before he can say whether or not he will appoint an inspector under the Companies Act?

**The Hon. K. T. GRIFFIN:** When a scheme of arrangement has been agreed to by a majority in number of the creditors and by a majority in value of creditors, the next step is that it goes to the Supreme Court so that the Supreme Court can determine whether or not its approval should be given to that scheme of arrangement. Until that approval is given the scheme of arrangement is not binding on all creditors. When it is given, it then binds all creditors and they are unable to pursue individual claims other than in a manner consistent with the terms of the scheme of arrangement.

The ordinary course of scrutiny of a scheme of arrangement involves Corporate Affairs Commission officers, who have informed me today that they have already begun their scrutiny of the scheme of arrangement. They are taking up certain matters with the scheme manager, and before the matter comes on in court they will have made their decision on what recommendations should be made to me about whether or not they should intervene at the Supreme Court level and make submissions on the scheme of arrangement.

It is premature to indicate what advice they will give me until they have completed their scrutiny of the scheme of arrangement. That scrutiny of the scheme of arrangement will necessarily involve not only the terms and conditions of the scheme but also an assessment of whether or not the information provided to creditors has been accurate and whether or not it is the opinion of the Corporate Affairs Commission officers that the scheme is in the interests of creditors.

The officers have a duty to intervene at the Supreme Court if they believe that any of those matters need comment, or they must be available to the court if it needs assistance of an independent nature. I am not yet in a position to indicate whether or not I will appoint an inspector; nor can I indicate when that decision will be made. I understand that, when the scrutiny of the scheme of arrangement has been completed, Corporate Affairs Commission officers will then be in a better position to give me advice on the matters raised last week by the honourable member. My officers are dealing with the matter as expeditiously as possible, and I will ensure that that continues.

#### WATER STORAGES

**The Hon. M. B. DAWKINS:** I seek leave to make a short statement before asking the Minister of Local Government, representing the Minister of Water Resources, a question about water storages.

Leave granted.

**The Hon. M. B. DAWKINS:** One would expect that, in a bountiful season such as this, the State's water storage position would be satisfactory, particularly those water

storages in the high rainfall areas servicing the metropolitan area. In fact, I think there was a report in the media about a week ago to this effect, and some comments were made about metropolitan storages at that time. However, will the Minister obtain from his colleague complete details of water storages in the whole of the State, including, of course, those in the metropolitan area?

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

#### BEVERAGE CONTAINERS

**The Hon. J. R. CORNWALL:** I seek leave to make a short statement before asking the Minister of Community Welfare, representing the Minister of Environment, a question about PET bottles.

**The Hon. J. R. CORNWALL:** Recently the Minister of Environment announced that the Government intended to give Coca-Cola an exemption to market two-litre plastic bottles in South Australia. I believe that the regulations were tabled yesterday. I said at the time that I felt strongly about this, and I am happy to repeat that this is a major leap backwards environmentally and a very serious break with the traditional bottle deposit and return system. However, at the time the Minister attempted to justify the unjustifiable by saying that it would only be for a trial period of 12 months. That was, of course, quite a stupid statement, because there will be substantial capital investment involved in the bottling plants, handling facilities, retail refrigeration and display units, and all the other paraphernalia required to handle the bottles.

Will the Minister say what additional capital investment will be made by Coca-Cola in connection with the handling facilities, including bottling plant, retail refrigeration and display units, to handle the monster bottles, based on interstate experience? What is the projected number of PET bottles that will be sold in a 12-month period in South Australia? Does the Minister agree that he has placed himself in a virtually irretrievable position with regard to the PET bottles; and, if not, why not?

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

#### PETROL

**The Hon. G. L. BRUCE:** I seek leave to ask the Minister of Consumer Affairs a question about discount petrol. Leave granted.

**The Hon. G. L. BRUCE:** Early this week I had occasion to visit the country and filled up my car with petrol before I left here. The cost was 29.3 cents a litre, whereas in the country it cost 37.8 a litre. To fill up the tank involved a difference of \$4. Further, we had a situation where the petrol resellers had a stoppage about a fortnight ago, and the Government indicated its concern about the matter and its intention to intervene.

Because of public concern in all areas of Federal Government policy on petrol pricing and the stated views of this Government to curtail petrol price discounting, will the Minister say what is currently taking place in this regard and whether, as a result of any action the Government may take, some relief will be afforded country people concerning the price paid for petrol?

**The Hon. J. C. BURDETT:** I made a Ministerial statement about this matter on the opening day of this session.

**The Hon. N. K. Foster:** That doesn't mean you have done anything about it. You have just talked about it.

**The PRESIDENT:** Order!

**The Hon. J. C. BURDETT:** I spoke of the concern of the Government over the situation regarding petrol reselling. The present Government has made its concern clear since December last year. It said on that occasion that the industry was a national industry and could be dealt with only on a national basis. Moreover, we are dealing with a product that, by its nature, is readily sold over State borders and to people crossing State borders, and we gave our support to the full Fife package. We made clear to the resellers that that was what we supported, and it was what they supported.

About a month ago we said that, if the Federal Government did not move to implement the Fife package, we would do so. Although we did not consider it a satisfactory way of dealing with the matter, it was more satisfactory than doing nothing. In the meantime, the Federal Government has indicated that it would act effectively administratively to achieve divorcement between the oil companies and the outlets and that it would move in the matters of franchising and price discrimination (which is what I think the question was directed to).

The resellers made clear (and this was in the press) that they were satisfied with what the Federal Government was doing, provided that it was proceeded with and that it did work out. Before I made the Ministerial statement on the opening day of the session, I had contacted resellers, and they confirmed that they were satisfied that the action being taken by the Federal Government would be effective if it was fully proceeded with and that they agreed that it was in the spirit of what the State Government had said previously, namely, that it would take no action at present. However, the resellers did make clear, as I have done, that, if the Federal Government did not do what it said it would do, they expected the State Government to act. I made clear to the resellers and to the Council that, if the Federal Government did not act as it had promised, we would act.

**The Hon. N. K. FOSTER:** I wish to ask a supplementary question, and I seek leave to make a statement before doing so.

**The PRESIDENT:** If this is a supplementary question it should need no further explanation.

Leave granted.

**The Hon. N. K. FOSTER:** I understand that the Commissioner for Public and Consumer Affairs still has virtually the same powers in this regard as he had under the previous Government and that for a number of years the attitude of successive Federal Liberal Government Ministers in Australia, if not of the Prime Minister himself, has been that they have not had the power to control prices of petrol in any one State, and those Ministers always have said that the power resided only in the State of South Australia.

The Prices Justification Tribunal took as a guide some years ago what the Commissioner for Public and Consumer Affairs would do, in respect of the matter of having a price declared or agreed upon in other States. Therefore, will the Minister clarify the situation regarding petrol pricing and the power of the Commissioner in this matter to the extent that it falls within the Minister's portfolio?

**The Hon. J. C. BURDETT:** The previous Government had taken the stand for some time that it would allow the flow on in South Australia of the recommended price fixed by the P.J.T., and we have done the same thing.

**The Hon. G. L. BRUCE:** I ask a supplementary question. I did not get a satisfactory reply to the second part of the question, which was whether, whatever action is taken by the Federal or State Government, some relief

will be given to people in country areas regarding the differential between city and country prices.

**The Hon. J. C. BURDETT:** I will certainly examine the matter but it needs very careful clarification of what the differentials are and what are the factors that determine them. Usually the factor is freight.

**The Hon. R. C. DeGARIS:** I desire to ask a supplementary question. Will the Minister investigate whether supplies of fuel come from the South-East and, if so, why the prices are so high in that area when the freight charge is not as high as in other parts of South Australia?

**The Hon. J. C. BURDETT:** That instance could easily involve section 92, but I will certainly investigate the matter.

**The Hon. FRANK BLEVINS:** I desire to ask a further supplementary question. Will the Minister attempt to have his Government persuade the Federal Liberal Government to reintroduce the price equalisation scheme that the (admittedly) Labor Government removed, so that the differential between the cost of petrol in the country and the cost of petrol in the city can be removed? To some small degree, the Liberal Government has equalised freight charges. Will this Government ask the Federal Government to reintroduce the scheme that applied before 1973?

**The Hon. J. C. BURDETT:** As is acknowledged by the honourable member who has asked the question, that is a Federal matter. I am certainly prepared to discuss with my Federal colleagues the matter of reconsidering equalisation.

#### SOUTH AUSTRALIAN FIRE SERVICES

**The Hon. J. E. DUNFORD:** I seek leave to make a short statement before asking the Attorney-General a question about South Australian Fire Services.

Leave granted.

**The Hon. J. E. DUNFORD:** I intended to ask this question yesterday, because there is much concern and disquiet in the community resulting from the Gays Arcade fire on Sunday morning. However, it is not too late to ask my question today. When I read in the *News* on Monday the report on the fire, I was more concerned than ever, and that concern is shared by the community. People who are aware of the statement made by the Minister in another place have not received much relief. That brief statement consisted of two small paragraphs dealing with the Fire Brigade, advising how many firemen are employed and how many were available to fight the fire.

Further, on Monday, when I heard the Premier speak on the radio, it seemed that although he sounded and may have been concerned, his statements did not indicate as much, and that he was unconcerned about this matter. He said that the Fire Brigade had conducted an inquiry and that something would be done in the future, but that those things cost money and the Government must first look at its priorities. The Premier did not give any definite information about upgrading the South Australian Fire Services. When talking about priorities, one must first consider human life, followed by upheaval in employment and inconvenience to customers.

I am sure that all members have visited Gays Arcade and would know that, among other things, it houses dry cleaning and repair services, to which many people take their household goods for repair and cleaning. Many of the problems associated with the Gays Arcade fire could have been avoided if the fire services were not running on luck, which was the claim made by Mr. Mick Doyle in the *News* article. I have known Mr. Doyle personally and he is a very competent union official.

**The Hon. R. C. DeGaris:** What is he like as a fire fighter?

**The Hon. J. E. DUNFORD:** His colleagues have told me that he is a very good fireman. It is very rare for the *News* to support a trade union official, but its editorial on this matter supports the concern felt by members of the community. That editorial agreed that increased manpower and safety were needed. It states:

The firemen's union spokesman, Mr. Doyle, obviously has a case to plead when, from the ashes of the arcade's fire in the city, he calls for more jobs to be created in the fire brigade.

During my working life as a trade union official I was concerned with the safety of workers. On Tuesday morning I was further alarmed to read that lifelines were not used in the arcade fire. It was not because lifelines were not available, but because manpower was not available to service those lines. In fact, the article compares our fire services with the internationally accepted standard. It states:

... each fire appliance should carry one officer and four firemen. The S.A.F.B. has opted for a normal crew of one officer and two men to a unit. The additional 100 men sought by the firefighters would add about \$1 500 000 to the annual fire brigade bill of \$15 000 000.

The Government often referred to private enterprise and employment, and it now has an opportunity to make good its word. However, Mr. Tonkin has said that the Government must look at its priorities and legislate later on. The Premier has indicated that that legislation will be based on the South Australian Fire Brigade inquiry of August 1979. I have not read that report in depth, but I have read the section that deals with the level of service and efficiency, as follows:

The committee is pleased to record that no criticism of the brigade's fire-fighting efforts was received and that, indeed, the brigade appears to be held in high regard.

The Gays Arcade fire was fought by 13 men.

**The Hon. C. M. Hill:** How many men?

**The Hon. J. E. DUNFORD:** Thirteen.

**The Hon. C. M. Hill:** You should see Mr. Doyle again.

**The Hon. J. E. DUNFORD:** I did not see Mr. Doyle, if you do not mind.

**The Hon. C. M. Hill:** A minute ago, you said that you spoke to him.

**The Hon. J. E. DUNFORD:** No, I never saw Mr. Doyle at all. If a fireman had been caught inside the burning arcade he would not have had access to a lifeline, because not enough men were available to operate it; four men and an officer are required, but only one officer and two men per unit attended this fire. Mr. Rodda, the Chief Secretary, said that 37 firemen and officers were available, but he does not say how many actually fought the fire. In relation to the international standard I referred to, the press report indicated that in the United States a fireman attending a fire similar to the Gays Arcade fire would fight the fire for no longer than a maximum of 13 minutes. However, South Australian Fire Brigade employees were required to fight this fire for two hours.

The South Australian Fire Brigade inquiry report states that Fire Brigade employees are held in high regard. I was alarmed to read that section of the report indicating that this Government will pay back private enterprise for its support in the last election. It was stated in the report:

... the fire equipment servicing department should be removed from the uniformed fire-fighting/fire protection echelon. ...

Private enterprise manufacturers producing fire-fighting equipment have offered to do this work at a lesser rate in order to secure contracts for their equipment, even though

the Fire Brigade employs 27 men to do this work and showed a profit in 1978, with an income of \$609 500 and an expenditure of \$566 700. The report states:

In our view it is questionable whether the brigade should continue in this type of commercial operations in the long term.

The committee recommends that the commission direct an inquiry with the help of outside advice into the Fire Equipment Servicing Department. The inquiry should consider whether this service should continue and, if so, propose the most appropriate organisation structure and operational methods.

The report continues:

In the short term at least the enterprise must continue as it employs 27 men and has so far produced a useful revenue for the brigade. However, we believe that it must be managed in a more business-like way than in the past, with more emphasis on marketing and promotion.

That is where the private enterprise aspect comes into the matter. The report continues.

The committee recommends that notwithstanding the proposal to investigate its activities the Fire Equipment Servicing Department should be removed from the uniformed fire fighting/fire protection echelon of the commission and made the responsibility of the Chief Administrative Officer.

Also, the report talks about recruitment, although it does not refer to the recruitment of more labour. The Officers Association also agreed that there ought to be more firemen: it agreed that there should be not only more equipment but also more people to use it effectively.

**The PRESIDENT:** Order! I must remind the honourable member that, although this is an important question, there are other questions to be asked.

**The Hon. J. E. DUNFORD:** Thank you, Sir. I will wind up my explanation. One must be 20 years of age, physically fit and do a 14-week course in order to become a fireman. It is recommended that the age range be increased and that there should be a higher standard of education. The report states that we have an efficient fire service, but that those who wish to be recruited should undertake fourth-year secondary education and have a merit study certificate. However, this will eliminate many people who are now seeking jobs because they do not have these sorts of qualification. From what I have read, it seems that the report does not go far enough into the matter of community safety, which the public deserves. Such matters must be dealt with outside this committee of inquiry.

I therefore ask whether the Attorney-General will call for a coronial inquiry into the fire in Gays Arcade on Sunday morning 3 August to ascertain not only the cause of the fire but also what should be adequate protection for the community in fire services by way of, first, manpower numbers; secondly, manning of a equipment; thirdly, the need for specialised equipment in areas other than the metropolitan area (I clarify that by saying that all of the specialised equipment is centered in Wakefield Street and can be found nowhere else in the metropolitan area); and, finally, the safety of personnel.

Those four propositions ought to be the basis of a coronial inquiry, which could give the answers that would clear up the position, so that the public could be assured that, in the event of a fire or two fires occurring at once, their lives, as well as those of the people fighting the fires, would be safeguarded.

**The Hon. K. T. GRIFFIN:** I am not sure what the honourable member's explanation had to do with the question, as most of the matters to which he referred were unrelated to the request for a coronial inquiry.

**The Hon. N. K. Foster:** That's what you said about the Hills bushfire, too.

**The PRESIDENT:** Order!

**The Hon. K. T. GRIFFIN:** The Chief Secretary is the Minister responsible for the Fire Brigade, and all the matters referred to in the honourable member's statement are properly matters for his consideration and not mine.

**The Hon. Frank Blevins:** What about the coronial inquiry? Who is responsible for that: you or the Chief Secretary?

**The PRESIDENT:** Order!

**The Hon. K. T. GRIFFIN:** Regarding a coronial inquiry, I will not give a direction to the Coroner. I have indicated previously that the procedure is laid down in the Coroners Act by which the Coroner himself decides whether or not there shall be an inquiry. I would prefer, for the reasons that I have previously indicated, and taking into account the responsibilities placed on the Coroner by the Act, to leave it to the Coroner to make his decision.

**The Hon. J. E. DUNFORD:** Is the Minister going to refer this matter to the Chief Secretary? Is that what he said?

**The Hon. K. T. GRIFFIN:** I did not say anything about that. The matters referred to in the honourable member's statement appear to be unrelated to the request for a coronial inquiry; those matters are within the province and are the responsibility of the Chief Secretary. I am not going to refer the matter of a coronial inquiry to the Chief Secretary, and I will not give a direction to the Coroner.

#### TOBACCO ADVERTISING

**The Hon. BARBARA WIESE:** I seek leave to make a statement before asking the Minister of Community Welfare, representing the Minister of Health, a question about tobacco advertising.

Leave granted.

**The Hon. BARBARA WIESE:** I was delighted to read in the 26 July issue of the *Advertiser* that the Royal Australian College of General Practitioners had presented to the Minister a petition calling on the Government to ban tobacco advertising. The college pointed out, first, that last year 12 000 Australians died from tobacco-related diseases and, secondly, that tobacco-related diseases kill three times the number of people who die in road accidents, and that large numbers of teenagers, especially young women, are being recruited to smoking by the tobacco industry's expensive and aggressive advertising.

Soon after her appointment, the Minister of Health expressed her own preference for banning tobacco advertising and, in view of this new call from the Royal Australian College of General Practitioners (which is one of the many we have heard in recent months from knowledgeable organisations), I ask whether the Minister will take prompt action to have tobacco advertising banned in South Australia.

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

#### SMALL BUSINESS

**The Hon. N. K. FOSTER:** I seek leave to make a statement before asking the Attorney-General a question about small business people in South Australia.

Leave granted.

**The Hon. N. K. FOSTER:** I refer to a bit of a ditty, involving jargon and a lot of nonsense, which has been shown on some of the commercial television stations over the past few weeks. In this advertisement, people appear half inebriated and say, "It's our State, mate." I do not

know whose State it was before this television advertisement. There are other instances of this kind of thing. One night recently, when a Government Minister and I attended a meeting, much the same sort of thing was done towards the end of the inspection that occurred. However, as I have wandered about the suburbs and country areas, I have found the moans and groans being made by people, particularly those outside rural areas, to be very loud indeed. I refer particularly to such business areas as the Gallerie complex, the Southern Cross complex and Tea Tree Plaza, where exorbitant rents are being extracted from people. Indeed, rent payments are so far behind that many people are threatened with bankruptcy. The confidence of business people has certainly taken a hell of a beating since last September.

Also, one hardly ever picks up the newspaper without finding that some sort of fire has occurred. I do not for a moment suggest that the fire referred to previously this afternoon falls into this category. However, who knows? It may well do so. Business men are being forced to the end of their tether, and may find that the best way out is to use an incendiary device. The Government's record in the whole area in relation to which it criticised the Labor Government would indeed look lousy under a blurred microscope. I know that the Attorney-General is quick at answering questions and at saying, "I do not know anything about it," or "I will refer the matter to my colleague in another spot." Well, he is in a spot, and he and all of his Ministers are in a spot as far as I am concerned.

**The Hon. C. J. Sumner:** I do not think other Ministers do any work—he is doing it all, but he cannot get it all done even in his own department.

**The Hon. N. K. FOSTER:** The Leader used the word "work" but I refer to the great shirking of responsibilities by Ministers in this place—

*Members interjecting:*

**The PRESIDENT:** Order! The Hon. Mr. Foster.

**The Hon. C. J. Sumner:** The Attorney-General has only half the portfolios I had, too.

**The PRESIDENT:** Order! The Hon. Mr. Foster.

**The Hon. N. K. FOSTER:** Will the Attorney ascertain for the benefit of this Council and for members of the community the number of small business people who have filed for bankruptcy since 1 June 1979? Will he supply information about the number of cases involving arson and/or explosions in respect of small businesses since 1 January 1979? Will he supply information about how many companies have been the subject of intrastate, interstate and international takeover bids since 1 June 1980? Will the Minister inform the Council about how many companies and/or business organisations have undertaken rationalisation since this Government took office? Does the Minister agree that the rationalisation of industry dooms many people in South Australia to straight-out unemployment and not redundancy in that sense? Finally, will the Minister undertake an investigation of the system of the Stock Exchange in South Australia to ensure that that exchange in its normal business transactions does not deny business and employment opportunities to the people of South Australia?

**The Hon. K. T. GRIFFIN:** I will endeavour to obtain that information which is available, but I draw the honourable member's attention to the fact that, if he is looking at the bankruptcy of individuals, that information is available freely at the Bankruptcy Court, which is a Federal court—

**The Hon. N. K. Foster:** Not if it's pending; that is not true.

**The Hon. K. T. GRIFFIN:** Information on the winding up of companies is available from the Corporate Affairs Commission but, to enable the honourable member to be saved from the task of having to do that task himself, I will see whether I can get that information. I want to make just a few comments which I think reflect upon the statement for which the honourable member received leave. He has tended towards suggesting that, as the result of a Liberal Government having gained office in September last year, there has been a considerable increase in the rationalisation of businesses. I suspect that he is endeavouring to obtain information that might give him some further ammunition to suggest that company insolvencies have increased. I point out that, far from rationalisations reducing employment opportunities in South Australia, if the honourable member had read the Governor's Speech or even listened to it, he would have seen a number of significant announcements that affect employment in South Australia to the advantage of South Australians because of the amount of money that will be invested in South Australia.

The Governor referred to General Motors-Holden's Limited, Simpson Limited, John Shearer and Sons Limited, B. Seppelt and Sons Limited, Omark Pty. Ltd., and Grundfos, all of which in the time since we have been in office have announced developments in South Australia which will—

**The Hon. C. J. Sumner:** When were the decisions made?

**The Hon. K. T. GRIFFIN:** The decisions were made during the time of this Government and as a result of the change of Government.

**The Hon. C. J. Sumner:** You are nearly as bad as the Premier.

*Members interjecting:*

**The PRESIDENT:** Order! The honourable Attorney-General.

**The Hon. K. T. GRIFFIN:** All those announcements are related to an injection of funds in South Australia for further development that will increase employment opportunities directly and will also add to the base of South Australian commerce and industry. If the honourable member had bothered to listen to the Governor's announcement with respect to exploration he would have seen a considerable number of initiatives that have come to fruition in the course of this Government's short term in office. They relate to off-shore as well as on-shore exploration, and result in a considerable injection of funds into South Australia with the prospect in the future of substantial mineral development, which will create greater job opportunities for South Australians. The emphasis during the short time—

*The Hon. N. K. Foster interjecting:*

**The PRESIDENT:** Order! The Hon. Mr. Foster has just asked his question.

**The Hon. K. T. GRIFFIN:** During the short period that we have been in office there has been a number of significant developments which all augur well for South Australia, both in the short and long term. The other problem to which the honourable member has referred relates to cases of arson or explosion involving small businesses. I am surprised that the honourable member should seek to impute to small business men the desire for them to commit criminal offences in disposing of their businesses in the face of financial difficulties. I would be most surprised if any of the fires that have occurred in the business area or explosions (if there have been any) are, in fact, the result of any deliberate acts on the part of proprietors.

The other curious aspect of the honourable member's

question is that he has given a variety of dates about which he would like information. We have 1 June 1979 on one matter, 1 January 1979 on another matter, and 1 June 1980 on another matter. I am not sure of the significance of those different dates, but I suspect that, if one were to take all of those back to a common date, namely, 15 September 1979, the results would not be as detrimental as the honourable member is, I suspect, seeking to suggest.

**The Hon. N. K. FOSTER:** I desire to ask a supplementary question.

**The PRESIDENT:** Is it a supplementary question?

**The Hon. N. K. FOSTER:** Yes, Mr. President, and if I were allowed to digress I would tell the Attorney-General about the foolish statements he has just made in this place. Does the Attorney agree with the Australian Bureau of Statistics civilian employee graph in respect to the increase in the number of unemployed in South Australia since the inception of a Liberal Government in this State? Will he not agree that in the period covered by the graph there was a buoyancy in private sector employment prior to September 1979 and then a reduction in employment in succeeding months? Does he agree that the graph shows a clear percentage increase in unemployment in the private sector, particularly since a Liberal Government came into office?

Will the Minister in his reply give sufficient reason as to why the figure for the February/March/April quarter of this year has a differential of some 15 000? Will the Minister describe to this Council why there was a differential of almost 4 500 more unemployed in a quarter during which everyone expects unemployment to decrease and employment to increase?

**The Hon. K. T. GRIFFIN:** I am not prepared to agree with those figures. I suspect that, if the February/March/April quarter presents some figures to which the honourable member has referred and shows increased unemployment (it is not my area of responsibility)—

*The Hon. N. K. Foster interjecting:*

**The PRESIDENT:** Order! The Hon. Mr. Foster has just asked several questions, and he should listen to the answer.

**The Hon. K. T. GRIFFIN:** The reason is obviously related to problems created by 10 years of Labor administration in South Australia.

## TECHNOLOGICAL CHANGE

**The Hon. FRANK BLEVINS:** I seek leave to ask the Minister of Community Welfare, representing the Minister of Industrial Affairs, a question on technological change.

Leave granted.

**The Hon. FRANK BLEVINS:** We know that Australia and the whole of the Western world is faced with the important issue of technological change. I remind honourable members of the film that we saw in Parliament House some months ago called *Now the Chips are Down*. That film gave a very good indication of some of the problems that we will have to face. In listening to the Governor's Speech I was interested to hear the following comment:

My Government is concerned to ensure that the State will derive maximum benefit from technological change and to guard against adverse social consequences resulting therefrom. It has decided to establish a Council on Technological Change with the object of ensuring that industry will adapt to, and adopt, such changes as are appropriate.

We have just been subjected to a very lengthy, and I assume accurate, description of the contents of the Myers

Report, which gives a totally inadequate review of the problems involved with technological change. I will not be so uncharitable towards the Liberals' proposed Council on Technological Change. What form will the Council on Technological Change, as mentioned in the Governor's Speech, take? Will it have terms of reference? If so, what are they? Thirdly, how many people will form the council, and what procedures will be adopted before appointing people to the council?

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

### SEXUAL HARASSMENT

**The Hon. ANNE LEVY:** I seek leave to make a brief explanation before asking the Attorney-General a question on sexual harassment.

Leave granted.

**The Hon. ANNE LEVY:** There has been, in recent days, considerable press publicity given to an incident of sexual harassment that occurred in Parliament House. I am sure that this is but an illustration of the type of sexual harassment which many women undergo in their employment and have done so for many years. The problem of sexual harassment in employment situations is of considerable importance to many women. The remedy of throwing a glass of beer is not available to them if they wish to keep their jobs, which may be extremely important to them. I have a manual from the United States Public Service that deals with the problem of sexual harassment in the workplace and treats this very serious subject in great detail. There have been inquiries on it in the United States and there is a complete manual on programmes undertaken by the Public Service Office in the United States with seminars and workshops being conducted for all members of the Public Service in the United States.

I have the manual for participants and trainers, which is used in combating and changing attitudes to sexual harassment in the workplace there. I would be pleased indeed to make these manuals available to members of the Government if they would care to follow this matter up. However, I would ask specifically whether the Government here will seriously consider the question of sexual harassment in the workplace and, as a first step, undertake programmes to eliminate sexual harassment in the Public Service, wherever it may occur, along the lines undertaken by the United States Government or along any other lines.

**The Hon. K. T. GRIFFIN:** Currently I am undertaking a review of the Sex Discrimination Act, and one of the areas that has been drawn to my attention is the question of sexual harassment, particularly in the workplace. That is a matter that will be receiving further attention as the review progresses. It is certainly not a matter which the Government condones. So far as educational programmes are concerned, I will give some consideration to that suggestion. I would welcome the opportunity to see the material to which the honourable member has referred and to take the matter further in a more detailed reply at a later stage.

### ADDRESS IN REPLY

Adjourned debate on motion for adoption.  
(Continued from 5 August. Page 47).

**The Hon. C. J. SUMNER (Leader of the Opposition):** It is now six weeks from the first anniversary of the Liberal

Government. I am sure the Council will appreciate that it takes 12 months at least and possibly some more time to assess a new Government and its performance. There is a traditional honeymoon period. The Opposition's view has always been that the Government should be given a chance to show its form. Honourable members will realise that there have been no no-confidence motions moved in the House of Assembly in the last almost 11 months. In other words, that is a reflection of the Opposition's position that the Government, having been elected on 15 September, needed a chance to show its form and to prove that it could implement its promises.

However, we are now in a position to assess the Government and draw some conclusions, with the anniversary of the Government a short time away. I believe that we can come to two fairly clear conclusions: first, that the Government has lifted the art of political cynicism to new levels and, secondly, that the Government is dithering and indecisive. I would like to examine some of the issues which have confronted the Government over its period of office and which give rise to those conclusions.

Firstly, I should mention how the public views the Government's performance. To do that, one needs to look at a Gallup poll that appeared in the *Bulletin* of 1 August. It was a recent poll taken in May-June 1980 and shows that the Liberal support in South Australia stood at 39 per cent. Labor support stood at 47 per cent. The Liberal support of 39 per cent compares to what it was at the September 1979 election—47.9 per cent.

Labor, on the other hand, had 40.9 per cent at the September 1979 election and now has 47 per cent. There has been a considerable drop, about 8 or 9 per cent, in the Liberal Government's support in this State and a corresponding increase in Labor support, such that the standing of the Liberal Government in this State trails Labor at present by about 8 per cent. I will deal now with the issues that I believe lead to the conclusion I have reached in relation to the Government's performance. The first is the employment position. This is important, because it formed a central part of the Government's appeal to the people last September. The policy speech stated:

We will make major pay-roll tax cuts to boost business and create new jobs for our young people. This bold initiative can mean more than 7 000 new jobs for them.

Subsequently, a report of a television appeal to the people by the Premier on 18 December last year stated:

Mr. Tonkin said that to help create new jobs the level of pay-roll tax exemptions had been lifted for all firms and the Government's special youth employment policies were producing excellent results.

"In the first two months 800 more jobs were created for young people," he said.

"You will remember that we were looking to create an extra 7 000 jobs. On present indications the actual number over the next three years could be nearer 10 000."

There was a quite clear commitment that 7 000 jobs would be produced from pay-roll tax cuts and a subsequent increase to 10 000 jobs promised in December last year. Central to the Government's employment position at the election last year were the promises of tax cuts, including cuts in succession and gift duties, which it has implemented, but also in relation to the employment position were these pay-roll tax cuts that were supposed to produce 7 000 jobs, later to be updated to 10 000 jobs.

The latest from the Premier on this point was given in the House of Assembly last Thursday, when he tried to assert that 1 700 jobs had been created by his pay-roll tax moves, although he did state that some studies (I suggest

most) indicated that all these people would have been employed anyhow, which was what we put to Parliament when the Bills were passed. Nevertheless, the Premier has claimed about 1 700 jobs as a result of his pay-roll tax exemptions. All I can say is that the Premier must have a very funny idea of what is involved in creating jobs, because if one looks at the figures and analyses the unemployment situation in South Australia from January 1979 to May 1980, one sees that there was an improvement in the employment situation in South Australia until September 1979 and that since then there has been a considerable deterioration.

From the end of January 1980 to May 1980, unemployment increased by 3 500, so it seems to me to be an extraordinarily funny method of calculating improvement in the employment situation to say that 1 700 jobs have been created by pay-roll tax exemptions, when at the same time it is quite clear that the unemployment position has worsened considerably. The Commonwealth Employment Service figures, which are seasonally adjusted, for the period from January 1979 to May 1980 are as follows:

Month	Unemployment figures
1979	
January .....	46 500
February .....	46 300
March .....	46 700
April .....	45 500
May .....	45 600

Month	Unemployment figures
June .....	44 700
July .....	45 100
August .....	44 900
September .....	44 500
October .....	44 700
November .....	44 800
December .....	44 800
1980	
January .....	44 500
February .....	45 600
March .....	45 700
April .....	46 800
May .....	48 000

We see from those figures that since September, coincidentally, there has been a deterioration in the employment situation in South Australia, and a considerable deterioration from January this year until the end of May. The same pattern is exhibited when one looks at the private sector civilian employment figures for South Australia. They are Bureau of Statistics figures, and, from April in the 1978-79 financial year to April in the 1979-80 financial year, there has been a drop of 4 300. That is further evidence that the employment situation in South Australia, far from showing improvement, is deteriorating quite dramatically. I seek leave to have that table inserted in *Hansard* without my reading it.

Leave granted.

#### PRIVATE SECTOR CIVILIAN EMPLOYEES ('000s) SOUTH AUSTRALIA

	July	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.
1978-79 .....	309.1	308.5	308.7	308.4	311.4	312.1	310.5	311.3	313.5	313.0
1979-80 .....	309.9	309.7	309.7	310.0	311.1	312.0	309.9	308.9	309.3	308.7
CHANGE	+ 0.8	+ 1.2	+ 1.0	+ 1.6	- 0.3	- 0.1	- 0.6	- 2.4	- 4.2	- 4.3

Source: A.B.S., Civilian Employees, April 1980.

**The Hon. C. J. SUMNER:** The next issue to which I turn is the capacity of the Premier to blow his bags about any issue, principally about this Government's performance. In Opposition, the Premier had a reputation for making ill-considered statements. He would say the first thing that came into his head and then try to punch his way out of that later. One would expect more from him, as Premier, but he is continuing his boasting style and continuing to blow his bags in a way that does nothing to promote careful or rational debate. It insults the intelligence of South Australians.

I suggest that some Liberal members of Parliament are starting to squirm at the Premier's statements. He is increasingly becoming fonder of blowing his bags and making statements claiming for his Government things that really have no relationship to what the Government has done. His latest performance was last Thursday in the House of Assembly, when he listed a whole lot of investments that he said had occurred in South Australia since the Liberal Government came to office. He said:

All of those projects are job-creating and are initiatives taken by the business community since last year; all of them reflect a renewed confidence in South Australia and its prospects for a full economic recovery.

That is simply a straight-out lie, as I am afraid that, if we take a selection of the initiatives that the Premier has announced, we will see that many could not have been taken since September last year. Many were taken well before that time, and I will take some examples. First, he

announced that Australian Bacon Limited, a \$100 000 000 smallgoods company, would create 200 jobs. Last November the Premier said that the fact that this company was moving here was evidence of the initiatives that business was prepared to take under a Liberal Government.

A little research into the report by Australian Bacon Limited for the previous year shows that it was going to centralise its operations in South Australia in any event. How the Premier could maintain that it was a tangible indication that South Australia was now seen as offering a brighter business future, I do not know. That decision had been made well before that time. The Hon. Mr. Laidlaw is involved in business and would know that a decision such as that one or two months after an election would not have been taken because of the election of a Liberal Government, but would have been taken before that time. That is the correct scenario, as indicated by the company's report, if anyone had bothered to look at it.

Among other things that the Premier is claiming credit for is the Punalar Paper Mill of India, which will spend \$50 000 000 and create 500 new jobs. I am sure that all honourable members would be aware that that deal was negotiated by the former Minister of Agriculture, Mr. Chatterton. The Premier also said that Transfield had won a \$7 000 000 contract for the supply of fabrication and structural steel for the new northern power station. Good luck to Transfield for winning that contract, but did the Premier order the construction of the northern power station? Of course, he did not—that was done well before his Government came to office.

Another project that was in train well before the present Government came to office is the Safcol fish finger plant at Millicent, which will cost \$1 100 000 and employ 48 staff. Then there is the Kingston lobster tourist complex, which the Premier said was opened at a cost of \$500 000 and would create 17 new jobs. I will not go through all the so-called credit that the Premier has claimed for investment since 15 September, but it is quite apparent that it is a straight-out lie when he says that all projects and initiatives taken by the business community have come about since last year, which implies that that is particularly so since the election of the Liberal Government. The situation in relation to the Premier's propensity to boast and claim things that clearly had nothing to do with him also extends to such things as the Constitutional Museum, which was opened the other day. In June 1978 Mr. Tonkin said:

Monuments to past politicians are the last things the community wants at present.

However, the Premier was very proud to be at last week's opening of the Constitutional Museum. It was interesting to note that absolutely no mention was made of the initiatives taken by former Premiers Don Dunstan and Des Corcoran in promoting that museum and recognising it as a Labor Government initiative. Instead, the Premier went ahead blithely, wanting the people of South Australia to assume that it somehow had something to do with the Liberal Government.

One should also recall the statements made by the Premier when he opened Colonnades, and I suppose that is one of the most absurd statements he has yet made. The Premier said that the opening of Colonnades was great evidence of reviving business confidence in South Australia. The Premier made that statement two or three weeks after the election, when he was opening a complex that had been constructed before his Government came to office.

A further example came about the other night at the launching of an ethnic affairs directory, at which the Hon. Mr. Hill was present. The Premier congratulated the staff on the tremendous amount of work they had done in preparing that directory over the past six months. Of course, I had a quiet laugh to myself because, in fact, the preparation of that directory had been ordered when I was the Minister Assisting the Premier in Ethnic Affairs. Thankfully, one of the Minister's public servants was a little more honest than the Premier. When he was summing up the opening, Mr. Gianopoulos congratulated the staff for all the work they had done on the directory over the past 10 months. There was then a bit of a giggle around the room as people realised—

**The Hon. C. M. Hill:** Ten months still gets us in.

**The Hon. C. J. SUMNER:** Yes, but it created sufficient doubt. As the Hon. Mr. Hill knows, the direction to produce that directory was given by myself. I am glad to say that the honesty of the public servant sent a bit of a titter around the room as the people present had a giggle at the Premier trying to obtain credit for something that he had absolutely nothing to do with. That is a tendency of the Premier that is rapidly becoming a failing and making him something of a laughing stock in South Australia and a figure of fun. It is a pity that the Premier finds it necessary to conduct himself in that way. As honourable members will see during the course of my speech, that is not one isolated instance where he has behaved in this manner, because he does it nearly all the time.

I now turn to the Government's remarks when in Opposition about the sittings of Parliament and how often it should sit. In the *News* on 1 July 1976 it was reported:

The Opposition Leader, Dr. Tonkin, today called on the State Government to hold more sittings of State Parliament this year.

The article then went on to say why he thought that Parliament should sit more often. What has the Liberal Government done since then? There has only been one regular Parliament since responsible Government was introduced in South Australia in 1857 that has sat fewer days than the 1979-80 Parliament under the Liberal Government. That occurred in 1917 at the height of the First World War, when there was presumably some good reason for that to happen. There have been only three regular Parliaments since 1857 that have sat fewer than 40 days: 1917, 33 days; 1964, 37 days (under the Playford Liberal Government); and 1979-80, 35 days (under the Tonkin Liberal Government).

**The Hon. C. M. Hill:** Fair go, we only came to office in September.

**The Hon. C. J. SUMNER:** The Hon. Mr. Hill has interjected, as I thought he might; I point out to him that in 1977-78, when there was a September election and the Labor Government was returned to office, Parliament sat for 45 days.

**The Hon. C. M. Hill:** Yes, but it had its own policies and its own Public Service.

**The Hon. C. J. SUMNER:** Is the Hon. Mr. Hill saying that his Party had no policies?

**The Hon. C. M. Hill:** It takes time to implement them, as you well know.

**The Hon. C. J. SUMNER:** In 1965 after the election of a Labor Government, Parliament sat 85 days.

**The Hon. C. M. Hill:** What date was that election?

**The Hon. C. J. SUMNER:** March 1965. The regular Parliamentary session sat for 85 days. In 1970-71 the freshly elected Labor Government sat for 75 days, and 85 days in 1965, compared to 35 days under the present Tonkin Liberal Government.

**The Hon. L. H. Davis:** What about taking it through to the end of the year?

**The Hon. C. J. SUMNER:** The first session of Parliament has finished. I judged it on that session of Parliament. The Hon. Mr. Davis was not in the Chamber when I pointed out that there had been only three regular Parliaments since 1857 that had sat fewer than 40 days. In 1976 Mr. Tonkin called on the then State Government to hold more sittings of Parliament. In that very year Parliament sat 65 days, which is nearly twice as much as the sitting under the present Liberal Government. That sharp reduction in Parliamentary sittings confirms the Government's confusion and fear of exposing its policies to Parliamentary and public scrutiny.

**The Hon. L. H. Davis:** That's an insipid argument.

**The Hon. C. J. SUMNER:** That is not so. To make sure that the Hon. Mr. Davis is under no misapprehension, I seek leave to have inserted in *Hansard* a table indicating the number of sitting days that have occurred since responsible Government was established in 1857 until the present time.

Leave granted.

No. of sitting days (House of Assembly) since responsible Government—Parliamentary Sessions

Year	No. of sitting days
1857-58 . . . . .	111
1858 . . . . .	68
1859 . . . . .	58
1860 . . . . .	83
1861 . . . . .	100

No. of sitting days (House of Assembly) since responsible Government—Parliamentary Sessions		No. of sitting days (House of Assembly) since responsible Government—Parliamentary Sessions	
Year	No. of sitting days	Year	No. of sitting days
1862	92	1923	52
1863	100	1924	61
1864	93	1925	62
1865	55	1926	60
1865-66	80	1927	73
1866-67	81	1928	49
1867	76	1929	66
1868-69	80	1930	56
1869-70	105	1931	81
1870-71	105	1932	50
1871	62	1933	57
1872	126	1934	53
1873	60	1935	70
1874	80	1936	67
1875	73	1937	51
1876	73	1938	75
1877	84	1939	62
1878	79	1940	58
1879	67	1941	53
1880	67	1942-43	63
1881	70	1943	45
1882	73	1944	49
1883-84	89	1945	50
1884	64	1946	49
1885	76	1947	54
1886	72	1948	59
1887	83	1949	48
1888	76	1950	51
1889	73	1951	50
1890	83	1952	44
1891	86	1953	57
1892	73	1954	55
1893	84	1955	59
1894	89	1956	48
1895	88	1957	41
1896	81	1958	51
1897	65	1959	56
1898-99	86	1960	56
1899	79	1961	43
1900	72	1962	48
1901	70	1963	52
1902	55	1964	37
1903	51	1965-66	82
1904	62	1966-67	73
1905	62	1967	57
1906	41	1968	2
1907	74	1968-69	68
1908	66	1969	64
1909	57	1970	3
1910	71	1970-71	75
1911-12	78	1971-72	74
1912	65	1972	54
1913	57	1973	4
1914	47	1973-74	69
1915	65	1974-75	74
1916	44	1975-76	45
1917	33	1976-77	65
1918	45	1977	11
1919	56	1977-78	45
1920	49	1978-79	55
1921	51	1979	11
1922	60	1979-80	35

**The Hon. C. J. SUMNER:** I turn now to the issue of law and order and compare what the Government promised and how it has performed. This issue has been canvassed to some extent in the Council already. However, I should like to place on record the promises that were made and to correct a misapprehension or a misleading impression that the Attorney-General gave to the Council yesterday in relation to a promise made in the Italian press during the election. The translation of that Italian advertisement was as follows:

A Liberal Government will make the streets safe for your daughters to walk on without being molested by those hooligans who have been acting as if they owned the place for the last 10 years.

That advertisement was authorised by Mr. Willett, and that translation was accepted by the judge, Justice Mitchell in the Norwood case, with some query as to whether it should be "hooligans" or "thugs".

If the Attorney-General wants to argue about the translation, perhaps he will look at the English text and see what Mr. Busuttill, whom the Hon. Mr. Hill knows fairly well, provided to Mr. Willett, the Liberal Party Director. That original document read:

A Liberal Government will make the streets of South Australia safe for your daughter to walk around unmolested by all the thugs that have been roaming the streets in the last 10 years.

Whatever interpretation one takes, there is a clear commitment from the Liberal Party to do something about the crime rate and law and order. But what have we had? Nothing was done in the Parliament until yesterday, when the Attorney-General introduced a Bill to deal with lenient sentences, a Bill that I introduced last November. That *Il Globo* advertisement was not an isolated statement from Liberal members on the question of law and order: it appeared throughout Liberal Party advertisements in South Australia in the seats that the Liberal Party was contesting. I do not think I saw a Liberal Party pamphlet that did not refer to their promise to reduce the crime rate in order to deal with the law and order situation. After the election, the Attorney-General was reported as saying:

An escalation of violent crime in South Australia could reasonably be expected within the foreseeable future.

What about the question of remissions of sentence? Before the election, Mr. Tonkin called for all the remissions to be made public, and just prior to the election I announced that the Labor Government would publish remissions of sentence. The Hon. Mr. Cameron tried in the Council to play on the fact that a person convicted and sent to gaol had had his sentence remitted on health grounds. That person subsequently died three or four months after the election. At the time that the decision to remit the sentence was made, and before the election, the Liberals were running this issue as much as they could.

The Premier made quite clear that, in the interests of the public and of open administration of the justice system, he supported these remissions being made public in some way. Now, the Council has evidence that 11 remissions of sentence have been made since last September, and not one of them was gazetted or made public until a question was asked in the Council, and even then the Attorney-General gave a very general reply and refused to indicate which people were involved. The *Advertiser* had this to say about the matter:

Last week's statement by the Attorney-General, Mr. Griffin, that his Government did not intend to provide details of sentence remissions granted to South Australian prisoners by Executive Council is a curious one.

That is putting it mildly. The report continues:

It is a complete reversal of the stand taken by the Premier,

Mr. Tonkin, and his Party before last year's election which swept them into power. Why such a change of heart should be necessary is difficult to understand particularly in the light of the fundamental need for openness in the conduct of the system of justice in a democratic society.

So, even the *Advertiser* found it within itself to criticise the Government. I am not surprised, because the Government clearly said one thing before the election and did another thing after it. That is characteristic of its action over a whole range of matters, as I will continue to demonstrate.

I turn now to the matter of Ministerial cars. In his 1979 policy speech, Mr. Tonkin said:

To show a lead, a Liberal Government will move to smaller, more economical vehicles and that will include the big white cars that Ministers drive around in, too.

Indeed, he drove around in one, too, at that time. That was a completely dishonest statement in the policy speech, because on 2 July 1979 there was a press release which gave details of a Cabinet decision, taken under the Labor Administration, instructing all Public Service departments and statutory authorities to cut motor fuel consumption by 10 per cent. It included the following statement:

The eight-cylinder Ford LTD cars used by Ministers will also be replaced, as new cars are required, by six-cylinder cars.

So the Premier's great promise made in his 1979 policy speech had already been announced by the Labor Government and commenced to be put into effect.

Mr. Tonkin has also set a fairly interesting example in this respect. He said that the Government would move to smaller and more economical vehicles. It is interesting to note that one of the eight-cylinder cars left in the fleet is being used by the Premier. Not only does the Premier use an eight-cylinder car but also he has found it necessary to boost himself up and to appear to be even more pompous than he is by ordering a flag.

**The Hon. J. E. Dunford:** Oh, no.

**The Hon. C. J. SUMNER:** That is so. The Premier puts the flag on his eight-cylinder LTD and drives around with the flag on the car. That is a bit odd. The Premier was going to set a good example by using a six-cylinder car, yet he still drives around in his eight-cylinder LTD with a flag on it.

**The Hon. C. M. Hill:** There's nothing wrong with flying the flag.

**The Hon. C. J. SUMNER:** No, there is not, but it depends which one. In addition, the Premier's only other act was to give a vehicle to a Mr. Becker, who I understand is Chairman of the Public Accounts Committee. So, rather than cut down the number of Ministerial cars or the consumption of petrol by that fleet, the Premier has increased it, contrary to what he promised during the election campaign, a promise that had been announced in any event by the former Labor Government.

Let us look at the Public Accounts Committee, about which much was said before the last election by honourable members opposite, and particularly by the Premier. The Liberal Party's Treasury policy of August 1979 contains the following statement:

It will comprise six members, three from each side of the House, with an independent Chairman.

It also states:

Hearings of the Public Accounts Committee should be held in public. That was to be subject to the right to meet in camera where necessary and to the accepted restrictions presently applying to the reporting of proceedings in the courts. What has been the Government's response to those matters?

It has put in a Liberal, Mr. Heini Becker, M.P., as the Chairman, yet he could not in any way be considered to be

independent. Of course, no moves have been made to open up the Public Accounts Committee to the public. Here is a clear promise, yet no action has been taken. The only action that has been taken is completely out of kilter with the spirit of the promise made by the Premier and the Liberal Party in the policy document.

Regarding committees, I refer to the clear statement of policy by the Government, when in Opposition, on 25 October 1978 in another place: the then Deputy Leader of the Opposition (Mr. Goldsworthy) moved for open hearings of Select Committees. A tremendous rear-guard action was fought by his Ministerial colleagues in this Council seeking to keep closed the hearings of the Select Committee on Uranium Resources. They failed, but only after I pointed out that I was going to move in this Council that the committee should open its hearings to the public. The Liberals then realised that the Hon. Mr. Milne agreed with us, and so they caved in.

**The Hon. L. H. Davis:** How many Select Committees did you have open in your 10 years?

**The Hon. C. J. SUMNER:** There were some that were open, but it had traditionally been the practice that such committees were closed. Personally, I supported open Select Committees, but the Labor Party did not make any promises about that: it did not make a great fanfare about open government in 1979 as did the Liberal Party. The Labor Party did not move a motion, as the Liberal Party did, calling for such committees to be open, but that is what Mr. Goldsworthy did. The Premier said enough times that the hearings of the committees should be open, but having done that, after the election his colleagues on the front bench here (the Hon. Mr. Griffin, the Hon. Mr. Hill and particularly the Hon. Mr. Burdett) fought their hardest to keep such committees closed. Luckily, their decision was overturned, because they were afraid that we would take action in this Chamber to enforce their policy.

I turn now to the so-called promises of the Premier to reduce the number of press secretaries. When elected on 20 September 1979 the Premier is reported in the *Advertiser* of that date, as follows:

The Premier, Mr. Tonkin, said yesterday his Government would have eight press secretaries compared with the 14 for the previous Administration. The move would save the taxpayer about \$120 000 a year. "In Opposition, the Liberal Party was critical of the number of press secretaries hired by previous Administrations," Mr. Tonkin said. "We will operate with eight—the minimum we can effectively reduce to."

What happened to that decision, that \$120 000 saving? Again, on 11 October the Premier had a bit more to say about why he thought a press secretary was a good idea, and was reported as follows:

Expanding on his decision to have fewer Ministerial press secretaries, Mr. Tonkin stressed his Government would be very different in style from Labor. "We won't be chasing after the media with pie-in-the-sky announcements—I think people are sick of that."

I do not think that there is anything more pie-in-the-sky than some of the Premier's announcements, especially some of his boasts about what he is doing for South Australia. Further, dealing with the question of press secretaries, on 24 June 1980 the following statement appeared in the *News*:

The Premier said today the system of sharing one press secretary between two Ministers had been found unsatisfactory in keeping the public and the media well informed about Government initiatives.

Then he announced that the number of Ministerial press secretaries or Ministerial officers was to be raised to 14, the same number as were employed by the former Labor

Government. So much for the \$120 000 in savings. So much for the criticism and continual carping in Opposition about the number of press secretaries which the Labor Government felt was necessary and which now the Premier has obviously agreed to.

Turning to appointments to the Public Service, the Liberal Party, in its policy on the Public Service stated:

Furthermore, a Liberal Government will curb the practice of appointing outsiders to top Public Service positions where there is already a suitable and competent applicant existing within the service. Such appointments seriously affect the morale of the loyal and dedicated officers who have made the Public Service their career.

Further, in *Hansard* of 10 August 1976, the Premier was reported as saying:

When appointments are made to the Public Service for political reasons the situation becomes even more dangerous . . . nothing is more calculated to destroy the morale of these people than making appointments from outside the Public Service, when people inside the Public Service have been working in a dedicated fashion to reach the top of their department only to find they are passed over and relegated to a secondary position by someone from outside the service.

What has happened in Government? Mr. Bakewell has been shifted, as has Mr. Inns, yet both were former permanent public servants. What appointments have been made? Mr. Tiddy was appointed to the Premier's Department from outside the Public Service. There was a Mr. Stevens, who was a Ministerial officer (that is all) with the former Federal Minister for Primary Industry (Mr. Sinclair) who is also running into a bit of trouble, appointed head of the Fisheries Department.

We then had the appointment of Mrs. Tiddy to the position of Commissioner for Equal Opportunity, another appointment that is a Public Service appointment, but an appointment from outside. Then we have the most scandalous appointment of all: a pay-off to Mr. Rundle, Chairman of the Chamber of Commerce at the time of the last election. It was Mr. Rundle who orchestrated the campaign to "Stop the job rot".

**The Hon. L. H. Davis:** Are you saying he is no good?

**The Hon. C. J. SUMNER:** Yes, I am. He ran the campaign to "Stop the job rot". He has now a very cushy job in London, \$40 000 a year, a car, a house and all the perks. That was one of the most scandalous appointments that has ever been made. I do not necessarily believe that the Agent-General or certain other positions in the Public Service all have to come from the Public Service: I believe that the flexibility of the Public Service should be such that we can get good people from outside, but I did not make these promises. It was the Premier who made promises about not making political appointments: it was the Premier who made promises about appointing to Public Service positions people already within the service.

He has now come out and made a series of appointments that can be described only as coming from outside the Public Service and, in some cases, they can be described as straight-out political appointments. There is no doubt that that is the position with the job of Agent-General. I have no idea what qualifications Mr. Rundle has for that job. I suspect that they are few, except for the fact that he ran the "Stop the job rot" campaign for the Liberals.

**The Hon. L. H. Davis:** Are you impugning him without knowing anything about him?

**The Hon. C. J. SUMNER:** I point out to the Hon. Mr. Davis that the coincidence is so extraordinary. Out of all the business community in South Australia and all the able people in this State who could have filled the job of Agent-General, even within the Parliamentary sphere—perhaps

the Hon. Mr. DeGaris may have been interested (he certainly would have been better than Mr. Rundle)—from all the people in South Australia who could have been chosen to be Agent-General in London for this State, it had to be Mr. Rundle, who was the person who was so effective in co-ordinating the Liberals and organising the campaign on behalf of the Chamber of Commerce in the "Stop the job rot" campaign. It was he who campaigned so heavily for the Liberal Party.

**The Hon. L. H. Davis:** You don't believe he was the only one campaigning against the Labor Party?

**The Hon. C. J. SUMNER:** No, I am referring to the coincidence, that it was he, of all the people in South Australian business and commerce, in Parliament, and in academia, who is the one picked out for the cushy \$40 000 a year job in London with the car and the free house. So much for the approach of the Liberal Government to appointments to the Public Service.

**The Hon. C. M. Hill:** You selected a business man—

**The Hon. C. J. SUMNER:** I am not complaining about selecting a business man: I would not necessarily complain about the selection of a politician, someone from the academic world or someone from the trade union movement. What I find odd, and what I think most honourable members find a trifle odd, is that from all those people in South Australia the one man the Liberals picked, Mr. John Rundle, just happened to help them at the last election campaign.

**The Hon. L. H. Davis:** You have not even checked his qualifications.

**The Hon. C. J. SUMNER:** I may have a suspicious mind but in this case I believe that my suspicions are well founded. Certainly he was not a business man of any great moment in this State. There are many other people who are prominent and better qualified than he is for the job. It was a straight-out pay-off as members opposite know, and I do not know why they are trying to defend the indefensible.

I now refer to the Government's policy on small businesses. On 31 August the Premier stated:

Private enterprise, especially the smaller concerns, must now decide where it stands and whether or not it can exist with a Labor Government in South Australia.

Further, on 1 October 1976, the Premier stated:

Small business needs expert help in many areas to help it survive. I believe the people that run our small businesses have a very important part to play in running our State and country.

They are fine sentiments, and one would not want to disagree with them. However, what has the Liberal Government done for small businesses since taking office? There has been a sustained attack on the role of small businesses in our community by the legislative initiatives taken by the Government. The first is the failure to act on stringent enough planning and development regulations to stop, control or regulate the proliferation of large shopping centres, with the supermarket chains and large retail stores that dominate them. Secondly, there is the matter of the shopping hours extension. Mr. Brown introduced in the House of Assembly a Bill that would have squeezed small businesses even further. There was also support for large supermarket chains over bread discounting.

In those three areas of Government initiatives small businesses have been placed under the hammer more than they have been for many years in this State, despite clear commitments from the Premier that he was going to do something to assist small businesses. It is a sustained attack on them, and if one now speaks to small business people one will find that they are very dissatisfied with the

Liberal Government's approach, particularly in those three areas.

It was the Liberal Government's policy to introduce extended shopping hours. In 1977 they introduced their policy of unrestricted trading apart from Saturday afternoon and Sunday. That was their policy in 1977; it was introduced in Parliament in 1979, and it then lapsed and nothing more was heard of it. One can now turn to the issue of the Victoria Square international hotel. The Premier made some interesting statements about that when in Opposition. In 1977 he said:

The new pie-in-the-sky project must surely be the international hotel in Victoria Square, which would in future be referred to as the Hans Christian Andersen Hotel.

In 1976 the Premier stated:

There is no need for another international standard hotel in Adelaide at present.

In 1978 he said:

The establishment of a hotel in Victoria Square of international standard is absurd and it should not be built and financed at the taxpayers' expense.

In December 1978 he said:

No private developer in his right mind would consider building a facility in Adelaide while the threat of a taxpayer-subsidised enterprise exists.

What is the Premier's response to that? Earlier this year a Bill was introduced providing subsidies for an international hotel in Victoria Square. Now, the Government, despite its statements in Opposition, is clearly in support of not only the Victoria Square international hotel project but also Government subsidies for it.

Let us look at the Government's approach to the release of reports. On 9 August 1978 a no-confidence motion was moved in the House of Assembly (the Liberals were prone to moving no-confidence motions), as follows:

That, in view of the Government's continued failure to provide adequate information and its suppression of reports vital to the public interest, this House condemns the Government for its secretive attitude towards the Parliament and taxpayers of South Australia and, no longer having confidence, calls upon it to resign.

What was the argumentation in that motion of no confidence put forward by Mr. Tonkin? He said:

However, the Government is still continuing with its present policy. It seems to be determined to keep away from the people of this State any material that is adverse to its own attitude and its own policy stand.

Further, he said:

How can members of the public ever be expected to know the facts or to make proper judgments, if the Government continues to keep information from them and treats them as mindless illiterates?

What is the Government's attitude to the release of reports in its short 11 months in office? Clearly dismal! We have the report (so-called) from the Attorney-General on the Ceruto statement and the Salisbury Royal Commission. The Attorney-General said that he cannot be bothered to prepare it as he is too busy in his department. We have the report on the Norwood electoral roll irregularities (so-called). What has happened to that? It was not reported to the House. We have the report on the poor public servant who went ahead with Government policy and printed the bus tickets that showed an increase in fares. What has happened to that? We have the reports on Yatala—the Cassidy Report, and so on. What has happened to them? We also have the report on Monarto. The Government has disbanded Monarto and is selling off the land on the basis of a report prepared for this Government. Has that report been made public? No, it has not. I know why it has not made it public. One should remember

that it was prepared by public servants, Mr. Taeuber from the Department of Lands, Mr. Sheridan from the Treasury, and Mr. Mant, the former Director of the Urban and Regional Affairs Department. The report stated:

It should be noted that this is extremely cheap land for urban or industrial use. Broad acre land north and south of metropolitan Adelaide cannot presently be purchased for less than \$10 000 per hectare. Thus even if all debts were capitalised indefinitely under current arrangements, Monarto land would remain cheaper than alternative land near Adelaide well into the next century.

That is what is in the Monarto report. The Government will not release the report to the people, because it does not support its case for a complete wholesale disposal of Monarto land.

We also have the Land Commission report. We will get legislation in this Parliament to change the role of the Land Commission. What has happened to that report—it has not been released to the public. The beverage container report prepared in the Department for the Environment is another important report. That also has never seen the light of day.

**The Hon. J. R. Cornwall:** The limited edition got out.

**The Hon. C. J. SUMNER:** A limited edition was released, so the Hon. Dr. Cornwall informs me. I imagine that it was very limited. In 1978 Mr. Tonkin also said:

The Government is quite prepared to refer an unfavourable report back for modification, and it is totally prepared to suppress a factual report not favourable to its policy, regardless of its responsibility to consider the general public interest.

We now know that the Attorney-General got a report from the Electoral Commissioner on the Norwood by-election which he did not like and which he referred back for further consideration. Subsequently, the Attorney-General refused to release that report on the irregularities in the electoral roll to the Parliament.

We have the position where a statement was made by the Premier before the election and the Attorney-General has done something completely different afterwards. Even the report on the unfortunate drowning of Dr. Duncan in the Torrens River several years ago, which many Liberals, in Opposition, called for the release of—

**The Hon. Frank Blevins:** The Hon. Mr. Hill used to call for it once a week.

**The Hon. C. J. SUMNER:** That is right. Even Mr. Tonkin, when speaking in the no-confidence motion, said:

I begin to wonder whether, in fact, the release of the Duncan Report might not be justified after all. Why is it being suppressed? In whose judgment should it be suppressed? Is it self-interest which is involved in this case, too? I do not know, but these questions have been raised in my mind again following the suppression of various reports of the Government.

The Premier tried to drag in the report on the drowning of Dr. Duncan, which was made after an internal police investigation. That report was not released by the Liberal Government and will not be released by it. When I asked the Attorney-General on 23 October last year whether he would release the report, he said:

The Government is not disposed to release the report or any part of it unless it can be persuaded there are substantial reasons for doing so that are in the public interest. It is understood that some Ministers of previous Governments have had access to the report and have concluded there has been no justification for its release.

That was the conclusion that the Labor Government had come to on that issue but that did not prevent the Liberals from calling for its release. The Premier called for the release of many reports in his no-confidence motion in

1978, but that has not prevented the Liberal Government from suppressing many reports. The simple situation is that it is probably in the public interest that important information of this kind be available for public comment but that some things remain confidential to government. Mr. Tonkin should have thought of that before the election. Since the election, he has done nothing to perform what he said, in his no-confidence motion in 1978, should be done.

I refer now to some hoary old problems for the Government. What did a Liberal candidate say about the lights at Football Park? There was a clear and unequivocal statement from the candidate, Mr. Ehmann, that, if a Liberal Government was elected, the lights would not be on at Football Park. An advertisement for that candidate stated:

Lights not on at Football Park, says Liberal candidate. Scale down the lights to suit the law —not the law to suit the league! If Labor will sell out your rights under the indenture—on request . . . How safe is your investment? Vote to protect your rights under the West Lakes indenture. Vote to save your lifestyle. On September 15 for Albert Park vote Ehmann 1.

On 22 October, the Minister of Marine (Mr. Rodda) wrote to the Woodville council reaffirming the Liberal candidate's promise in the election campaign. On the next day the Minister of Transport (Mr. Wilson) told the House that the lighting was to go ahead, with only some changes in the intensity of the lighting. When Liberal members at West Lakes started resigning, the Premier ordered further negotiations. What has Parliament seen since then? It has not seen anything. No legislation is before it on the matter, and the issue has not been resolved. That is one example of complete duplicity and dithering on the part of the Liberals.

**The Hon. J. A. Carnie:** There was a court action.

**The Hon. C. J. SUMNER:** Yes, there was. What did the Government say on the issue of Moore's building? The Liberal Party policy speech stated:

The Liberal Party believes the Government's role is to foster that spirit of enterprise and initiative, not to stifle it. As Margaret Thatcher so wisely said, the best thing government can do for business is get out of its way.

A report in the *Advertiser* of 11 December and repeated in the *Sunday Mail* on 16 December indicated that the Government had no intention of purchasing Moore's. By 20 December the Government had entered into an agreement with the Superannuation Fund to purchase the building and have it converted into law courts. That was a few days after a private consortium was ready to sign an agreement that would have kept Moore's building as a retail development area. Again, we have a situation of a commitment being made towards business and enterprise and of the Government's moving in and, contrary to business interests in that section of the city, converting Moore's building into law courts.

The Government did that knowing that there was a feasible alternative to put the local courts into the State Government Insurance Commission building when completed, and there would have been six new criminal courts adjacent to the Supreme Court. That proposal had virtually been approved by the Labor Government and was almost ready to be proceeded with. Instead, the present Government decided to nip a part of the retail shopping section in Victoria Square, contrary to the interests of business in the area and to the statements that it had made before the election. Regarding the Bank of Adelaide, on 14 September, the day before the election, the *News* contained the following report:

Mr. Tonkin said a Liberal Government would support the

retention of the Bank of Adelaide as the only trading bank with headquarters in South Australia.

On 17 September, after the election, the following report of a statement by Mr. Tonkin appeared:

Mr. Tonkin was reaffirming his previously stated policy that a Liberal Government would do everything possible to support the continued independent existence of the bank. Earlier, on 11 July, when the matter had been an issue, the Premier, then Leader of the Opposition, said:

The best option would be one which retained the Bank of Adelaide as a South Australian identity with its head office in South Australia, with maximum benefit for local shareholders, promotion opportunities and security for bank staff. By 25 September, the Premier changed his mind. A report in the *News* of that day, referring to the Premier, states:

The Premier, Mr. Tonkin, issued a statement saying he now believes it may be best if the bank's merger with the A.N.Z. group goes ahead.

Within 10 days there was a complete about-turn, despite the fact that there was a proposal that would have saved the Bank of Adelaide. The proposal would not have required Government funding as such and would have required only a guarantee. The present Government had made a clear offer to save the bank but after the election there was a complete about-turn and the bank went under.

The issue of Aboriginal land rights is another example of duplicity and what one can only describe as complete dithering. Before the election, Mr. Gunn and Mr. Allison supported the Labor Government's Aboriginal Land Rights Bill. Since then, there has been equivocation, and attempts to renegotiate that may or may not be successful. Previously, the Premier said that, before any exploration for minerals on Aboriginal land was carried out, there would be full consultation with the Aborigines. Earlier this year on 4 January he announced that the Government would open the non-nucleus lands referred to in the Aboriginal Land Rights Bill for mineral exploration. His weak excuse for this was as follows:

Mr. Tonkin said he considered the non-nucleus land a separate issue from the Pitjantjatjara Land Rights Bill, on which his Government would announce its intentions after talks with the Pitjantjatjara. Mr. Tonkin promised to consult the Pitjantjatjara about the Bill last year when he met a tribal council delegation which had expressed fears about the future of land rights. Mr. Tonkin said this commitment had been for nucleus, not non-nucleus lands. It had not been necessary to discuss yesterday's announcement with the Pitjantjatjara.

The Bill referred to nucleus and non-nucleus land, and the Aborigines were entitled to think, when Mr. Tonkin made his commitment to consult after the election, that he would consult about exploration on non-nucleus land but he did not consult about that. He set up a committee to look at sacred sites. Most of the members refused to sit on the committee: certainly, Mr. Nayda did.

Another example of the Government's approach to this issue occurred last month, when the Minister of Mines and Energy, Mr. Goldsworthy, announced that mineral exploration would be permitted on behalf of Getty Oil Development Limited. Shortly thereafter that permit was withdrawn because, as the Minister said, there had not been any consultation with the Aboriginal people. That issue shows the difference between the promise of action by this Government in supporting Aboriginal land rights and promising consultation with subsequent continuing negotiation, but not consulting the Aboriginal people about mineral exploration in January and July this year.

I now turn to the transport question and note the Government's attitude and how once again it seems to have gone around about in a very curious fashion. On

4 September 1979 the Liberal Party's policy on transport was delivered by Michael Wilson, which in part stated:

The shadow Minister of Transport, Mr. Michael Wilson, announced today that a Liberal Government would immediately halt further planning and development of the North-East Light Rail Service. Instead, an assessment will be made of a much more flexible, cheaper, more effective system, known as the West German O'Bahn Rapid Bus System. He said that after intensive discussions with Mercedes-Benz (Australia) and with private transport engineering consultants, the Liberal Party was convinced that it was a far superior proposition.

I was very interested in the Hon. Mr. Carnie's contribution yesterday, when he told the Council that the O'Bahn system had not even been put into effect anywhere in the world.

**The Hon. J. A. Carnie:** You knew that all along.

**The Hon. C. J. SUMNER:** It is not operating in a practical way in any city in the world, transporting passengers on a public transport basis. Apparently, there are prototypes and in one month's time one will begin operation in Essen. I put it to the Hon. Mr. Carnie yesterday that it was a pilot programme, and he agreed. Last year the Liberal Government announced the famous O'Bahn system, but it has not been tried anywhere in the world. That is what it is going to foist on South Australia.

**The Hon. R. J. Ritson:** It has been tried.

**The Hon. C. J. SUMNER:** It has only been tried experimentally.

**The Hon. R. J. Ritson:** There has been a pilot project.

**The Hon. C. J. SUMNER:** The Hon. Mr. Carnie told us yesterday that it has not been tried in any city in the world as a practical operation.

**The Hon. R. J. Ritson:** Do you believe that we should never try anything new?

**The Hon. C. J. SUMNER:** No, but why was it not stated by Mr. Wilson that the O'Bahn scheme was still very much in the experimental stage? The O'Bahn system was heralded by the Liberals as the great answer to the north-east transport problem. On 19 February 1977, during a world trip by Dr. Tonkin, an article in the *Advertiser* dealing with his attitude towards transport stated:

South Australia must look very closely at rapid-transport passenger systems based on lightweight trams, the Leader of the Opposition (Dr. Tonkin) said yesterday. Lightweight rail systems have a great future in South Australia. He said they appeared to be ideally suited to the proposed north-east suburban corridor to Tea Tree Gully in particular. Dr. Tonkin said lightweight rail systems being developed in Europe appeared to provide an economical answer.

I do not know what happened between 1977 and the 1979 election campaign, because by 1979 Dr. Tonkin was more interested in O'Bahn, which he said was a far superior proposition. That is despite the fact that it has not been put into practical operation anywhere else in the world. On 5 March 1977 an article dealing with Dr. Tonkin's attitude towards the transport question stated:

The South Australian Government was scared to make decisions on future public transport systems, the Leader of the Opposition said yesterday. Transport in South Australia has been characterised by inactivity. Dr. Tonkin said the Government seemed to be scared to make a decision on transport and was wasting valuable time calling for reports and studies.

What has the Premier done since 1979? He has called for more reports to look into pie-in-the-sky O'Bahn systems and things that have not been tried or tested anywhere else in the world. That is despite the fact that in 1977 he said that light rapid transport was the best option and despite the fact that in the years preceding September 1979

extensive work had been done by the Labor Government on the L.R.T. system. In 1979, a decision had been taken by the Labor Government to proceed with the L.R.T. system. Dr. Tonkin had said that the Government was not making any decision, but was just calling for reports. I do not know what the Premier has been doing since September.

For a further example one should refer to the gun legislation situation. During the last election campaign many lobby groups placed advertisements in newspapers supporting the Liberal Party on the basis that it would oppose the strengthening of the control of firearms in South Australia. The legislation had been introduced by the Labor Government. What did the Liberal Government do? It implemented that legislation and went ahead with the regulations without making any amendments to the Act. In other words, it completely accepted what it had opposed before the election.

The final matter that I wish to refer to is the Government's attitude to what might be called the constitutional niceties or conventions since assuming office. In some cases there have been straight-out actions that have amounted to illegality. In other cases, accepted conventions have been abused. Further, in some cases the niceties or usages of Parliament have been ignored. The first and most serious example was the illegal transfer of public servants that occurred after the September election and the preparation of a political hit list, which the Hon. Mr. Hill was involved in. I obtained a legal opinion on those transfers, particularly of five officers from the Ethnic Affairs Branch. Those transfers were not ordered by the Public Service Board, but by the Hon. Mr. Hill. That was a Ministerial order that the Public Service Board could have nothing to do with. As I said, that order involved five public servants, including a steno-secretary who Mr. Hill thought was somehow or other politically tainted because she worked for the head of the Ethnic Affairs Branch, whom he did not like. As I said, I obtained an opinion about that matter and I forwarded copies of it to the press and the Premier indicating that the transfers and bans placed on employees from being employed in some Public Service departments was illegal. I sent a copy of that opinion to the Premier and asked him to take the matter up with his Crown Law officers and furnish me with a reply. The Premier has refused to obtain a Crown Law opinion on that matter. I can only assume that the Government admits that it was wrong and admits its illegality, because I have made the allegation—

**The Hon. C. M. Hill:** What section were they transferred under?

**The Hon. C. J. SUMNER:** I do not know, and neither does Mr. Hill. The Hon. Mr. Hill informed the Council that they were transferred for reasons of efficiency. As the Hon. Mr. Hill knows, that can be done only after an inquiry has been carried out. That is what the Hon. Mr. Hill told the Council, but he subsequently said that the transfers were made under a different section. It is clear that a political hit list was prepared and it is clear from the opinion I received that the transfers or the bans placed on public servants were illegal. I received that opinion from a well respected South Australian barrister.

**The Hon. C. M. Hill:** You should give us his name.

**The Hon. C. J. SUMNER:** I will, if the Hon. Mr. Hill likes. I am referring to Mr. Quick. I sent that opinion to the Premier and asked that he obtain a Crown Law opinion, but he has not done so, I can only assume that the Government agrees that these transfers were illegal. Certainly, it is not prepared to put the issue to the test by obtaining a Crown Law opinion and tabling it in this House. That was the first issue: a straight-out illegality.

The second issue has involved the attempts by some members of the present Government to use Cabinet documents that were prepared for the former Government. When I have raised this issue in the Council previously, the Hon. Mr. Hill has said, "There is no such thing." I should like to quote to him from a book entitled "Conventions: The Australian Constitution and the future", in which the author, Professor Cooray of Macquarie University, says that the generally accepted view in Canberra is that official documents nominally remain the property of the originating Government but that they should be returned to departments on the Government's defeat for safekeeping. He goes on to state that incoming Ministers are not entitled to see a former Government's documents, even for ongoing administration, except at the discretion of the departmental head concerned. He states that this rule is necessary for good government because (a) Ministers should realise that such a rule protects themselves and their colleagues in the future, and, (b) Ministers need to make comments and discuss problems frankly with civil servants. In doing this he should not have to worry overmuch about his opponents coming to know of his thoughts and random writings so that political capital can be made of them. That was not a direct quotation but was a summary of the conclusions to which that gentleman came.

I also had inquiries made in Canberra. A spokesman for the Department of the Prime Minister and Cabinet said that, broadly speaking, the convention in relation to all Cabinet files, submissions, minutes or any documents relating to the work of the Cabinet is that they are locked away on a change of Government. Access to them can only be obtained from a senior public servant, usually the head of a department, and then only in exceptional circumstances. For example, in the *Sankey v. Whitlam* case, incoming Ministers were not in the first instance allowed to see the records relating to the "loans affair" and were only shown some of the documents when they were required to swear affidavits about their contents. Regarding ordinary administrative files, the following was stated:

These are generally open to incoming Ministers, a procedure which would obviously be necessary for the continuation of government. However, even for these files there is a convention that Ministers do not conduct "fishing expeditions" into the files and, if they do use material in them, they do not quote from them directly.

Honourable members know what this Government's approach has been to those conventions, to which the Federal Government adheres. A similar convention is in operation in Westminster. What has been this Government's approach to it? The Government has done its darndest to sift through the former Labor Government's documents (Mr. Goldsworthy particularly did this) and to quote from those confidential documents in this House in order to show that there was not unanimity within the Labor Cabinet on the uranium issue. That is no secret. Mr. Goldsworthy has clearly breached that convention by seeking to quote in Parliament from the former Government's Cabinet documents.

Mr. Wilson was involved in the same shenanigans in relation to random breath testing when he quoted a letter that Mr. Corcoran had written to one of his Ministers or departmental heads. There are other examples. On Aboriginal land rights and uranium mining generally Mr. Allison quoted from these sorts of documents. So, there is a convention that was completely ignored by this Government when it came to office.

The other two issues, which are in a lesser category, involve the usages of the Parliament. The first of them

involves private members' business. In the 10 years since 1970, the Labor Government, on six occasions at the end of a session, allowed a vote on all private members' business on the Notice Paper for which there had been a speaker in favour and a speaker against. I am not sure whether a vote was taken on all the business but, on all the business that the member involved wanted a vote taken on, the Government allowed a vote to be taken on the final day, even though the time for debating the issue had concluded. So, that was allowed to happen six times in those 10 years.

On other occasions, the Government indicated that private members' business would cease on a certain day. That happened on three occasions under the Labor Government. I understand that on those occasions the convention was that, although private members' business would finish on that day, if any member had got to a certain stage in a debate and had put his proposition and other members had replied, a vote would be allowed on the last day of private members' time. That occurred on three occasions under the Labor Government. A vote was not allowed at the end of the session, but it was indicated that on the last day that private members' business was to be considered there could be, if members wanted, a vote on issues if the debate had reached the stage of a member's submitting the Bill, having spoken on it, and there having been some consideration of it.

In 1979-80, under the Liberal Government, no indication was given when private members' business was cut off that votes could be taken on matters on which there had been some debate. On the prostitution Bill, introduced by Mr. Millhouse, it was clear that the Government did not want a vote to be taken because it did not know what it would do about the issue. Also, I refer to the Bill that would allow the Crown to appeal against lenient sentences. That Bill was not allowed to be voted on in the House of Assembly, either.

I am therefore suggesting that over the years a usage has been developed within the Parliament, so that private members are entitled to have their business voted on in another place. This has not occurred in the same way on each occasion, but I believe that there is a usage that ought to be adhered to, and I hope that the present Government will revert to the system which, on six out of nine occasions, the Labor Government used in the past nine years, namely, of allowing a vote to be taken on private members' business on the last day of the session.

The final nicety or usage that the Liberals tried to abuse was the question of the number of members on Select Committees of this Council. I believe that the usage has developed over recent years whereby, given the state of the evenly-divided House, there ought to be equal numbers from both sides on Select Committees, that is, having three members from each side on such committees.

I put to the Council that the Liberals tried to change this in relation to the random breath testing Select Committee. They tried to have appointed a Select Committee comprising three Liberal members and two Labor members. I said in the debate that that would be contrary to the usage that had developed over the past few years, and I am pleased to see that the Hon. Mr. Milne at that time was prepared to support me on it. Since then, the honourable member has done some research on the matter, and is now of the opinion that what he did was correct and that Select Committees have in recent times been evenly balanced, and have comprised six members, three from each side.

Honourable members will recall that we on this side of the Council, when we moved to set up the Select Committee on Uranium Resources, were supported in

that proposition by the Hon. Mr. Milne. He was then a fairly young member in this Council and I suppose that older members could have said to him, "We have the numbers on this. It should be three to two." Perhaps he might have accepted that. We did not. We went along with the tradition of three on each side, an evenly divided committee. The Liberals tried to change that in the case of the random breath issue. Certainly, I trust that while the Hon. Mr. Milne is taking the attitude that he is, the Liberals will not be able to impose that change in this Chamber.

Regarding the constitutional issues, the niceties, we have had a straight-out example of illegality in the transfer of public servants and bans being placed on them. We have had the abuse of a convention in the use of Labor Government Cabinet documents. We have had what I call a little bit of shilly-shallying on some of the usages and traditions that this Parliament has built up over private members' business in another place and over the number of members on Select Committees in this Council.

In summary, in the 11 months since obtaining office the actions of this Government have been characterised by, at worst, a straight-out duplicity and, at best, dithering delay and indecision. It is no wonder that the Gallup poll shows the Liberals now trailing Labor in this State by 8 per cent.

**The Hon. J. C. Burdett:** It showed that before the last election, too.

**The Hon. C. J. SUMNER:** Indeed, it did, but I would have thought that, if the Government were performing so well, there would not be such a drop in its ratings in South Australia. The Labor Government in the whole of its 10 years in office did not show a Gallup poll or opinion poll rating of 39 per cent: it got down to 40 per cent at the time of the election, but that was a very isolated situation. I believe that the dissatisfaction exhibited by that poll is a result of the Liberals' failure to perform what they promised. I have referred in this Council before to the danger that exists to Parliamentary democracy by politicians making wild statements that they cannot perform. The hopes of people are raised and then dashed by the inaction that occurs after the election. To some extent it occurred with the Whitlam Government; it occurred certainly with the Fraser Government, and now the same problem has occurred with this Liberal Government.

Members of the Government either simply did not know what they were saying before the election, and in that case one can say that they are complete amateurs or fools or, secondly, they did know what they were saying before the election and they said it purely for cynical political purposes. The simple fact is that the Government has not performed what it promised. Its members have made contradictory statements. The Premier has blown his bags over all sorts of issues and boasted about things with which he had nothing to do and which have not occurred under the Liberal Government.

I have canvassed some of these examples today, but there are others. Honourable members should look at this list. We had the promise of 7 000 jobs from pay-roll tax concessions and the increase in unemployment on seasonally adjusted figures of 3 500 from the end of January to May this year. We have the law and order promise to reduce crime and gazette Executive Council remissions of sentence. Now the Attorney-General is admitting that crime will increase, and we have his refusal to gazette sentence remissions. We have the policy speech promise that Ministerial cars would be reduced in size to six-cylinder models after this had already been announced by the Labor Government in July 1979; and we had the Premier setting an example by continuing to drive an

eight-cylinder car and providing an extra car for Mr. Becker.

We have had the promise that the Public Accounts Committee would be open and would have an independent chairman, but there has been no action. We had the promise of open Select Committees of Parliament and the subsequent attempt by Liberal members in this Council to close the Select Committee on Uranium Resources. We had the promise to reduce the number of press secretaries and the subsequent increase so that each Minister had a press secretary and the Premier had two press secretaries.

We had the criticism of appointments to the Public Service from outside and the appointment of Mr. Tiddy to the Premier's Department, Mr. Stevens to the Fisheries Department and Mr. Rundle to the position of Agent-General in London, as well as the politically inspired appointment of Mrs. Tiddy to the Public Service position of Commissioner for Equal Opportunity. I describe that appointment as "politically inspired", because Mr. C. R. Story was a member of the selection panel, not as a public servant but as a Ministerial appointee from the Premier's office.

We had the promise of support for small business prior to the election and the sustained attack on it subsequently through the failure of the Government to act over the proliferation of shopping centres, the proposal to extend shopping hours and support for the large retail chains and supermarkets in the bread discounting dispute. We had criticism of the Labor Government when in office for its failure to release reports and the suppression or failure to complete the Ceruto and Salisbury Royal Commission reports, the Norwood roll report, the bus fares report, the Cassidy report, and other reports on Yatala, Monarto, the Land Commission, and a change in stance on the report into the death of Dr. Duncan some years ago; a report which the Government will not now release despite having hinted before the election that perhaps that report should be released.

We had the condemnation of the plan for an international hotel in Victoria Square and then subsequent support for it. We also had the seeking in 1976 of more Parliamentary sitting days and then the sitting of Parliament under this Government for fewer days than under any other Government except one since responsible government commenced in 1857. Further, we had the promise that the lights at West Lakes would not be erected and then the subsequent decision to proceed with them. We had the promise to foster enterprise and individual initiative, and support for free enterprise in the policy speech, and then the Government takeover of a retail trading section in Victoria Square.

We had the promise before the election to support the Bank of Adelaide and the subsequent failure to provide that support. We had the promise of support for light rail systems before the election and criticism of the Labor Government's indecision and then support for the O'Bahn system, and now we have had further reports and still no decision. There was opposition to strengthening the gun laws and then subsequent support for such legislation.

I refer also to the original support for the Labor's Aboriginal land rights legislation and then attempts to renegotiate it. There were promises to consult the Aborigines regarding mineral exploration, the ignoring of those promises and the granting of exploration licences, some of which were later withdrawn. We saw the abuse of constitutional proprieties, particularly the illegal transferring and placing of bans on public servants from employment in certain departments, and we saw the use of Labor Government Cabinet submissions in Parliamentary

debate.

Finally, we saw the extraordinary efforts to which the Premier will go to claim for his Government what were clearly initiatives of the Labor Government or occurred before the last election: the Collonades statement, an ethnic directory, the Constitutional Museum, and the quite dishonest attempt to claim new investments for South Australia under the Liberal Government that had already been decided upon before the last election.

The summary which I have given to the Council and which members will agree has been fairly comprehensive should leave this Council with no doubt about two matters. The first is the accusation I made at the beginning that the Government had lifted political cynicism to new heights. Honourable members can see the statements that were made before the election and contrast them with what has been done since. That can only bear out what I have said concerning the Government's dithering and indecision on a whole range of issues including the lights at West Lake, Aboriginal land rights and many others.

The important thing is, as I have stated previously in this Chamber, that this sort of performance from a Government can only do harm to Parliamentary democracy. It can only leave people with the initial hope that things can be done because of the extravagant and ridiculous promises being made, and then people are let down when obviously the promises cannot be met. It is the responsibility of all politicians throughout Australia to try to come to grips with the problems of the community and the State, to try to promote some kind of rational and considered debate in the community on these issues, but the Liberals are not doing that.

The cause is not being served by the sort of boasting, by the sort of blowing his own bags and by the sort of statements which the Premier has made since the last election and which he continues to make, despite the fact that I believe he is rapidly becoming a figure of fun.

It is a serious matter, and I do not believe that this Government has performed particularly well. I certainly believe that those irresponsible, ill-considered statements made before and after the election are not doing this State's system of Parliamentary democracy any good and are not helping the people of this State solve the problems which we, as an industrial society, share with the rest of Australia and, indeed, with many parts of the world. I support the motion.

**The Hon. R. C. DeGARIS:** I rise to support the motion. I do not wish to comment on what has been said by the Leader except to say that I am disappointed with his contribution to this Council today as an Address in Reply speech. It was largely a speech devoted to what one might term the politics of another place.

**The Hon. C. J. Sumner:** I would say that you are not consistent.

**The Hon. R. C. DeGARIS:** I had a piece of paper here in case the Leader said anything that might require a reply but there is nothing on it. However, he referred to Select Committees. The case he gave is rather misleading. The Hon. Mr. Sumner claimed that there should be equal numbers on each of the committees. His thinking comes down to the question of to which Party people belong. However, the question there was that there were voting patterns in the House which were different from purely Party-political voting. The matter in question was that Select Committees should be divided amongst views expressed in the House. That is a point that the Hon. Mr. Sumner overlooked in relation to that matter.

I extend congratulations to His Excellency the Governor on the manner in which he opened Parliament. I

also affirm my loyalty to Her Majesty the Queen. In laying a base for my remarks in this Address in Reply debate, I would like to refer honourable members to an excellent essay, the winner of the George Watson Essay Prize for 1979, by Professor Gordon Reid, Deputy Vice-Chancellor and Professor of Politics, University of Western Australia, entitled "The Changing Political Framework". As it is one of the outstanding political essays written in the past few years, no doubt most honourable members would be familiar with it.

I will be quoting extracts from that essay as it explains much more clearly than I would be capable of doing certain matters which I believe are of utmost importance to any honourable member interested in the future of our Parliamentary system. I have been a member of the South Australian Parliament now for nearly 18 years and during that period I have seen the standing of Parliament, as the general public perceives it, decline.

**The Hon. Frank Blevins:** The longer you stayed here the worse it became.

**The Hon. R. C. DeGARIS:** That may be so but that is still a correct observation.

**The Hon. C. J. Sumner:** The Liberals will make it worse, as they only sat for 35 days last year.

**The Hon. R. C. DeGARIS:** That may be right, too. Parliament is a "weakening institution", to use the phrase of Professor Gordon Reid. The decline in the standing and the significance of Parliament has been compensated for by the growth in the Authority of the Executive arm of Government. The concept that the Executive is responsible to Parliament is difficult now to sustain as a doctrine. Gordon Reid's excellent essay stresses this point and I quote:

The contemporary state of the Australian Parliament, therefore, is an elected House of Representatives with its Parliamentary effectiveness undermined by the domination of the Executive Government—its Speaker is drawn from and owes allegiance to the Government Party; the "Leader of the House" is an Executive Minister of State advised by departmental officials; the Government determines when the House will be summoned and adjourned; the Government dominates the business of the House; it claims the Chairmanship of every Parliamentary committee; the Government claims a monopoly over financial initiative in the House; Ministers have important advantages and priorities entrenched in Parliamentary rules; the Executive Ministers claim extensive territorial rights in the Parliamentary building (ironically they seldom claim rights in the administrative buildings); and both major Parties when in Government show a preference for Party committees over Parliamentary committees. The elected Senate, on the other hand, has managed initiatives independently of the Executive Government but it is a threatened institution for doing so.

If as a nation we are concerned about the declining reputation of our politicians and of the political processes we should ask ourselves whether the state of our Parliament has any influence on this condition. I believe it has. It is not that our Parliamentarians are undignified, it is that the Parliament-Executive are undignified, it is that the Parliament-Executive relationship is such.

While Professor Gordon Reid has been expressing views on the Federal Parliament, the position in South Australia, because of the small number of members, shows domination to an even greater degree by the Executive. I suppose the question that comes to mind now is: does it matter? If one accepts Dr. Dean Jaensch's views expressed in an article in *Politics* (May 1980), it does not matter at all. In that article he said:

You need to understand from the beginning that politics is not about morality. It is not about doing right for the

community. Politics is about one thing: power. The sooner everyone realises that the better. Politics in Australia is a matter of power—seeking power, getting power, using power and losing power, and that is all it is all about.

Whether or not Dr. Jaensch is right or wrong does not matter much. The fact alone that a person of his standing is prepared to say it forces those who have an attachment to Parliament to at least consider its standing in the community. I pose the question again: does it matter? I believe it does matter, and I believe that this Council has an opportunity in its changed circumstances, if it has the will so to do, to play its part in preventing the continuing erosion of the significance of the Parliament to the public of South Australia.

The increasing dominance of Executive Government is not restricted to South Australia or Australia, but is a phenomenon of all Parliamentary democracies. The trend has been documented in many well researched papers and books by such eminent people as Lord Hewart, C. K. Allen, Hayek, Christopher Hollis, Lord Carr and Lord Hailsham. Most of us recall the phrase used by Hailsham when he referred to the development in Western democracies of "elected dictatorships".

The development of the dominance of the Executive, together with the relatively large size of the Cabinet compared to the number of members of Parliament and the Parliamentary offices relying upon the patronage of the Executive, the political appointments, illustrates that we have progressed rapidly over the past 10 years towards Hailsham's "elected dictatorship". It may be argued that the doctrine of Ministerial responsibility, where Ministers are members of an elected Parliament (although they may not be elected to their Ministerial posts) and taking responsibility for everything within their jurisdiction, with the Minister being responsible to Parliament, is sufficient guarantee of Parliament's supremacy.

**The Hon. C. J. Sumner:** They never resign these days.

**The Hon. R. C. DeGARIS:** Maybe not. I did not notice many resigning in your day. This doctrine is all very well when the Parliament is capable of being the body to sustain such a doctrine, but, as I have pointed out, the Parliament is in a weakening position, while the power, influence and patronage of the Executive continues unabated. As British M.P. Ian Gilmour said recently of Ministerial responsibility:

So far from being a sword in the hands of Parliament it is a shield on the arm of Government.

Those who place great advocacy on the concept of Ministerial responsibility point out that the day of reckoning for a Minister or a Ministry comes each three years, in our case anyway, so that the electorate makes the decision on the question of Ministerial responsibility. This argument, to me, is more a condemnation of the doctrine than a support for the concept. To quote once again from Gordon Reid's essay, he states:

There is no escape from the conclusion that if Parliamentary means for holding Ministers responsible are weak—as they are—then the alleged doctrine is an illusion; in our present Parliamentary circumstances it is a certain means for engendering frustrations and disillusionment about the system of government as a whole.

Later he says:

By stripping our rank-and-file politicians of continuing responsibility in Parliament, the proceedings have degenerated into a continuous and elementary election campaign. I think all members of this Council would have some agreement with that comment. The more one examines the doctrine of Ministerial responsibility the more one becomes convinced that it is only a shadow, with little real substance to it. The factors that have contributed to the

decline in Parliamentary significance are many and varied, and I do not wish to canvass them all here, except to mention a couple. The first is the growth of the dominant political Parties and the "winner takes all" philosophy of an election victory. Because of this, the adversary nature of our political system operates before an election, during and election, and after an election. This has produced a relatively powerless Opposition which confronts an all-powerful Government in the hope of persuading, at some time in the future, a relatively small number of electors to change allegiance and to favour it, instead of the existing Government, at the next election.

What is won and lost in the game is power, absolute power. The group of winners controls all decisions. The leader of the winning group in the House of Assembly is called upon to become Premier, and certain members, selected by the House of Assembly Leader in the Liberal Party, or by vote of the Parliamentary Party in the A.L.P., head up the Administration.

As long as the Premier can maintain majority support of the House of Assembly Party in the Liberal Party, or for as long as the Ministerial team can retain the support of the back-bench of the Parliamentary Party in the A.L.P., the Government can, in most cases, do what it likes. The most potent factor in the decline of Parliament's significance lies here.

The second factor is the increasing popularity of shifting Ministerial responsibility to the statutory corporation. In Victoria, for example, five out of six people whom one would normally think of as public servants are employed in statutory corporations. In the Commonwealth, the figure is two out of three. I do not know the figures for South Australia, but I assume they also would be rather high.

**The Hon. Frank Blevins:** Nowhere near as high as in Victoria.

**The Hon. R. C. DeGARIS:** No. Victoria has statutory bodies for a number of purposes for which we do not have them here. I think that even in education there is a commission. I think that our figures would have increased anyway. The statutory corporation's popularity is due to its ability to avoid political control or political accountability. It reduces Ministerial responsibility and at the far end of the scale the Parliament is further weakened.

I think that in South Australia there may be between 300 and 400 statutory bodies, and their indebtedness is about \$900 000 000. I am not arguing against statutory corporations. There is a good case to be made for their operation in some cases, but there is no doubt that statutory corporations have been formed as a means of avoiding political obligations and straight Ministerial responsibility.

Further compelling examples could be given, but these two will suffice. The basic theme so far has been the weakening of the institution of Parliament in contrast to the strengthening of the position of the Executive, upon which I do not think there would be very much disagreement from either members in this Parliament or people in the community generally. If, as a Parliament, we allow the present trend to continue, we will see a further growth in secrecy, privilege, patronage and Executive power, which is frustrating to democratic aspirations.

From this point I would like to turn to some recommendations that may help to redress the balance a little. The Senate has been able to make some contribution, even though it has incurred the wrath of those who advocate greater Executive dominance in that House, whatever Party is in power. I quote once again from Gordon Reid's essay, as follows:

But despite the Senate's contribution to the Parliamentary

function in Australia, successive post-war Prime Ministers or former Prime Ministers—for example, Menzies, Holt, Gorton, Whitlam—have all expressed impatience with it—particularly its obstruction of their governments' legislation.

The Legislative Council, in the future, will only rarely supply the Government of the day with a sure majority; this, of course, is due to the voting system now used for the Council. This need not be a disability—indeed with wisdom it can be used to ensure an improvement in the public image of the Parliament as a whole.

Therefore, we need to examine closely what we can do co-operatively to enhance the standing of Parliament. It is my belief that we should look at strengthening the Council committee structure as one of the real means of rescuing the Parliament from its increasing irrelevance in the formation of public policy, and from the exercise of Executive authority.

Already some members on the Liberal side of the Council have strongly advocated that this Chamber should not provide any Ministers, but should form itself into legislative committees to handle all Bills that come before the Council. I believe the A.L.P. now accepts this policy in relation to the Senate.

I have already referred to the limited success of the Senate committee systems, but such success can also be seen in other Legislatures, particularly where numbers in the Parliament are not held by one Party. The experience, for example, of Ontario, Canada, shows that the development of such a system has led to a remarkable regeneration of the role of the Parliament, as well as overcoming some of the problems associated with adversary politics. Legislative committees in Ontario have been formed to handle all Bills.

Because the Council is a small House, if the development of committee structures is to be encouraged and used, care will be needed to choose the areas to be covered by the committees. An overdose of committees bogged down with lengthy inquiries on matters better fitted for technical recommendations would defeat the objective rather than add to the effectiveness of Parliament. In the Government's policy speech promises were made to establish budget-type committees to add to the Parliament's control of expenditure. This promise is to be applauded, if it can be shown that it is a genuine move to strengthen the Parliament—not a move to strengthen the existing Executive power.

If Estimates Committees in the House of Assembly are to be, in effect, a reference of the Budget papers to a Select Committee structure, it certainly will improve the standard of Parliamentary inquiry into the financial proposals, as the present system of a Committee of the Whole handling the necessary Parliamentary scrutiny does nothing to enhance the standing of Parliament. I am sure that there are not many members in this Chamber who will disagree with that view. One only has to listen to a Budget debate in the House of Assembly to realise that it is very easy to improve that system. But we will have to wait upon the Government to introduce its legislation before we know what it intends, if, of course, legislation is required.

The Government also intends some method for overseeing the statutory authorities. Once again, we will have to wait to see what the Government intends. This Council may well be faced with making its determination on whether or not it wishes to play any part in the examination of Estimates, but that is a peripheral point. The real issue, however, is whether these committees will enhance the role and significance of the Parliament, or whether they will merely add a further dimension to the power of the Executive with its power of patronage in the

formation and chairmanship of such committees.

**The Hon. C. J. Sumner:** That was in the Liberal Party policy.

**The Hon. R. C. DeGARIS:** Not in the way that I now wish to refer to it.

**The Hon. C. J. Sumner:** The Government has done nothing about it.

**The Hon. R. C. DeGARIS:** I can recall many matters in policy speeches over the years that have never seen the light of day. I have seen other things in policy speeches that have taken two or three years to be implemented. I suggest that the Hon. Mr. Sumner should wait and see what the Government does in its first three years of office, just as I intend to wait and see.

**The Hon. J. E. Dunford:** Unemployment has risen under a Liberal Government.

**The Hon. R. C. DeGARIS:** I do not know what that has got to do with the case that I am putting forward. In my opinion, the Public Accounts Committee should be upgraded in status to encompass, within itself, an Estimates Committee, and an Expenditure Committee, so that the financial controls that Parliament exerts can be coordinated through one committee.

**The Hon. M. B. Dawkins:** Do you believe that it should be a Parliamentary Committee?

**The Hon. R. C. DeGARIS:** I do not agree with the Labor Party's view that a Legislative Councillor should not serve on a Public Accounts Committee for the specious reason that the Constitution Act has some restriction about the ability of this Council in relation to Bills of a money nature. I point out that two honourable members who are Legislative Councillors already serve on the Public Works Committee, which deals with the expenditure of money. Legislative Councillors also serve on the Subordinate Legislation Committee, which deals with regulations involving money. Legislative Councillors also have representation on university councils, and so on, which also deal with the expenditure of money. I am not aware of any rationale that denies Legislative Councillors representation on the Public Accounts Committee. Perhaps the Labor Party can answer that question.

It has always appeared to me that the P.A.C. cannot fulfil its function to its capacity unless it has the power to follow expenditures from the moment the Budget is approved. Nor should the chairmanship rely upon patronage. There is any amount of evidence from P.A.C.'s elsewhere and from a Senate report and Royal Commissions to support this view. In particular, I draw the attention of honourable members to the recommendations of the Coombs Committee and the report of Edward DuCann, Chairman of the U.K. P.A.C.

Before any further comment is made on this question, one should await the Government's proposals. But there is one area that lends itself to Parliamentary initiative upon which I have already spoken in this Council, and that is in the area of law reform. Each State and the Commonwealth has already set up law reform agencies, and many recommendations have been made. While these agencies have achieved success (if recommendations are looked upon as success), legislative action and Parliamentary debate on the recommendations leave grounds for criticism.

The problem, as I see it, lies in the fact that there is no Parliamentary contact with these agencies. The Senate committee's recommendations of a Parliamentary committee to be responsible for handling all law reform recommendations has a great deal to commend it. There are a number of areas of the law that are sadly limping behind, because of the advance of technology, and it is in these areas that urgent work is required. To give an

example, the private member's Bill of the Hon. Frank Blevins, to allow people to make a declaration stating that they do not wish life to be prolonged unnecessarily, only touches upon a small area of medical law that deserves urgent inquiry.

Recommendations have already been made by the Australian Law Reform Committee on matters that are related to the Hon. Frank Blevin's Bill and these recommendations have already been enacted in the A.C.T., Northern Territory and Queensland. I believe that the general proposals in the A.L.R.C. report on this part of the law do not go far enough, and I believe also that the drafting of the proposals could be better, but the work that has already been done provides an excellent basis for Parliament to begin understanding the important issues involved.

Nevertheless, topics such as the voluntary donations of organs and tissue by minors, the definition of death, the sale of human tissue and organs, the removal of tissue and organs after death, the question of informed consent (whether of an adult or minor), and the question of competency all need urgent attention if we are to move the law in this field into the 1980's. It is in areas such as these that a well-staffed Legislative Council committee could perform a most useful service and add to the legislative standing of the Parliament which, after all, is its most important function.

The legal problems for the medical profession will expand as people become more assertive of their rights, and just recently, in a case in New South Wales, for the first time in Australia a judgment for \$60 000 was made against a doctor not for negligence alone but also for proceeding without informed consent. I suggest that this sort of action will increase rapidly in Australia, such actions being almost hourly occurrences in America. This will develop in Australia as people begin to assert their rights and, unless the law is upgraded in many areas, we will see a spate of such actions. I do not see the Ministers, or the Executive, being able, with the political and administrative pressures placed upon them, to advance the law in these areas quickly enough.

I return to the Hon. Mr. Sumner's point: the legislative capacity of the Parliament, the sittings of which are controlled by Executive decision, is not being utilised. The work that is being done with the law reform agencies deserves institutionalisation and Parliamentary recognition and contact. There are, of course, so many other areas that require attention, due to technological advance alone: areas of the law that do not engender differences of opinion at the Party political level, and questions upon which a general consensus can be reached to advance the law in this State.

I do not propose to give further examples because many of these areas of the law that need such an examination are self-evident to most honourable members. Although the suggestion that I am making is only a small remedy to the general political illness to which I have referred and which has been referred to by writers and researchers who have far more ability than I (the development of the elected dictatorship in the Western democracies), the political Parties need to examine themselves, their attitudes and the rules (if any) that guide them. Because of the equality of numbers in this Council, methods will have to be devised to reach consensus opinions on many questions, if the Council is to succeed as a part of the Parliamentary process.

This equality of numbers, which will go on for some time, could spell disaster for this Council if adversary politics takes hold in this Chamber in the same way as it is dominating the Lower House.

**The Hon. Frank Blevins:** What about when it was 16 to four for all those years?

**The Hon. R. C. DeGARIS:** I did not notice any adversary politics. I look on this fact not as a disability but more as a challenge to force a change of attitude and a means of achieving a return of some power to the Parliament and an enhancing of the significance of Parliament in the public mind. If this is not achieved there are two alternatives. The first is a continued loss of power to the Executive with Parliament's position weakening still further. The other is a revolt from the voters who will vote into Parliament people who they feel will achieve a strengthening of Parliamentary power.

I return to the following final paragraphs of Gordon Reid's essay:

As I look at the changing political framework, there is an inescapable need to rebuild the elected Parliament, physically and spiritually, and to make the doctrine of Ministerial responsibility meaningful. In its present state that doctrine is the seed of our present discontents. It is a means for cloaking the growth of powerful, secretive, privileged and largely self-regulating groups of Executive officials. It is causing much disillusionment by its frustration of our democratic aspirations.

**The Hon. C. J. Sumner:** Isn't that because the Ministers never resign?

**The Hon. R. C. DeGARIS:** No, it has nothing to do with that. I explained that in the first part of my speech. Gordon Reid's essay continues:

I believe that means matter in Government. I wish the Australian political parties would demonstrate a concern for means. There is an electoral harvest awaiting the political Party that can blend a convincing catalogue of goals for the modern State with a similarly convincing statement of means for their attainment. But there will be political famine for all of us if a political Party should win power by promising to strengthen democratic means and then finds that it is unable to meet its commitment.

An examination of the position in South Australia will reveal those changes in the political framework that began with the Dunstan era. This began about 10 years ago in its acceleration. I do not say that it has not been going on for a long time. Probably, an elected dictatorship is still a long way off, but there has been a progression to it over the past 10 years.

**The Hon. C. J. Sumner:** In the Federal Parliament as well?

**The Hon. R. C. DeGARIS:** Gordon Reid is talking about the Federal Parliament. In South Australia, the accusations made are just as relevant. At present, we in South Australia (without referring to Queensland) show more signs of being further along the road of Hailsham's definition of an elected dictatorship than elsewhere in Australia.

**The Hon. C. J. Sumner:** Are you saying that Queensland has already arrived at it?

**The Hon. R. C. DeGARIS:** Queensland has a one-House system, in which the Australian Labor Party believes. There are a number of reasons why the A.L.P. performed so badly at the last election. I do not want to go through all these, as the Hon. Mr. Sumner has already mentioned them. I refer to the collapse of the glitter of the Dunstan image and to the economic disasters of Monarto, the Land Commission and political patronage.

**The Hon. J. R. Cornwall:** Monarto was not a political disaster.

**The Hon. R. C. DeGARIS:** The public saw Monarto as an economic disaster.

**The Hon. J. R. Cornwall:** Because the then Opposition told lies about it.

**The Hon. R. C. DeGARIS:** Perhaps, but what the public perceives is not always wrong.

**The Hon. C. J. Sumner:** Do you think that the Monarto report should be released?

**The Hon. R. C. DeGARIS:** I am merely giving reasons why the Labor Party polled so badly. There is one other reason or part of a reason: the Liberal Party made promises that appeared to the electorate to strengthen the relevance of Parliament. All that has happened so far is that we have moved a little further along the line of Executive power. I hope that the Government recognises this point. It is necessary that the Parliament recognises these tendencies, and individual members and the political parties should be working to resist the continuing pressures.

Professor Gordon Reid's warning, that there is an electoral harvest awaiting the political Party that can blend a catalogue of goals for the modern State with a convincing statement of means for their attainment, is well directed. Also, the means for their attainment must involve accepted democratic principles based upon the significance of Parliament in the formulation of public policy and not upon a further strengthening of Executive power. I support the motion.

**The Hon. FRANK BLEVINS** secured the adjournment of the debate.

#### EVIDENCE ACT AMENDMENT BILL

**The Hon. K. T. GRIFFIN (Attorney-General)** obtained leave and introduced a Bill for an Act to amend the Evidence Act, 1929-1979. Read a first time.

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

*That this Bill be now read a second time.*

The main purpose of this Bill is to abolish the right of an accused person to make an unsworn statement of fact in his defence. The right of an accused person to make such a statement is a vestigial consequence of an old rule, long since abolished, under which an accused person was prevented from giving evidence in his own defence on the ground that, if he were permitted to do so, the temptation to commit perjury would prove irresistible. The right to make an unsworn statement represented a relaxation of the previous uncompromising rule, but when the rule was itself abolished the right to make an unsworn statement, rather anomalously, survived.

The unsworn statement has come under increasing criticism in recent years. Many observers feel that it is particularly unpleasant in cases involving allegations of sexual offences that, while the prosecutrix is invariably subjected to a searching and embarrassing cross-examination, a defendant is permitted to make an unsworn statement containing the wildest allegations and the most obnoxious imputations on the character of the prosecutrix without exposing himself to any risk.

The Mitchell committee recommended that the right of an accused person to make an unsworn statement be abolished. The Government accepts this recommendation. The subsidiary recommendation that the character or previous convictions of the defendant should not be brought in issue by sworn evidence involving imputations on the character of the witnesses for the prosecution has also been accepted but subject to qualifications. The Government believes that the absolute protection proposed by the Mitchell committee may in certain cases go too far. Unscrupulous defendants might be encouraged to fabricate evidence about the character of the prosecution witnesses, secure in the knowledge that their

own bad character could not be exposed to examination. The Government therefore proposes to adopt the suggestions of the Mitchell committee but to add a further provision to the effect that where the nature or conduct of the defence involves imputations on the character of the witnesses for the prosecution and the imputations go beyond what is necessary for the proper presentation of the defence, the character of the defendant will be exposed to inquiry. However, where the case for the Crown depends on evidence of a confession by the accused, or on evidence of false denials made by the accused, his character or previous convictions will not be exposed to inquiry by reason of evidence of duress or improper inducements which (he alleges) led him to make the confession or statements in question.

The Bill also makes a series of amendments to the principal Act with respect to banking records. The present provisions are very antiquated and do not take account of modern photographic and electronic methods of storing accounts and information. The amendments are designed to bring the present provisions up-to-date and to achieve a degree of consistency between the provisions of the Evidence Act on this subject and the provisions of the proposed new legislation which is to control companies and securities.

A new provision is included empowering a special magistrate to authorise a member of the Police Force to inspect banking records if satisfied that it would be in the interests of the administration of justice to do so. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

#### Explanation of Clauses

Clauses 1, 2 and 3 are formal. Clause 4 makes an amendment which is consequential upon the amendments to Part V. Clause 5 abolishes the right of an accused person to make an unsworn statement of fact in his defence and deals with the ancillary matters that I have discussed above. Clause 6 alters the heading to Part V. Clause 7 repeals several provisions of Part V and substitutes new provisions. New definitions of "banking records" and "copy" are included to take account of contemporary accounting practices and photographic and electronic methods of storing information.

New section 47 sets out the matters that must be proved if a banking record is to be admitted in evidence. New section 48 sets out a method by which it may be established that a certain person is not a customer of a bank. Clause 8 empowers a special magistrate to authorise inspection of banking records by a police officer. A police officer, who divulges information obtained by virtue of the authorisation otherwise than in the course of his official duties, will face a substantial penalty. Clauses 9 and 10 make consequential amendments.

**The Hon. C. J. SUMNER** secured the adjournment of the debate.

#### ADJOURNMENT

At 5.36 p.m. the Council adjourned until Thursday 7 August at 2.15 p.m.