LEGISLATIVE COUNCIL

Tuesday 19 August 1980

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

PETITION: SAX REPORT

A petition signed by 53 residents of South Australia praying that the Council would request that steps be taken to ensure that the Minister of Health and the Minister of Education opposed the recommendations of the Sax Report regarding the training of nurses in hospitals was presented by the Hon. N. K. Foster.

Petition received and read.

PAPERS TABLED

The following papers were laid on the table:

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

Pursuant to Statute—

Bus and Tramways Act, 1935-1978—By-Laws—Fares.

Railways Act, 1936-1979—Regulations—Fares.

By the Minister of Corporate Affairs (Hon. K. T. Griffin)—

Pursuant to Statute—

Companies Act, 1962-1980—Regulations—Companies Auditors Board—Fees.

By the Minister of Local Government (Hon. C. M. Hill)—

Pursuant to Statute—

Crown Lands Act, 1929-1980—Closer Settlement, 1979-80.

Friendly Societies Act, 1919-1975—Amendments to General Laws—Independent Order of Rechabites, Albert District No. 83, South Australian United Ancient Order of Druids Friendly Society, The Independent Order of Odd Fellows.

City of Tea Tree Gully—By-Law No. 5—Proceedings of Council.

By the Minister of Community Welfare (Hon. J. C. Burdett)—

Pursuant to Statute—

Industrial Safety, Health and Welfare Act, 1972-1978—Construction, Logging and Rural Safety Regulations—Penalties.

Metropolitan Milk Supply Act, 1946-1974—Cream Prices Regulations, 1980.

Planning and Development Act, 1966-1980—Metropolitan Development Plan—Corporation of the City of Campbelltown Planning Regulations—Zoning.

QUESTIONS

INFORMATION SERVICES

The Hon. C. J. SUMNER: I seek leave to make a brief explanation prior to asking the Minister Assisting the Premier in Ethnic Affairs a question about information services.

Leave granted.

The Hon. C. J. SUMNER: During the Whitlam Government of 1972-75 the Australian Assistance Plan was launched which provided assistance to community organisations throughout Australia, particularly those involved in welfare work. In Adelaide, funds were provided to, among others, the Thebarton Residents Association, the Italian Catholic Federation, and the Migrant Action Committee at Kilkenny. These organisations were particularly concerned with providing information to members of ethnic minority communities. In 1976, these funds were withdrawn by the Federal Government, and the State Government continued to fund the organisations in question through the Community Welfare Grants Advisory Committee.

I should add that one of the people promoting continued funding for them at that time was the now Premier, Mr. Tonkin. At the last election, the Liberals ethnic affairs policy included the statement, "Financial help for community-based cultural and community centres". The organisations to which I have referred are community-based centres primarily engaged in the provision of information. Recently the funds have been withdrawn by this Government from the Thebarton Residents Association, contrary to the policy and promises that were made prior to the election. The Thebarton Residents Association had been operating an information office on Henley Beach Road in association with another organisation which also receives funding from the State Government (FILEF), and as a result of that withdrawal of funds from the Thebarton Residents Association the office on Henley Beach Road will have to close. The excuse that the Government has given is that now local government will operate these services.

Surely, in view of the statements of support for community-based organisations, it would have been preferable, rather than to hand the services over to local government, for them to continue in a community-based manner, particularly in view of the Government's stated policy that community groups ought to be assisted and that Governments ought not to interfere in the lives of citizens to any great extent. Therefore, will the Minister say, first, why the Government broke its pre-election promise and withdrew funds from the Thebarton Residents Association, which is a community-based organisation in the Thebarton district and which has been responsible for providing information to ethnic minority groups over the past few years? Secondly, will the Minister reconsider the decision? Thirdly, what is the Government's intention regarding funding of the Migrant Action Committee information service at Kilkenny and the Italian Catholic Federation service at Seaton?

The Hon. C. M. HILL: First, the Government has not broken any promises in this issue at all. The previous Government established a working party to investigate the question of information services within the community, and that working party was meeting at the time of the change of Government. The new Government saw to it that it carried on its work. There were one or two requests for extention of time to complete its activities, and those requests were granted. Finally, it became necessary for the working party to bring down its report.

That report was presented to me in May this year, and I understand that the committee had been meeting for about 14 months. The Government considered the report, as it was presented, on information services, and thought that, in keeping with our open-government promise, the best procedure to adopt would be to make the report public and to invite genuine people and associations interested in this very important area of information services to comment and give the Government responses to the report.

That procedure is now taking place, and several responses have been received. We have set the last day in September as the closing date for the responses, after which the Government will consider what action it will

take and what recommendations, and so on, it will adopt in relation to this very well based report that was brought forward in this way.

Dealing with the specific information services to which the Leader has referred, I take issue on the point that an information service provided by local government is not, apparently in the questioner's view, a community-based service. I believe that it is a community-based service. Indeed, it is a very democratically based community service, because it is controlled by representatives of the whole community in the area, the representatives being elected to the council.

The information centre that was at Thebarton was, as the Leader has just said, run by the Thebarton Residents Association in close association with FILEF, an organisation that is well known to the Hon. Mr. Sumner and to many Opposition members.

The Hon. N. K. Foster: Is it known to you?

The Hon. C. M. HILL: It is not as well known to me as it is to the Hon. Mr. Sumner. The association received a general grant towards salaries because of its activities in connection with the Thebarton Community Centre. It then received further money from the operation of its information service.

I now refer to the reasons for the closure of the Thebarton information centre. Support was originally given to it because the centre was an adjunct of the Thebarton Community Centre and, following the transfer of that centre to Thebarton council, it was considered entirely inappropriate for further funding to be made to the Thebarton Residents Association for general purposes.

The council agreed to establish an information centre to serve the residents of Thebarton, and the Government agreed to fund such a service. As I recall, the employee who had been involved in the Thebarton information service went to work for the council; at least in the beginning that was a temporary arrangement. I am not certain what kind of permanency has been assured in that regard.

The Hon. C. J. Sumner: What was wrong with maintaining the office where it was on Henley Beach Road?

The Hon. C. M. HILL: What was wrong was that the service was connected with the Thebarton Community Centre.

The Hon. C. J. Sumner: What has that got to do with it?

The Hon. C. M. HILL: The Thebarton Community Centre was not proceeded with by the Government. All the staff, with all their entitlements, were, in keeping with the Government's promise of assured employment, transferred to Thebarton council. So, the Thebarton information service was out there on its own under that arrangement. Therefore, the information service was transferred to the council, which willingly agreed to establish it. The people of that area therefore have a service and, as far as I know, the arrangement is working out very satisfactorily.

The Hon. C. J. Sumner: What about your commitment to community-based information services?

The Hon. C. M. HILL: It most certainly is a community-based information service, because it is now operated from the town hall by the local council and controlled by representatives of the whole local community.

The Hon. C. J. Sumner: Is that what you meant by your policy?

The Hon. C. M. HILL: No, it is not; that is simply an example of a truly community-based information service. Regarding the Italian Catholic Federation, my department and I are still negotiating with that service, because some recent problems have arisen, and we have not as yet reached finality on the arrangements that will be concluded with that body. It would appear to me that the body is involved in the welfare area, to a certain degree, and I understand that some discussions between officers have taken place with the Department of Community Welfare about that matter. Regarding the third information service, namely, the one at Kilkenny, as I recall the situation some adjustments and reductions were made regarding the funding of that centre at or around the end of the last financial year. I believe that money was provided and that an indication was given to the Kilkenny group that that funding might not occur in the 1981 calendar year. I further understand that my officers are endeavouring to interest the local governing body in that area (Woodville council) in assuming some responsibility and assistance in that information centre because, again, the Government is most anxious to see local government being involved in these information centres so that not only the ethnic community, which is particularly associated with the group, but the whole community, including ethnic people, should be able to gain optimum advantage from such information centres.

REDCLIFF PETRO-CHEMICAL PLANT

The Hon. J. R. CORNWALL: I seek leave to make a brief statement before asking the Minister representing the Minister of Mines and Energy a question about the Redcliff petro-chemical plant.

Leave granted.

The Hon. J. R. CORNWALL: Last weekend I visited Port Augusta to find out about local attitudes to Redcliff. Last night I attended a public meeting at the State Library Theatre called to discuss the same subject. The speakers were Dr. John Hails, Peter Welsh, of the Australian Fisheries Industry Council, Ms. Ally Fricker, of Friends of the Earth, Dr. John Coulter, Robin Millhouse and myself. The Government flatly refused to send a representative.

It was obvious both in Port Augusta and at last night's meeting that there is a great deal of uneasiness in the general community concerning Redcliff. Some people believe that South Australia should have nothing to do with a petro-chemical plant at all. Many people believe that it certainly should not be located at Redcliff. It is obvious that there is a grave lack of information, misinformation and disinformation in the community. It is now also clear that, in the production of the draft environmental effect statement, Dow Chemical has not adhered to the guidelines laid down by the Government for the environment under the previous Administration.

In the circumstances, the Government's boycott of last night's public meeting was appalling. It is absolutely essential that the widest possible public discussion and rational debate take place. The draft E.E.S. is a document which appears worse each time it is read, even with the scant information which is publicly available from other sources. I am well aware that it is only a preliminary draft. However, it reads more like an ambit claim. According to the document, there is to be a two-year delay between the signing of an indenture agreement and the production of an environment impact statement. That is ridiculous. Unless the most stringent environmental safeguards are laid down at the outset, it will be virtually impossible to reverse Dow Chemical's programme two years later.

There is no provision for cooling ponds in the draft E.E.S. In fact, vast quantities of hot water would be returned daily to the gulf. There is no provision for additional navigational aids and navigational regulations;

there is simply a recitation of the relatively small number of shipping accidents in the upper Spencer Gulf in recent years.

The social impacts on Port Augusta are grossly understated. The number of workers who will be directly and indirectly employed during the construction phase will be double the number claimed by Dow. The population increase due to the construction workers themselves, employees in the associated service industries—the so-called multiplier effect which we hear so much about when Roxby Downs is discussed—and the families of the estimated 60 per cent of all these workers who will be married must be taken into account. The fact is that the peak population increase during construction will be closer to 12 000 than 4 000. Nor is any mention at all made in the E.E.S. of how the administration of the City of Port Augusta is to find the finance to provide the massive, though temporary, provision of facilities.

Finally, and perhaps most importantly of all, the question as to how a major spill of ethylene dichloride might be handled is completely glossed over. Unless the Government adopts far better guidelines, many of these questions will remain unanswered. The brief apparition which the Minister has promised the people of Port Augusta after the final E.E.S. is produced will not even begin to allay the fear in that city.

I repeat that the Opposition supports the construction of a petro-chemical plant at Redcliff, subject to the most stringent environmental safeguards, the most careful legislative guidelines and strictly enforceable heavy penalties for breaches. I have no desire to prejudice negotiations, provided they are conducted within the guidelines.

However, I am greatly disturbed by the Government's approach. I warn it that unless all of these conditions can be clearly met I will endeavour to have the Opposition's support withdrawn. I therefore again ask the Minister and the Government whether they will ask their Federal colleagues to establish a public inquiry under the provisions of the Environment Protection (Impact of Proposals) Act, and to provide an answer to my question within one week.

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

RIVERLAND CANNERY

The Hon. B. A. CHATTERTON: I seek leave to make a short explanation before asking the Attorney-General a question about the Riverland cannery.

Leave granted.

The Hon. B. A. CHATTERTON: Some time ago the Premier announced that the Government was going to offer Riverland growers who supplied fruit to the cannery 50 per cent as a final payment on the amount outstanding on the fruit they had delivered this year. I understand that, under the canning fruit legislation recently passed by the Commonwealth Parliament and the complementary legislation that was passed by this Parliament a few months ago, the fruit in fact belongs to the Canning Fruit Corporation.

Further, I understand that the Commonwealth Minister, pursuant to the Commonwealth Act, can direct that the proceeds from the sale of canned fruit be put into a trust account and that that money can be used to pay growers. It has also been put to me that the Federal Minister's approval would be required before an offer such as the one just made by the Premier could be implemented.

Has the Commonwealth Minister's approval been received for the arrangements that were made by the State Government for 50 per cent payment? In addition, if such approval has been received from the Commonwealth Minister, is the State Government aware that the Kyabram cannery in Victoria has for the last harvest paid $14 a tonne bonus above the fixed price, rather than a discounted price that the South Australian growers will receive, and that many growers in the Riverland who are disillusioned with the low prices they have been receiving are arranging to sell their crop for next year to the Kyabram cannery in Victoria, where they will receive another $14 a tonne bonus, which would easily cover the cost of their freight? Is the Government aware of this situation and the obvious implications it would have on the Riverland cannery next year?

The Hon. K. T. GRIFFIN: I am not aware of what approaches have been made to the Commonwealth Minister with respect to the fruit still on hand. The Government is aware that growers in the Riverland are concerned about the future of the Riverland cannery, and that was the principal reason for the Premier's making his statement in the House of Assembly on 7 August, which would establish the basis upon which the State Government was prepared to support Riverland Fruit Products Co-operative as an industry that was essential to the future of the Riverland. I am personally not aware of any detailed arrangements that some growers are seeking to make with other canneries, but in respect of both questions I will have inquiries made and bring back a reply.

INFORMATION SERVICES

The Hon. C. J. SUMNER: I direct a question to the Minister Assisting the Premier in Ethnic Affairs. First, did the press release issued by the Minister or the Liberal Party prior to the September election giving details of his or its ethnic affairs policy state, "Financial assistance will be given to community-based cultural and community centres"? Secondly, does the Minister consider that the Thebarton Residents Association is community-based? Thirdly, did the "community-based" mentioned in that statement of policy mean, in fact, based on local government?

The Hon. C. M. HILL: I will accept the information that the Leader has supplied, that our policy included the words that he has quoted, because our policy statement is a public document, and no doubt he is referring directly to that. However, I do not accept at all that the Thebarton information centre was a community-based organisation in terms of those mentioned in the policy.

VICTORIA PARK

The Hon. J. R. CORNWALL: I seek leave to make a short statement prior to directing a question to the Minister of Local Government regarding Victoria Park.

Leave granted.

The Hon. J. R. CORNWALL: On Friday last week I received a letter from Miss J. L. Davison, a young lady who has been campaigning to save the trees at Victoria Park. I was so touched by the letter that I feel impelled to read it to the Council. With your indulgence, Mr. President, I propose to read some parts, as follows:

> Dear Dr. Cornwall, I am just writing to ask you if there is any way that the responsibility of sorting out the obvious

problems and mess-ups at Victoria Park, by the Adelaide council and the S.A.J.C., can be lifted off my shoulders. I have been at it now for two months and six days. I am just an ordinary average person who is concerned about the park and its trees near my home.

I am very willing to be involved in the community but surely the Government, who can afford more than I can in phone calls and paper and who have experts at their disposal, should take some responsibility in saving the park. There is no way I can abandon this campaign because it would place the park area in jeopardy. Why cannot the Government inquire into the goings on with the council and the Jockey Club? My knowledge of what it is all about stems from my attempts to simply save a tree from being cut down, and I feel very much in the dark about what is really going on.

I am too ignorant of laws and by-laws and the structure of things to do the job efficiently, and in any case I am an unemployed person who is trying to get a job, and lots of people are employed as public servants to do the things I have been spending all my spare time and money doing. How long do I have to carry on attempting to protect Crown land from a mob who have other alternatives for the racetrack extensions, before the Government will step in and give me some assistance? I have no objection to the racetrack as it is, but the proposed extensions are an encroachment on park land used by people for other activities, and the extensions would destroy the aesthetic appearance of the city's green belt in general. At the moment the racetrack fits in nicely with the overall appearance of the green belt . . . I am feeling a little distressed at the moment over the whole business, which is why I am writing to you.

Earlier last week it was revealed that there was no lease in existence between the Adelaide City Council and the South Australian Jockey Club and there had not been any formal lease since 1956.

The Hon. C. M. Hill: 1966.

The Hon. J. R. CORNWALL: All right, 1966. This was a disturbing reflection on the manner in which both of these bodies had discharged their responsibilities concerning Victoria Park, whether the year was 1956 or 1966. However, there are more far-reaching implications than this. The major problem is that, while there is no lease, the public interest in Victoria Park generally is not formally protected. The recent experience suggests that there is no formal protection of the environment at Victoria Park. There is no formal requirement for public exhibition of plans to alter the existing track, to cut down trees, or to generally disturb areas adjacent to the existing track.

Like Jeannie Davison, I have no objection whatsoever to the existing racecourse at Victoria Park. I believe that it is undoubtedly one of the most beautiful courses in Australia. However, it is obvious that a clear set of guidelines needs to be drawn up and incorporated in a long-term lease. It is not good enough to have business conducted on a gentlemen's agreement between the Adelaide City Council and the S.A.J.C. without formal protection of the public interest.

I therefore ask whether the Minister will establish a working party as a matter of urgency to examine the situation. Will he introduce necessary amendments to the Local Government Act or any other relevant Act to expedite the drawing up of a formal long-term lease? Will he ensure that, in any lease, adequate safeguards are written in for protection of the existing environment? Further, does he happen to have an answer to a question that I asked him last week concerning the legality of the present situation?

The Hon. C. M. HILL: First, the honourable member knows that I have a reply to the question he asked last week, because I have already indicated that to him in the normal way. Secondly, I do not intend to establish a working party as the member has requested. The situation is that officers of my department are negotiating now with officers from the Adelaide City Council, and I indicated last week, in answer to the honourable member's question then, that I was pursuing the matter, which involves a problem with which the previous Government was unable, during its long period in office, to come to terms. As a result, the issue was on the new Government's doorstep when it came to office about 10-11 months ago. However, the matter is being pursued.

The Hon. J. R. Cornwall: You didn't know a darned thing about it before I raised it with you last week.

The Hon. C. M. HILL: Yes, I did. Regarding amendments to the Local Government Act, they are under consideration at present, and, as has been mentioned in the Governor's Speech, amendments to that Act will be brought before Parliament in this session. Whether those amendments will include this issue is still to be decided but that will come out of the discussions that I am pursuing now with the Adelaide City Council.

My officers have completed more research since last week, when the honourable member asked his question and when I gave some replies. That research has indicated that there was a lease which ran from 1 September 1945 and expired on 31 August 1966. A new lease was tabled in Parliament on 28 February 1967, which contained the same terms as the 1945 lease. This lease was for a period of five years from 1 September 1966 until 1 September 1971. The lease was between the Adelaide City Council and the Adelaide Racing Club. Before the expiry of the latter lease, negotiations were begun for the creation of a further lease. It is understood that this further lease, dated 1 September 1971, has never been tabled in Parliament and has therefore, according to section 854 (4) of the Local Government Act, no validity.

It follows that there is no formal lease arrangement between the Adelaide City Council and the South Australian Jockey Club. Since September 1971, I am informed by officers from the Adelaide City Council, a licensing arrangement has existed with the S.A.J.C., renewable on an annual basis. It would appear that this present licensing arrangement should be replaced by a lease as soon as possible so that any possibility of illegality regarding track construction and alteration can be overcome. My officers will continue to pursue the whole matter with the Adelaide City Council.

The Hon. J. R. CORNWALL: As a supplementary question, will the Minister ensure that in any new lease that is drawn up the public interest with regard to environmental protection will be looked after?

The Hon. C. M. HILL: The public interest will most certainly be protected by me, by Parliament and by the Government, because the issue has to run the gauntlet of such people and such institutions before it finally becomes legal.

WAITE INSTITUTE

The Hon. K. L. MILNE: I seek leave to make a brief explanation before asking the Attorney-General, representing the Premier, a question on the Waite Institute.

Leave granted.

The Hon. K. L. MILNE: Honourable members will recall that on 4 June 1980 I moved a motion in this Council requesting the Government to write to the Prime Minister to have the Waite Institute formally recognised as a research school in agriculture, similar to the research school attached to the Australian National University.

This motion was duly carried unanimously by both Houses. I understand that the Premier was kind enough to write to the Prime Minister conveying the wishes of this Parliament.

Therefore, has the Premier had a reply from the Prime Minister and, if so, what was his reaction to our request? As this was a request by all members of both Houses, could the reply be made public or made available to members of this Parliament? Does the Premier consider that further action should be taken and, if so, what action, and can we help?

The Hon. K. T. GRIFFIN: I will refer the honourable member's question to the Premier and bring back a reply.

TOWING INDUSTRY

The Hon. J. E. DUNFORD: Has the Attorney-General a reply to my question of 11 June on the towing industry?

The Hon. K. T. GRIFFIN: The Government is currently considering the introduction of legislation in relation to the motor vehicle towing industry in line with the report dated 18 May 1980.

SQUATTERS AND THE HOMELESS

The Hon. J. E. DUNFORD: Has the Attorney-General a reply to my question of 31 July on squatters and the homeless?

The Hon. K. T. GRIFFIN: The Government is using every endeavour to assist in the provision of rented housing. A special State allocation of $9 000 000 is being made available by the Government this year for housing, comprising $6 000 000 to the South Australian Housing Trust for the provision of rental accommodation and $3 000 000 to the State Bank of South Australia for concessional housing loans.

FAMILY DAY-CARE PROJECTS

The Hon. M. B. DAWKINS: Will the Minister of Community Welfare advise how many family day-care projects are operating in South Australia and for what ages of children do they cater? How many children are currently receiving this kind of care and how many are in receipt of subsidy for fee payments?

The Hon. J. C. BURDETT: There are 13 Commonwealth funded programmes operating in the metropolitan area and in Whyalla. In April, one State-funded programme commenced in Murray Bridge pending the availability of funds from the Commonwealth. The projects cater for babies and children up to the age of 12 years. A total of 1 557 children currently receive this kind of care and approximately 29 per cent are subsidised.

SWAN SHEPHERD PTY. LTD.

The Hon. BARBARA WIESE: I seek leave to make a brief explanation prior to asking the Minister of Corporate Affairs a question on Swan Shepherd Pty. Ltd.

Leave granted.

The Hon. BARBARA WIESE: In March of this year joint provisional liquidators were appointed for Swan Shepherd Pty. Ltd. and eight associated companies by the Supreme Court. On 14 April I understand that they were ordered by the Supreme Court to be wound up, and the joint provisional liquidators were appointed as official liquidators. In an article in the *Advertiser* on 18 April the Minister of Corporate Affairs was reported as saying that he had ordered an investigation into the affairs of the 25 companies in the Swan Shepherd group by the South Australian Corporate Affairs Commission. It was also reported that there was public concern from the investors in some of these companies about the possible loss of their investment.

I have been approached for assistance by one such person who had invested a very large sum of money with Swan Shepherd Pty. Ltd. as first mortgagor. This person has, on a number of occasions since March, tried by telephone and letter to get information about the status of the company and the investment, but so far these inquiries have been unsuccessful. I am sure the Minister will appreciate the level of frustration, confusion and uncertainty which investors in these companies are experiencing. Will the Minister report to Parliament on the progress being made by the Corporate Affairs Commission with its investigation into the affairs of the Swan Shepherd group of companies? Can he say when the investigation will be concluded?

The Hon. K. T. GRIFFIN: There are, in fact, two courses presently being followed. One is the liquidation, which is not the direct responsibility of the Corporate Affairs Commission. Under the Companies Act, it is the responsibility of the joint liquidators, who, prior to their appointment by the court, were the joint provisional liquidators, to put together the accounts of the group of companies, to identify creditors, both secured and unsecured, and to identify assets, and then to establish the appropriate course for realising such assets with a view to meeting the responsibilities of the companies to secured creditors and unsecured creditors. I can obtain a report and will do so as to the progress of the liquidation.

The other course being followed, which was taken, from memory, before the appointment of the liquidators by the Supreme Court, was the appointment by me of a special investigator under the provisions of the Companies Act designed to inquire into the whole operations of this group of companies. In the course of that investigation or any investigation appointed in that way of any group of companies, the procedure, generally speaking, is to obtain statements from persons who may have some information about the company or companies or any officers of those companies. Statements are taken on oath and may subsequently be used if of value in any subsequent proceedings. That procedure necessarily involves a special investigator being available to sit almost as though he was a judicial officer to take statements, those statements being reported by members of the Government Reporting Service. Because of that and because of the need to piece together a fairly complex series of transactions, books of account and inter-relationships between members of the group of companies, the investigation is a long process.

I will obtain a report on the progress that has been made. However, I do not believe that the investigation will be finished within a matter of months of the date of appointment of the special investigator, as in these sorts of circumstance it may take anything up to a year, or possibly longer, to complete the investigation. That sort of time frame has been the experience of corporate affairs offices in other States, particularly in New South Wales, where special investigators are used much more extensively. I will obtain for the honourable member reports on the two matters to which she has referred and make those reports available to her as soon as they are available to me.

UNEMPLOYMENT GRANT

The Hon. N. K. FOSTER: I seek leave to make a statement before asking the Minister of Community Welfare a question regarding unemployment grants.

Leave granted.

The Hon. N. K. FOSTER: Way back in June or early July I wrote to Mr. Dean Brown, the Minister of Industrial Affairs, and on 11 July received the following reply:

> Thank you for your letter of 4 July concerning a grant for the Unemployed Workers Union. This matter is receiving consideration, and the Minister will write to you as soon as possible.

The letter is signed by a Mr. Denys Pearce, Principal Ministerial Officer in the office of the Minister of Industrial Affairs. I want the Council to remember that I read that letter in this Chamber. Later, I received from the Minister a letter dated 24 July in relation to this matter. I should like honourable members to listen carefully to the first paragraph of that letter, which states:

> On 4 July 1980 you wrote asking whether the grant to the Unemployed Workers Union would be renewed for the current financial year.
>
> I have looked into the matter and find that for the financial year ending 30 June 1979 a grant was given to the Unemployed Workers Union (S.A.) Inc. under the Miscellaneous Lines of the Premier's Department. I note further that no grant was proposed for the financial year ending 30 June 1980 and I have no knowledge as to whether the union has applied to the Premier's Department for a continuance of the grant for the current financial year.
>
> I have, however, forwarded your letter to the Premier's Department asking that the information sought by you be provided direct.

I do not want to use vulgar terms in this place, but nothing has been forthcoming from those two pieces of correspondence. I now come to the crunch.

The Hon. L. H. Davis interjecting:

The Hon. N. K. FOSTER: Now, Mr. Sharebroker, be quiet. You are ruining the State. It is blokes like you in the Stock Exchange that are doing it. Dated 18 August, the letter states:

> Dear Mr. Foster, Your letter to the Hon. D. C. Brown, MP, regarding the grant for the Unemployed Workers Union has been referred to this office.
>
> It seems that our last payment was in the financial year 1978-79 and that the union has more recently been the recipient of a grant from the Community Welfare Grant Scheme. It is suggested that you take up the matter of assistance with the Secretary, Community Welfare Grants Advisory Committee.
>
> Yours sincerely,
> J. N. Holland,
> Director, Administration.

I am not concerned with Mr. Pearce or Mr. Holland: I want to receive something from Mr. Brown regarding a grant from his department. That is what the poor unfortunates in Gawler Place are entitled to. I went to their office this morning, but the Minister has not done so.

I have read to the Council chapter and verse the letters that I have received regarding this matter. Apparently, the Minister cares little about these people, who ought to come within the jurisdiction of his portfolio area.

First, has the Minister considered a grant to the Unemployed Workers Union on the basis of the 1978-79 grant? Secondly, is the grant referred to in the letter written by Mr. J. N. Holland outside the 1978-79 grant and does it not meet the requirements relating to that grant? Thirdly, will the Minister confer with his colleague, Mr. D. C. Brown, to impress on that Minister the necessity for his department to renew the grant? I want a quick reply to these questions, as these people are marching on Saturday.

The Hon. J. C. BURDETT: It is not entirely clear to me whether the honourable member's question was directed to me as Minister of Community Welfare or to me in my capacity representing the Minister of Industrial Affairs. However, it would appear from the honourable member's explanation that no application on behalf of the body to which he has referred is with the Community Welfare Grants Fund Advisory Committee. Any such applications are dealt with by that committee, which makes recommendations to me.

Certainly, I cannot act on the basis of a 1978-79 application or any other application. If an application has been made to the Community Welfare Grants Advisory Committee in relation to the year 1979-80, it would have been dealt with and replied to. If an application is to be made (and applications close shortly) to the Community Welfare Grants Fund Advisory Committee for 1980-81, it will be considered and dealt with by the committee, which will then make its recommendations to me. Certainly, a number of mainly regional organisations which represent and set out to assist the unemployed receive substantial funding from the Community Welfare Grant Fund.

So, in relation to the question so far it is directed to me, I suggest that the organisation referred to by the Hon. Mr. Foster should make an application to the Community Welfare Grants Fund Advisory Committee, forms for which are available in Department for Community Welfare offices. Regarding the matters that pertain to the Minister of Industrial Affairs, I will refer them to that Minister and obtain a reply.

The Hon. N. K. FOSTER: I should like to ask a supplementary question, which I would have preferred to address to the Leader. However, that would be unfair. Will the Minister acquaint the Council in relation to applications for any form of monetary grants relating to any of the areas coming under the aegis of the Department for Community Welfare and the Department of Industrial Affairs?

The Hon. J. C. Burdett: Pertinent to which organisation?

The Hon. N. K. FOSTER: I am referring to the Unemployed Workers Union. What does the Minister think I am talking about: a Stock Exchange cartel or something?

The Hon. J. C. BURDETT: It appears to me from what the honourable member has said that no application has been made.

The Hon. N. K. Foster: I didn't say that. Indeed, I said something to the contary. Give us the answers, anyway. Do some work for your $50 000.

The Hon. J. C. BURDETT: No application has been made to the grants fund on behalf of the Unemployed Workers Union. If the honourable member wishes to ask a supplementary question and say that an application has been made, and indeed if he tells me on what date it was made, I can reply to his question. If such an application had been made, it would have been replied to and the organisation concerned would know the answer.

KANGAROOS

The Hon. C. W. CREEDON: I seek leave to make a statement before asking the Minister of Community Welfare, representing the appropriate Minister in another place, a question regarding kangaroos.

Leave granted.

The Hon. C. W. CREEDON: Last week, I noticed that

the firm of Jesser Meats stated that it was going to process kangaroo meat for human consumption. I believe that at or about the same time it was also stated that about 100 000 kangaroos would be required to meet that need. In reply to a question I asked on 5 March relating to the slaughter of kangaroos, the Minister said the following:

> At the present time the recommended State quota is 150 000 kangaroos. It is not possible to permit higher utilisation without an increase in that quota. The department presently permits an annual harvest of 11 per cent of the kangaroos in the kangaroo commercial zone, as it believes a higher harvest may endanger the overall kangaroo population.

Does Jesser Meats have a permit quota of its own and, if it does not, does the Minister intend to increase the quota of kangaroos to be slaughtered, to take into account Jesser Meats' need for 100 000 kangaroos as well as the 150 000 kangaroos which were referred to in the correspondence and which are to be used for other purposes?

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

INTERPRETER SERVICES

The Hon. FRANK BLEVINS: Has the Minister Assisting the Premier in Ethnic Affairs a reply to my recent question on interpreter services?

The Hon. C. M. HILL: The policy of the Government in providing interpreters in law courts is to assist and facilitate interpreting for the ethnic person in the courts. This service is available from the Ethnic Affairs Branch, Department of Local Government, and has existed for a number of years. Referring to the availability of the interpreter, the procedure has remained the same since the inception of the court interpreting service. That is, in civil court cases the interpreter should only interpret while the witness gives evidence; this procedure was approved in 1976 by the then Attorney-General, Hon. P. Duncan M.P.

However, the State Interpreting and Translating Service has always been flexible and interpreters have been used before and during trial proceedings in order to assist communication. Therefore, there has not been a change in policy. In the specific case referred to by the honourable member an interpreter was supplied on 19 June, and the case was adjourned to 20 June, and on this day another interpreter was supplied. The case was again adjourned until 25 August, and an interpreter has already been arranged. Presently, interpreting in the courts follows the procedure set in 1976:

> It was not intended to provide interpreters to sit with parties during the progress of civil cases to explain the proceedings to them. This was considered to be the responsibility of their legal representative, an exception of course being an unrepresented party when requested by the court.

However, in this particular case an interpreter was available in the pre-trial discussions, clearly demonstrating the flexibility of the interpreting service.

CARCINOGENS

The Hon. ANNE LEVY: I seek leave to make a brief statement before asking the Minister of Community Welfare, representing the Minister of Health, a question about chemical carcinogens.

Leave granted.

The Hon. ANNE LEVY: I heard a report last week that the Occupational Health and Safety Board of the United States Government issued a report listing 170 different chemicals which are known to be carcinogenic and about which extreme care must be taken when they are used in industry. The high figure of 170 carcinogenic chemicals surprised me. No doubt this is due to a lack of information on my part. I am sure that the occupational health section of our Health Commission would be extremely interested in this list and is doubtless obtaining a copy of it from the United States. Will this list put out by the Occupational Health and Safety Board in the United States be made available to me and any other members of Parliament who may be interested to have this list of chemical carcinogens?

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

WOODCHIP INDUSTRY

The Hon. B. A. CHATTERTON: Has the Attorney-General a reply to my question of 10 June on the woodchip industry?

The Hon. K. T. GRIFFIN: In relation to the honourable member's question concerning the level of Government assistance given to the Indian company to assist that company to purchase land, the Minister of Forests has advised me that significant assistance has been rendered by the Government and that all actions have been closely co-ordinated.

ADDRESS IN REPLY

Adjourned debate on motion for adoption.
(Continued from 14 August. Page 371.)

The Hon. M. B. CAMERON: It is with some pleasure that I speak in a debate on a Speech presented on behalf of an excellent Government. One of the matters about which I want to say something is electoral reform, which is a matter that has bedeviled this Parliament in the past 10 years to some extent. This matter is now fairly well laid to rest, but there are some continuing problems.

I believe that with a democracy it is absolutely essential that the base be fair. It has always been my fundamental belief that that must exist for our democracy to work. In South Australia one can easily point to areas in the past where perhaps there was some disquiet in the community and where there was not the level of acceptance in the community or in Parliament that everything was fair. That does not mean that we did not have good Government in those days. Quite possibly that was when some of the better Governments of this State were seen, in the days when our democratic base was not entirely fair.

Also, I believe that for any democratic system to be fair it must not only be fair but it must also be accepted as far as possible by all parties who use the system. In this case, that means political Parties. I heard with some interest the rumblings from members opposite about the system being promoted by some members of the press, that is, the system of the Senate. I have been interested to read some of the comments that have been made. This matter was first raised in this Council by the Hon. Miss Levy, who in some way attempted to infer that the system used in the Senate could have an error factor in it because of sampling.

I suppose that if one looked at any system one could examine it and find a potential factor for error. No-one would argue with her about that. What is important is

whether it is an important factor: that is what should exercise one's mind. I then read the comments of a member in another place (Hon. J. D. Wright) and I believe I should refer to his statement, because it is fairly important to what I am saying. The Hon. J. D. Wright stated:

> The current Legislative Council voting system has been in operation only for the 1975 and 1979 elections, and now, for the first time, the whole of the Upper House has been democratically elected. Yet the Premier now appears to be planning to scrap that system.

I may be wrong, but I believe that not every member of this Council has been democratically elected according to how I see democracy. I refer to the position of the Hon. Mr. Sumner, who is now the Leader of the Opposition in this Council. The system we used was arrived at as a result of a consensus opinion in this Council in 1973. No-one at that time pretended that it was going to be absolutely perfect. No-one pretended that it might not have a fault in it, because it was a system arrived at after considerable debate.

Indeed, it was a brand new system and one that, to the best of my knowledge, was untried anywhere else in the world. What happened with the first election held under this system? Error was found: a member was elected to this Chamber who did not receive majority support of the final preferences that should have been counted. That member was the Hon. Mr. Sumner.

The Hon. Frank Blevins interjecting:

The Hon. M. B. CAMERON: It was well known and accepted at that time. Let me quote the remainder of that statement to the honourable member.

The Hon. D. H. Laidlaw: You mean he should not be here?

The Hon. M. B. CAMERON: No-one would say that he should walk out or resign on some sort of principle, but what the Hon. J. D. Wright has said is clearly wrong, and the system does have a fault: not every honourable member has been democratically elected.

At that election the Liberal Party received 40 000 remainders; the Liberal Movement received 26 000, and it gave its preferences to the Liberal Party; and the Labor Party obtained 47 000 remainders. The addition of 40 000 and 26 000 makes 66 000 remainders and not 47 000 remainders as the Labor Party received, yet the Hon. Mr. Sumner appears in this Council as a so-called democratically elected member.

The Hon. M. B. Dawkins: He is the only member not democratically elected.

The Hon. M. B. CAMERON: Not entirely, and I will come to that later because it is very interesting. He was democratically elected according to the system, but one must go back further than that. What happened was that a fault was found in the system. As a person who has always supported every move that was made towards a fairer system, I believed that that situation should be corrected. In 1976, at the first opportunity, I introduced an amendment to the Electoral Act to provide for the counting of all preferences. That amendment would have squashed any argument in relation to future elections. I would have expected a Party that had for so long indicated that electoral reform and fairness was the basis of its thinking would support that move.

The Hon. M. B. Dawkins: The Hon. Mr. Sumner did not support it.

The Hon. M. B. CAMERON: No, and that was quite strange. Three speakers spoke to that amendment during the debate. It was a very fair amendment and I believe it should have received support. I spoke to it as did the Hon. Mr. Whyte and the Hon. Mr. DeGaris. The Labor Party did not even speak, but brushed aside with contempt this further attempt to democratise this Chamber. The Labor Party did not raise a single voice as to whether the amendment was good, bad or indifferent, but simply voted against it. For the first time I realised that the Labor Party's commitment to electoral reform was not as complete as we had all assumed. Of course, the Labor Party had promoted electoral reform because it saw that as an advantage. That is fair enough, and we did achieve some improvement. However, when it came to the final analysis where there was some advantage to be gained by not changing the system, it failed to respond. Therefore, the system was left as it is today. That system put the person who is now Leader of the Opposition in this Chamber into this Council, even though he was not properly elected.

The Hon. C. J. Sumner: You know that that is a lot of rubbish.

The Hon. M. B. CAMERON: If the Leader had been present in the Chamber earlier he would know and would be convinced that what I have said is not a lot of rubbish. I gather from the Hon. Mr. Sumner's words on *Nationwide* the other night, that he is beginning to shift away from the contempt that he and his Party showed for the amendment I moved in 1976 to remove the anomaly that led to an undemocratically-elected person being present in this Chamber.

The Hon. C. J. Sumner: What are you saying now?

The Hon. M. B. CAMERON: The Hon. Mr. Sumner should read *Hansard* tomorrow. I now wish to quote the former Premier, Mr. Dunstan, in a *Sunday Mail* article of 6 March 1978. That was a great promotional article with many photographs showing him weight-lifting and doing all sorts of things. Mr. Dunstan said:

> We have obtained political democracy, but now democracy must reach out into the community. The next major reform for South Australia is, in effect, to democratise every aspect of life in South Australia.

They are the Hon. Mr. Dunstan's words, and he is a great promoter of electoral reform in this State! Many people have said that he was the architect of electoral reform in this State, so I am sure that many people read with some surprise about the system that was used within the Labor Party for the election of members to this Council and to another place. After reading that article I can come to only one conclusion. At the present time only half of the members of this Council may be democratically elected—that is, Liberal Party members—I do not know much about the Australian Democrats, but I would say that not one member of the Australian Labor Party in this Chamber has been democratically elected.

The Hon. R. J. Ritson: They have been elected by the unions.

The Hon. M. B. CAMERON: That is correct. They may be democratically elected according to the Constitution, but back at their home base when they became candidates for the Labor Party, there was no democracy involved at all.

The Hon. M. B. Dawkins: Nothing about one vote one value?

The Hon. M. B. Cameron: No, and it was rather surprising to find that it is all right for members of Parliament to be elected democratically, but it is not all right for the Labor Party. Some very interesting stories have arisen out of that. Every single member opposite has been elected to Parliament by a Party that had a huge gerrymander towards the unions. That situation still exists today in spite of cover-up attempts and papering over the problem.

The Hon. C. M. Hill: Whitewashing.

The Hon. M. B. CAMERON: A total whitewash. I now turn to some of the illuminating statements that have arisen as a result of the argument within the Labor Party over whether it should have democracy or not—of course, it ended up not having it. The first time anything was tried was on 13 April 1980, when a move was made to bring in a system of 60 per cent union vote and 40 per cent sub-branch vote. The voting, which has always been a bloc vote under the card system, was 90 401 votes against the move for democracy and 7 949 in favour. That is a very surprising vote indeed for a Party that has pretended that it believed in democracy.

The Hon. C. M. Hill: Didn't someone with 12 000 votes get locked out that day?

The Hon. M. B. CAMERON: It was 1 200, and I will come to that in a moment. It appears that democracy reigned only in the minds of those in the unions. Of course, when the union delegates arrived they simply stated that they had a certain number of members and a certain number of votes. Do those delegates ever go back and ask the people concerned whether they support what the delegates are doing? Do the delegates ever go back and ask whether their members support the Labor Party? It would be interesting to conduct an inquiry into how many—

The Hon. C. J. Sumner: Members can move to disaffiliate from the Labor Party.

The Hon. M. B. CAMERON: That is an old story; I have never heard so much nonsense. As if members out bush would say that they did not want to belong to the Labor Party or that they did not believe in what their delegate did at a convention. The delegates simply manipulate the numbers they have gathered for their own advantage and for the advantage of their friends; whether they be on the left or right, that does not matter. The important thing is that the system is crook, as the Hon. Mr. Sumner well knows.

The Hon. C. M. Hill: The Hon. Mr. Sumner attempted to defer the voting; he thought they were not going to win on their 25 per cent.

The Hon. M. B. CAMERON: Yes, I will come to that. In a further newspaper article Mr. Bannon is quoted as follows:

> We should not focus too much on the card system of voting, which is not applied as a matter of course in policy-making, but is used mainly in the selection of the Party executive Parliamentary candidates.

They do not need to do much else. Once they have taken control of the Parliamentary candidates and their futures, they do as they are told anyway. It is incredible for Mr. Bannon to make a statement such as that and pretend that that was not important. I believe that even the more staid members opposite are blushing now.

I now turn to the number of people who actually voted during the 90 000 to 9 000 vote. In fact, there were only 300 delegates. It would be interesting to know how many delegates held the major number of votes, but I would imagine that three or four unions had the majority and that the rest were not terribly relevant. Following another convention at which time the Labor Party again attempted to bring in democracy, something occurred to which the Hon. Mr. Hill referred earlier. On 19 June 1980 an article appeared in the press as follows:

> A little-known fact is that Mr. Bannon's motion was lucky to go to the vote. A delegate from the Australian Government Workers Association holding 1 200 votes for Mr. Sumner's amendment was not permitted to enter the hall while the voting was under way.

It must be a great system that allows a delegate to be locked out during such an important event. What was the Hon. Mr. Sumner trying to do? He did not seem to have the numbers and he was trying to put off the vote altogether. However, he was mistiming and the great amendment moved by Mr. Bannon was passed. I quote now some matters discussed by Mr. Bill Rust, who I understand is the industrial roundsman for the *Advertiser*. Mr. Rust states:

> I understand some unions which finally backed Mr. Bannon's motion did so mainly because they felt his credibility would suffer severely if he were to be twice-rejected in his reform moves.
>
> Out of loyalty to the Leader, but with some misgivings because they don't like surrendering power, they supported Mr. Bannon's motion. But I understand they laid it on the line bluntly that if any future move were made to use this foot-hold to increase the sub-branches' share to 40 per cent or thereabouts, they in turn might want to revert to the previous full card voting strength of unions.

How can they issue that threat if the system has been made fair? They can use it only because they still have control. They gave the sub-branches only 25 per cent, just enough to keep them happy but enough to keep them under control. I refer now to what the new President of the State Branch of the A.L.P. said in a report in the *News* of 23 April 1980. I would not have thought it possible for the new President to make such a naive statement: in fact, I was amazed. The report states:

> At the monthly State council meetings and at yearly conventions, most decisions are made by votes taken on the voices or a show of hands—each delegate has one vote. On a very few issues, including election ballots, the card vote is used.

I point out to the Hon. Miss Wiese that that is the only one that counts. That puts people here, where they know who are their masters and who guides their future. The Hon. Miss Wiese should realise that policy decisions are made for members here and those members could not bear to move away from that because the card vote has always decided their future and still does to a large extent because of the change that has been made. I refer to a further statement by the Hon. Miss Wiese, and this is naivety in the extreme. It is as follows:

> However, the A.L.P., contrary to media reports, is a rather cautious organisation when it comes to internal change.

If that does not say it all, I should like to know what does. In other words, the A.L.P. is trying to change the rest of the community but is cautious about changing itself. Members of the A.L.P. are not prepared to look at this unless with great caution, yet they accuse members on this side of being troglodytes and conservatives. If ever I heard a conservative statement by the Hon. Miss Wiese, that was one. I suggest that she look at that report and then perhaps she will decide, when she writes her next report for the press, that she did not really mean that and that she is not a conservative as one would read from that statement.

The Hon. Barbara Wiese: I thought you liked conservatives.

The Hon. M. B. CAMERON: I have no objection to conservatives. I have been accused of being a progressive for years. The only reason why I became a progressive was that I supported what I regarded as a step towards fairness in redistributions and elections for this Council. Dr. Blewett put more strongly the matter to which I was referring just now, and another report states:

> Dr. Blewett put it on the line over the weekend when he told the Trades Hall meeting the unity of the A.L.P. in this State could be lost if the 60-40 voting proposal went by the board—as it eventually did.

I wonder what has happened to that statement. I wonder

whether he still believes that or whether he is still satisfied with the 75 per cent to 25 per cent proposal which was finally achieved and which is absolute nonsense when it is considered in terms of whether it is democratic.

The Hon. R. J. Ritson: Does the card vote strongly depend on financial membership of the union?

The Hon. M. B. CAMERON: It does, but not necessarily financial membership of the A.L.P. When people join a union, they are put into the A.L.P. People who join A.L.P. sub-branches are still very much in the minority. It is 25 per cent to 75 per cent, not 90 000 to 9 000.

The Hon. R. J. Ritson: If you vote Liberal and join a union, you help the Labor candidate, do you?

The Hon. M. B. CAMERON: Yes, unless you opt out under the clause under which you are allowed to opt out. I wonder how many people know about that.

The Hon. C. M. Hill: How long did it take Mr. Bannon to get his motion through?

The Hon. M. B. CAMERON: About five hours. In the *Sunday Mail* of 6 April, Mr. Denis Atkins stated:

> PR exists in the New South Wales, Victorian and Tasmanian branches and is a central point of the reforms proposed for Queensland.

Once the Queensland branches are reformed (and I understand there are two Australian Labor Parties there now) and when they finally get it in Queensland, South Australia will be the one State left out in the cold, apart from Western Australia, and this will be the one State that does not have fairness in its system. For the A.L.P. to say again that it is the architect of a fair system and built-in fairness is absolute nonsense. That Party has committed itself to a system that will continue to put people into this Council who are not democractically elected.

For the A.L.P. to say that it is making the system fairer is absolute hypocrisy. The only reason why that Party will ever change the system now will be to improve the situation for itself. In 1976, without having the decency to give reasons, the Party rejected my move to bring a further extension of democracy to this Council by allowing all votes to be counted out. I will not indicate whether this system should change or whether we should bring in the Senate voting system.

Perhaps the people of this State have had enough changes of system. If there is a change, it will be the fault of members opposite, who refused to assist in a fair attempt by me in 1976 to extend the system of counting so that votes were not left in the wilderness. Members opposite have no-one to blame but themselves if the system is changed. If it is finally changed to the Senate system, I do not believe it will alter the fairness of the basis for electing people to this Council.

I suggest that, if members opposite want to do something worth while to bring democracy to this State, as Mr. Dunstan said the A.L.P. would do, they should put their own house in order and work out a system that ensures that people are elected to this Council democratically, not planted here by the unions as they have been over the years. I refer now to another area in which the Hon. Mr. Sumner talked about broken promises.

I think it is time to remind members opposite of a few of those. Let us start right at the beginning, because the Labor Party has been talking about the first 12 months of this Government. I quote from the Labor Party's policy speech of 1970 made by the Leader of the Opposition of the day. In relation to the Murray River, it states:

> We will renegotiate the agreement concerning the building of the Dartmouth dam to ensure that South Australia's legal rights to the building of the Chowilla dam are not ended. We will seek to negotiate a commencing date for Chowilla to be inserted in an enforceable agreement.

When did that happen? It never happened. It was never intended to happen. It was absolute nonsense right from the start. It was merely a means of gaining power. Let me go further. Again in 1970, a report in the *Advertiser* of 20 August stated:

> The Premier (Mr. Dunstan) yesterday introduced to Parliament a Bill to rationalise building of the Dartmouth dam on the Mitta Mitta River in north-eastern Victoria. The Bill does not insist on South Australia's rights to the Chowilla dam.

He did not put it in a Bill or try to put it through Parliament in that form. He just wiped it off because it was just a figment of his imagination and a means of throwing out the Government of the day. Mr. Dunstan also said:

> My Government never said it would build the Chowilla dam. We said we would set about renegotiating the agreement to get the protection Chowilla would afford.

If they did not say that they were going to build it, I have obviously been reading the wrong document. However, it is an original copy collected from the same place as the speech itself. Let us now talk about Hackney redevelopment, and I quote from that policy speech of 1973, as follows:

> We will establish an environmental research institute.

I have not seen that yet—maybe it is one of those things that were built that we were not told about. On 9 March 1977 a report of the then Premier's remarks was as follows:

> Detailed financial examinations and feasibility studies had been made for an environment research institute and the Government was reviewing the results.

The then Government must have spent a long time reviewing the results, because it still did not get around to it. In 1971 we had a magnificent headline.

The Hon. J. R. Cornwall: Are we going through all this?

The Hon. M. B. CAMERON: Any time members opposite get up and accuse this Government of not keeping promises, they will hear this again. The headline of 1971 stated, "Asians coming—Dunstan". What were they coming to do—build an international hotel. The article stated:

> In Adelaide they would discuss possible investment in the international standard hotel proposed for Victoria Square.

That matter went on and on. I believe that there were 25 different announcements on that project alone. In 1972, a report appeared in the press as follows:

> Work on the State Government's proposed international hotel for Victoria Square could start this year, the Premier (Mr. Dunstan) said yesterday . . . He said the new hotel would be a valuable fillip to South Australian tourism.

That must have been why tourism was still dead in 1979, when Labor left office. It never got the fillip that it was supposed to get, and the Victoria Square site remained an empty block. In the 1973 policy speech there was a clear statement of intent as follows:

> Tourist attractions: To our growing list of these, we will add an Aboriginal cultural centre near Wellington on the Murray. It will contain Australia's greatest collection of Aboriginal history and culture.

I have been past Wellington on the way home to Millicent many times, and nothing has happened yet, unless it is well off the beaten track. It was a clear commitment in 1973, but nothing has happened. Let us now talk about Mr. Virgo, who was the daddy of them all. He made many statements about what he was or was not going to do. I do not know who his advisers were but they had plenty of flights of fancy. Mr. Virgo announced on 28 July 1973:

> High-speed, electric double-decker trains could be servicing the new Adelaide to Christie Downs railway line by

mid-1975. They will be part of a $22 700 000 project to upgrade the service.

I understand that the problem was that he forgot that the bridges were lower than the trains. That is only a minor point but nevertheless one that apparently did not exercise his mind before he made the announcement. In the *Sunday Mail* of 9 September 1973 we read:

"Almost certain" electrification of the Adelaide-Elizabeth rail line was announced yesterday by the Transport Minister, Mr. Virgo [who said that]: this would follow electrification of the Adelaide to Christie Downs line.

I suppose that that means that, as the double-decker trains would not be coming, the then Government did not go on with the Elizabeth section. In 1970 a tourist development was announced as follows:

The restaurant at Windy Point should be able to provide the following facilities:

1. A first-class restaurant of gourmet standard.

2. A larger area which can be used for general catering purposes, cabarets and the like. Within this there should be provision for a smorgasbord service at lunch time. There could be a terrace for people to eat in the open air, having either got food from the smorgasbord or from a barbecue area on the terrace, and ideally there should also be a swimming pool and changing rooms.

It is not my practice to go up to Windy Point often, although perhaps I visited it more frequently in the past when I was a young man. However, on driving past it now, I do not see at Windy Point many of those facilities available that I have read out. It is still a parking area as it was when I was 21. We got to the point in 1972 where $40 000 was set aside in the Loan programme to begin construction of a first-class 100-seat restaurant at Windy Point. The report went on to discuss the details, but I do not know where the $40 000 was spent. It certainly was not spent at Windy Point unless it was used to provide extra parking facilities to look at the lights. In 1973 we were going to spend $3 000 000 at Wallaroo. A news item stated:

A $3 000 000 tourist development is planned to promote the Wallaroo area of Yorke Peninsula as the "Copper Coast" of Australia. Although final details of the plan have yet to be worked out, the Premier (Mr. Dunstan) described it last night as a "very significant development".

This was always the case—we never had final details. The report continues:

A planned foreshore complex will also mean the improvement of the old copper-mining town and surrounding districts, and will make Wallaroo the tourist centre for Yorke Peninsula and surrounding areas.

The development is planned to include: a hotel-motel complex; holiday shacks and homes; a golf course; and a boat haven.

It would have been a marvellous idea, if only we had got it. That was in 1973, but absolutely nothing was done about it. Of course, it is not at all significant that that occurred in one of the key seats in the 1973 election. However, when it was found afterwards that that seat was not needed and it disappeared, the project also disappeared. On 19 November 1975, we had the following headline, "Railways forecast rural supertrain". That report stated that there would be an improved railway service from Adelaide to Murray Bridge, with speeds on some sections reaching 100 miles an hour.

The Hon. R. J. Ritson: It would have to stop at Monarto, though, wouldn't it?

The Hon. M. B. CAMERON: That is so. Mr. Virgo said at that stage that the Government was continually examining plans to upgrade rail transport. However, this is something that did not eventuate. I now refer to a press report dated 24 March 1973 and headed "Dial-a-bus plan starts in June". Although everyone has heard this before I will repeat it. The report states:

The world's biggest dial-a-bus system would begin operating in Adelaide in June, the Minister of Roads and Transport (Mr. Virgo) announced yesterday.

The report even shows a map of the area in which the dial-a-bus scheme was to operate. The report continues:

Initially the service, which would be named dial-a-bus, would be operated by 14 buses, each with 12 seats.

After giving much detail, the report continued:

"While other cities have used dial-a-bus in some form, the Adelaide system is unique because it offers anywhere-to-anywhere travel over a wide area," Mr. Virgo said.

Other systems offered services over small parts of a city ranging from one to 9½ square miles, using between one and nine vehicles of various sizes, he said.

The service initially would operate from 7 a.m. to 9 p.m. Monday to Saturday, but it was hoped it would be extended later to include Sunday.

There was no doubt about Mr. Virgo's announcement. However, that scheme lasted for only one day. Of course, one would be wrong to assume that insufficient planning was done on it! This was merely another announcement that was designed to win elections, as so many of these matters seemed to be. This announcement was made in March 1973, almost on an election.

The Hon. J. R. Cornwall: It would be in the O'Bahn class.

The Hon. M. B. CAMERON: We will leave that matter until an announcement has been made on it. Then, the honourable member will be able to make his comments. On 15 May 1974, again right before an election, Mr. Virgo, in a report headed "Hotel and stadium in rail uplift", was reported as saying:

State Cabinet has given the go-ahead for architects to draw up plans for the complete redevelopment of the Adelaide Railway Station site.

The project, estimated to cost between $70 000 000 and $80 000 000, would extend from the old Legislative Council building near Parliament House to Morphett Street, and from North Terrace to the River Torrens.

The plans envisage: a modern administration building for the railways; an international standard hotel—

another one—

a large stadium with seating capacity for 8 000; buildings for the State Transport Authority; commercial development, including office accommodation; restaurants and bistros; retail and service shops; and residential developments, such as flats. Details were released by the Transport Minister, Mr. Virgo, at a Press conference today.

The report contains a photograph of Mr. Virgo, pointing to the site of the new building and giving all the details of it. This was a week before the election. There was nothing significant about that or about the fact that that scheme disappeared, as did almost every other project announced by the former Labor Government.

I now refer to Redcliff, on which the Hon. Mr. Cornwall frequently makes comments. It seemed earlier today as though a threat was being made that support for the scheme would be withdrawn. In 1973, again just before an election, Mr. Dunstan made the following announcement:

The Government is already in an advanced stage of negotiation for the establishment at Redcliff 17 miles south of Port Augusta of a $300 000 000 petro-chemical industry of world scale.

The Hon. M. B. Dawkins: How long ago was that?

The Hon. M. B. CAMERON: It was stated in the 1973 policy speech.

The Hon. M. B. Dawkins: That's no time at all!

The Hon. M. B. CAMERON: That is so. On 23 February, Mr. Dunstan said:

> There is no doubt in my mind they will go ahead. The said letters of intent and heads of agreement had been sent.

The Hon. K. T. Griffin: Sent where?

The Hon. M. B. CAMERON: I do not know. It must have gone into the deep-freeze compartment.

The Hon. R. J. Ritson: Did they do an environmental impact statement on it?

The Hon. M. B. CAMERON: It was stated at that stage that the site had been purchased so that it could be seen that the Government was genuine and that the doubts about the matter cast by the Liberal Party were not on. Therefore, the site was grasped quickly with both hands. No doubts were expressed until yesterday, when the Labor Party expressed doubts about the site.

The Hon. J. R. Cornwall: I issued a statement three weeks ago.

The Hon. M. B. CAMERON: I suppose that is not bad: the honourable member issued a statement three weeks ago, whereas all this happened in 1973. That was indeed a significant step to be taken in seven years.

The Hon. J. R. Cornwall: We don't live in the past.

The Hon. M. B. CAMERON: That is just as well for the honourable member, who would be so embarrassed that he could not represent a Party that had broken so many of its promises to the people of South Australia. On 24 October 1973 Mr. Dunstan announced that work on the Redcliff petro-chemical plant was due to start in April.

The Hon. D. H. Laidlaw: Which year was that?

The Hon. M. B. CAMERON: It was in 1973.

The Hon. D. H. Laidlaw: That's only seven years ago.

The Hon. M. B. CAMERON: That is so. It is not too bad, I suppose! Perhaps everyone assumed that he meant that it would happen in 1973 and not in 1979 or 1980. The report to which I have referred continues:

> He said he expected the Indenture to build Redcliff to be signed and ratified by Parliament this session.

Mr. Dunstan had the audacity to say in 1977 that no promises had been made on Redcliff.

The Hon. D. H. Laidlaw: Yet he was going to start in April without an environmental impact statement.

The Hon. C. J. Sumner: But Rex Connor stopped it, didn't he?

The Hon. M. B. CAMERON: The Leader should not blame the Liberal Party for his problems. Announcements on Redcliff were made right through. Indeed, they started in 1971, went through to 1973, and kept going until 1977. Finally, Mr. Dunstan made the famous statement that no promises had been made on Redcliff. I may be wrong, but most people had the impression that some firm commitments had been made.

The Hon. K. T. Griffin: They made some more statements just before the election.

The Hon. M. B. CAMERON: That is so. It is rather late in the piece and hypocritical for the Hon. Mr. Cornwall to imply a threat to this project. I hope that he looks at the history of it. I wonder whether it is not significant that the honourable member is facing preselection in his Party and needs to promote his image.

The Hon. J. R. Cornwall: I have no need to do so. My standing in the Party has never been higher.

The Hon. M. B. CAMERON: We will have to wait until after the preselection to see about that.

The Hon. K. T. Griffin: Will it be a democratic vote?

The Hon. M. B. CAMERON: That is the problem: it will still be done under the old rule, and the honourable member will not face the real people in the sub-branches.

The Hon. L. H. Davis: One card is worth 11 000 votes.

The Hon. M. B. CAMERON: That is so. It is incredible.

The Hon. C. J. Sumner: Don't you think that individual unionists should have their say?

The Hon. M. B. CAMERON: Of course they should have their say. I refer again to the Redcliff project. On 15 May 1973 a news report stated:

> "There is no doubt the Redcliff petro-chemical complex will go ahead," the Premier, Mr. Dunstan, said today.
>
> The possible establishment of a petro-chemical industry at Broken Hill would not alter planning of the Redcliff scheme, he said.
>
> Mr. Dunstan said representatives from the giant Japanese firm, Mitsubishi, had been to Adelaide recently for talks with Environment Minister Mr. Broomhill, and Government officials.
>
> "There are people arriving in Adelaide almost daily from overseas for discussions on the Redcliff plan," Mr. Dunstan said.

The Hon. L. H. Davis: They certainly left pretty quickly after a while.

The Hon. M. B. CAMERON: Yes. The report continues:

> The Federal Government was deeply involved in the scheme and was keen to see it go ahead. Earlier this year Mr. Dunstan announced that a $300 000 000 petro-chemical industry backed by huge overseas groups would be established . . .

I imagine that, if Mitsubishi had been here to talk over the matter with the then Environment Minister (Mr. Broomhill), it would have cleared up any problems that existed.

The Hon. J. R. Cornwall: The real concern is that you are ruining the environment. Everyone knows that you have no concern at all for the environment.

The Hon. M. B. CAMERON: That is amazing. The planning for this has been going on since 1973, yet the first expression of doubt from members opposite was three weeks ago. Not only did they plan this project but they also purchased the site. If members opposite have any doubt, why did they purchase the site? They should not come along now crying and saying that they do not trust us to go ahead with it. The former Government had the opportunity to establish the project; it promised to get it built and had purchased the site, and it must have been on the basis that it was safe. Now members opposite are saying that they are opposed to any development that occurs under this Government for fear that we will get the credit for getting the project off the ground.

Members opposite know that their record is bad, and they do not want our record to appear to be good. They oppose every development. The Opposition will do anything possible to curb development in South Australia while this Government is in office, in order to make us look bad. The Opposition will hold back on every project on the pretext that it is for the environment. That is a lot of hogwash. The Opposition when in Government showed no concern for the environment until three weeks ago, when it found some people from whom it could get some support and who would peddle the Opposition's story. Members opposite should have thought of that when they first promoted the project in 1971 and when they first announced it in 1973.

Instead, the former Government continued promoting to the public ideas that looked good. The press in South Australia did not help, because it kept peddling the same stories, election after election. The former Government went on reannouncing announcements made previously.

Members interjecting:

The Hon. M. B. CAMERON: The real fact of the matter is that this Government is doing an excellent job. One matter that we promised to introduce in South Australia

was random breath tests, but that was rejected by the Opposition. How can members opposite have the audacity to say that we are breaking promises? How can we proceed and carry out our promises when every time there is some shallow reason why the Opposition is opposed to it?

Members opposite should remain silent in the face of the excellent job that this Government has done. They should be ashamed of their past, ashamed of the things that they did not do, and they should be ashamed of the way they put it over the people of this State for the previous nine years. I support the motion.

The Hon. K. T. GRIFFIN (Attorney-General): Some interesting and helpful ideas have been floated by members of the Council and, after all, that is what the Address in Reply debate is available for: it is principally to allow members to speak on those matters that ordinarily they would not have the opportunity to draw to the attention of members of the Council and the Government of the day.

However, we have seen from the Opposition, especially from the Leader of the Opposition, a parade of sour grapes and belly-aching which demonstrates a great discontent that the Labor Government went to an early election in 1979 and was soundly defeated. The Council has been treated to a chronology of suggested broken promises by this Government which does not take into account the significant promises which have been honoured within the first year of this Government. The Hon. Mr. Cameron has already indicated the significant broken promises of the previous Government, and there are a number of others to which I want to refer because of the consequences they have had on the community at large.

The approach of members opposite, both in Opposition and as the previous Government in its latter stages, was a negative attitude to Government in this State, to the people of South Australia and to the development of this State in relation to its great potential.

The Liberal Government has won the interest and support of the people of South Australia because at the last election it was positive: it had some positive policies for getting South Australia moving again and to ensure that the development which could occur actually was encouraged and took place. We gave emphasis to the reward of enterprise; we gave emphasis to fostering private enterprise, believing that the socialist objective of the Labor Party—the then Labor Government—was stifling the community and was not encouraging people to develop to their full potential. That is the policy—one of emphasis on enterprise, development and initiative—that got the Liberal Party into Government at the last election, and it is the policy that will keep it there for many years to come.

The people of South Australia were concerned about the socialism by stealth practised by the previous Government, only one instance of which might be referred to now, but I will get to others later. I refer to the incorporation of associations legislation, which sought by stealth to impose Government will on charitable, religious and other organisations, and often socialism was practised by blatant act, in the form of such things as the Frozen Food Factory, to which I will refer later in my speech.

At the last election the media expressed a variety of views about the state of the then A.L.P. Government and about the potential for South Australia. I refer to a *News* editorial on 14 September 1979, which started with a statement that was generally supported throughout South Australia, as follows:

> We did not want this election. We did not need it. But Mr. Corcoran has foisted it on us. Apparently seeing elections as a kind of presidential contest, not a choice of Government, he says he wants a personal mandate. The suspicion remains that his timing was, in fact, dictated by the knowledge that, if things are bad now, they will be even worse later as more and more young South Australians look for jobs.

That is a recognition after 10 years of this Government's inheritance of Labor rule in South Australia. Referring to the people of South Australia, the editorial continues:

> They are worried that, in the midst of a new natural resources boom, South Australia is missing out. Even where we may have the potential, as at Roxby Downs, they are worried that the Corcoran Government is so tightly bound to dogma that it cannot go ahead. They are worried about the increasing power of the trade unions and the way it increasingly seems the Trades Hall tail wags the Corcoran Government dog.

Further in the editorial, it states:

> The business community is frankly scared about pending changes to industrial laws which will put new strains on our battered economy and cause still more unemployment.

The editorial concludes with this statement:

> The State Government has been in office for nearly 10 years. It is a tired Administration . . . It also has broken many promises. Remember Monarto, Chowilla, dial-a-bus, an international hotel? It offers old formulas not new ideas.

The Hon. C. J. Sumner: Who said that?

The Hon. K. T. GRIFFIN: That was in the *News* editorial of 14 September. On the Monday following the election, on 17 September, the *Advertiser* editorial commented as follows:

> The winds of change in South Australia blew at gale force on Saturday. The Labor Party that had held power for more than nine years was dismissed, almost ignominiously, by the voters. The prospect of many more years of Labor rule, seen by many as almost inevitable until the last two weeks, was snuffed out in a matter of hours by the most sudden and remarkable shift of opinion in this State's political history . . . Exactly how and why it all happened will be argued about for years to come. The Labor Party, however, will be kidding itself if it believes that media bias or obstruction of its efforts to present its case was responsible for its downfall. The Liberal campaign and the vigorous publicity effort of employers organisations did not brainwash or mislead people. They expressed in an articulate form the frustration and dissatisfaction of people whose patience with Labor's policies, with their obsessive concentration on consumer protection and catering for union whims, had been exhausted.

Those editorials really sum up the views of the voting public at the time of that election, because they were disenchanted with the trumpets that were falsely blown announcing Labor Government initiatives that were promised but never commenced, and if promised, were never seen through to their conclusion. They were disenchanted with the lack of direction for South Australia, which was evidenced by the previous Government. They were also disenchanted with the many missed opportunities which had presented themselves to the people of South Australia but which were forgotten and not taken by the previous Government. They were also disenchanted by the escalation in State taxes and costs which had occurred in the 10 years of the previous Government's period of office.

I remind honourable members that in the taxation area, for example, there was a staggering increase in State taxes from the time that Labor came into office in 1970 through until June 1979. A few examples are as follows: land tax was increased by 210 per cent; stamp duty by 284 per cent;

succession duty by 94 per cent; pay-roll tax by about 549 per cent (it was increased in 1971-72); liquor tax by 272 per cent; racing tax by 207 per cent; motor vehicle licence and registration fees by 224 per cent; and other taxes by 713 per cent. There was an increase in total tax revenue of about 540 per cent. In the same period from June 1970 to June 1979, average weekly earnings in South Australia had risen by 203 per cent and the rate of inflation in this State had risen by 145 per cent. In other words, the Labor State Government had been increasing its own income from State taxes at a rate that was 2½ times faster than the increase in personal income, and 3½ times faster than the rate of inflation.

In the area of succession and gift duties, for example, every State Government except South Australia in that decade had either abolished death duties completely or was committed to doing so, or was at least committed to the abolition of duty on property passing to spouses and surviving children. During that period, South Australia did no more than abolish duty on property passing between spouses which, of course, was not really an abolition but rather a deferral of duty, because a larger proportion was collected upon the death of the surviving spouse. In other words, death duty during the period of office of the Labor Government was still paid in full when the surviving spouse died.

The Labor Party and the then Premier repeatedly refused to widen succession duty concessions or abolish that form of taxation. However, the Liberal Party gave a commitment, which was honoured in just over a month of its taking office, to abolish that iniquitous tax. In relation to land tax, until the Liberal Government came to office, South Australia was the only State not to relieve that burden on the family home. During this Government's first year of office, a positive commitment has been made to abolish the land tax burden on the principal family home, and legislation has been enacted to ensure that that commitment is honoured. In relation to stamp duty on the purchase of a first home, concessions were given by the present Government, within just over one month of its taking office, to honour its pre-election promise.

During the 10 years of Labor Government rule in South Australia we saw a dramatic escalation of taxation in this State, with an emphasis on high taxation, presumably on the premise that it was being taken from those persons who could afford it to be redistributed to those persons who could least afford it. In fact, the Labor Government's stamp duty imposition, which I referred to earlier, fell equally upon the people who I suppose could have afforded it as on the those who could ill afford it.

During the 10 years of Labor Government rule in South Australia we saw many problems that could be regarded as ventures by a socialist Government into areas that would be more appropriately undertaken by private enterprise. As the Hon. Mr. Cameron said, we saw the establishment of the Frozen Food Factory. The establishment and operation of that factory by the Health Commission proved to be a disaster. In its early stages it was estimated that it would cost about $4 500 000, but upon completion its cost was about $9 200 000. That cost did not take into account over $2 000 000 that was required to be spent by hospitals in coping with frozen food supplies. It was anticipated that an annual saving in excess of $1 000 000 would come about as a result of providing food from the Government Frozen Food Factory. As I have said, that factory cost about $9 200 000 and it required alterations to hospitals costing $2 016 000 before they could receive frozen food. Therefore, far from saving costs in hospitals, frozen food has increased operating costs dramatically. As an example, the Royal Adelaide Hospital, it was estimated, should be able to save $539 000 per annum, but it has actually incurred extra costs of $504 000 per annum, which is a difference of about $1 043 000 per annum. The fact is that the Frozen Food Factory was a disaster that should never have been attempted by a State Government. Emphasis should have been placed on the private sector supplying food to hospitals. The Premier indicated earlier this year and at the end of last year that attempts would be made by this Government to dispose of the Frozen Food Factory, to cut the Government's losses, and to ensure that it would be more economically run by private enterprise.

A report that was tabled in abridged form by the Minister of Health earlier this year indicated clearly that the Frozen Food Factory, from July 1979 until November 1979, during that short period, lost $600 000 and that the Government would continue to lose money in this great daydream venture.

The next matter to which we could make reference is the matter of other aspects of the Hospitals Department, because it is important to recognise that, although attention was drawn by the Auditor-General in particular to the deficiencies in administration of the Hospitals Department over some five years, the previous Government did nothing. That is another indication of the inability to manage affairs that were the responsibility of the previous Government and of its becoming involved in affairs that should properly have been left to other agencies and institutions.

I will refer to the Hospitals Department briefly to make several points that indicate deficiencies in administration that the previous Government should have acted upon to correct gross waste and mismanagement. The Auditor-General's Reports had drawn attention to a number of matters requiring specific attention. He makes criticisms in the report for the year ended 30 June 1978 in regard to a number of matters. He dealt with budgetary control and indicated that health budgets were based on the previous year's expenditure, compounded inefficiency, and failed to identify areas where corrections were needed.

He drew attention to the problems of staff establishment, and said that action had not been taken to rationalise staff and thereby eliminate unnecessary salary and wage payments. Regarding food costs he said there had been a lack of satisfactory internal control, records and security, poor budgeting, and ineffective reporting. He drew attention to the fact that proper procedures for the management of trust funds, especially those held on behalf of psychiatric patients, had not been observed. Regarding transport costs, he said that controls on Government vehicles, on the use of private vehicles, and on the hire of taxis, ambulances and buses were unsatisfactory.

Administrative and accounting procedures relating to staff clothing were unsatisfactory. On drug costs, he said that large variations existed between the costs paid by different hospitals. He indicated that in community health centres many unsatisfactory accounting procedures and inadequate controls remained unchanged, although he had previously drawn attention to them. On canteens, he said there was inadequate financial and physical control. He drew attention to serious deficiencies in the computerised systems controlling patient billing and pathology charges at Flinders Medical Centre.

He also drew attention to a variety of other matters. In essence, annual operating costs of the Hospitals Department increased from $58 200 000, in 1972-73 to $226 900 000 in 1977-78, an increase of 290 per cent in five years. Staff employed in metropolitan general hospitals increased from 3 981 in June 1967 to 10 317 in July 1978, a

159 per cent increase, while the average daily in-patients increased from 1 515 to 1937, a 28 per cent increase.

The Public Accounts Committee has also drawn attention to the problem of wastage in the Hospitals Department and, in its report, took into consideration also the capital cost of the Frozen Food Factory. The report indicated that at least $22 000 000 had been either misspent or wasted in the Hospitals Department in the previous five years. That is a staggering amount when one takes into account the total State Budget or more especially the budget of the Hospitals Department.

Then we move to one of the other fiascos that did not receive proper attention from the previous Government. That related to food cost and meat wastage in the Northfield wards. A departmental investigation was held into food costs in 1970 and again, although it revealed wholesale pilfering and although this conclusion was confirmed by the Hospitals Department's own cost monitoring system, no action was taken until five years later. The Epps Report estimated food losses at Northfield to the value of $80 000 per annum between 1970 and 1975, yet no positive action was taken by the previous Government to correct areas of waste and mismanagement, except to shuffle portfolios in the early part of 1979.

We found also particular problems with the Flinders Medical Centre computer, which cost the State Government some $1 900 000. In the Molloy Report, which the Minister of Health tabled earlier this year, it was indicated quite clearly that there was a lumbering story of project mismanagement rather than any single bureaucratic blunder. A report in the *Advertiser* of 3 April 1980 states:

> The prospect was conceived in an atmosphere of general optimism by the Flinders Medical Centre Planning Team and executed with revolutionary rather than evolutionary practices.
>
> At its inception there was no Flinders Medical Centre, no staff, no established information and operating procedures and no direct means of calculating the costs or benefits of computerisation.

Again, we see little action being taken to deal with that problem. The previous Government declined to table the Molloy Report, in either its original form or any abridged form, because of the consequences to which it drew attention. The Hon. Mr. Cameron has referred to the dream of Monarto, and Parliament is now well aware of the present Government's decision regarding Monarto. That is to wind it down as quickly as possible.

The Hon. C. J. Sumner: Will you sell off the land?

The Hon. K. T. GRIFFIN: The Premier has indicated that the sale of some of the land is a matter that is being considered by the Government, but that is not the significant question regarding Monarto. It was an expensive dream that cost South Australia in excess of $27 000 000 in indebtedness to the Commonwealth, including capitalised interest to 30 June this year in excess of $15 000 000, together with the State's own contribution of some $12 000 000. It was a millstone around the State's neck and would have become an increased millstone as liability to the Commonwealth, with interest rapidly escalating over the years. It was an expensive dream that was characterised by the previous Government's mismanagement during its period in office. The editorial in the *News* of 24 July 1980 actually commenced by stating:

> Monarto was yesterday given what it needed, a cheap and decent burial.

For a cost of some $1 500 000 in payment by the State to the Commonwealth, the land becomes the property of the State of South Australia, with an opportunity to recoup in some part the tremendous expenditure incurred in that operation.

We have heard in the last weeks some debate about the Bank of Adelaide. Whilst I do not want to go over ground which has already been canvassed in this Council in respect of the Bill presently before us, I want again merely to remind members that the previous Government, which said that it had so much concern for South Australia at heart, took some four and a half months to take any action in relation to the Bank of Adelaide. Even then it was only to call for a report. We see another area in which the previous Government demonstrated its incompetence and its capacity for mismanagement.

I refer now to the Riverland Fruit Products Co-operative. That co-operative was the subject of Government assistance over a period of some years. On 7 August 1980 the Premier said that investigations had revealed that the whole situation could be described as a shambles. The Premier indicated that the State Bank of South Australia and the South Australian Development Corporation had given substantial long-term and current loans of some $12 000 000 to Riverland Fruit Products Co-operative. When one takes into account the amounts owed to the current trade creditors and the fruit growers, it indicates a total liability well in excess of $20 000 000. It is a large amount so soon after the previous Government was suggesting that it had been involved in a successful restructuring of the Riverland Fruit Products Co-operative. The Liberal Government is now saddled with the responsibility of attempting to rescue Riverland Fruit Products Co-operative and to put it on a viable basis to retain it as an essential industry for the people of the Riverland.

That is something akin to the West Lakes dilemma in which the previous Government found itself. This Government has inherited a badly-handled problem from the previous Government, which was not prepared to grasp the nettle and make hard decisions with respect to West Lakes.

The Hon. C. J. Sumner: A decision was taken.

The Hon. K. T. GRIFFIN: It was not taken by the previous Government, except to sidestep the issue by referring the matter to a Royal Commission.

The Hon. C. J. Sumner: The recommendations of which we accepted.

The Hon. K. T. GRIFFIN: The Labor Government did not do anything to implement them, did it? The other area to which I make specific reference is the Land Commission, which, as indicated in the Governor's Speech, is to be the subject of some legislation during the current session. We have with the Land Commission a dream which far exceeded the problems of Monarto because it involved the Government of South Australia in a continuing increasing liability to the Commonwealth and to others for interest. It was a venture that was slapped up during the heady early days of the Whitlam Administration in Canberra—an Administration that was freely throwing around taxpayers' money to implement notorious socialist schemes and objectives. A number of them went sour, not the least of which was the Land Commission. With the blessing of the previous Government it would have ended up with a long-term debt of approximately $200 000 000, taking into account the recurring interest and liabilities to the State. It was not successful in keeping down the costs of subdivided allotments. It was not able to achieve the sort of objectives which accompanied its birth in the early years of the Dunstan decade.

There are a number of other matters to which I could refer. I have already briefly alluded to the insidious Incorporated Associations Bill, which was withdrawn by the previous Government in early 1979 as a result of public

protests against the intrusion of Government instrumentalities into private affairs as was envisaged in that legislation. Suffice to say that the Opposition ought to remember, when making criticism of this Government in its first year of office as to election promises made and the way in which they have been implemented, that after a period of 10 years of Labor rule in South Australia there is a roadway littered with wrecks of dreams which turned sour. They turned sour for a variety of reasons, not the least of which was the inappropriateness of the ventures for a Government initiative and their inappropriateness to the people of South Australia. At the last election this Government made a number of promises in its policy speech which have been honoured.

I will remind honourable members of those promises. The Premier said that a Liberal Government would cut State taxes and that we could afford to do it. We have already implemented a considerable number of those concessions. They relate to pay-roll tax concessions, abolition of succession duty and gift duty, exemption from stamp duty on the first purchase of the principal place of residence up to an amount of $580, and abolition of land tax on the principal permanent place of residence. A significant number of revenue concessions have been made in the first year of office. At the last election we said that we would introduce cost benefit procedures in Government departments and statutory authorities, and the framework for that is now being developed. We said that we would establish Budget and Estimates committees, and that is to be implemented for the current Budget. It will give members of the House of Assembly in particular, where traditionally the Estimates have been debated in more detail, a greater opportunity for obtaining information about the Estimates. We indicated that we would terminate failed Government projects and cut our losses, and that we would eliminate petty, time-wasting and unnecessary Government regulations. A number of initiatives have been taken already in that field.

The Minister of Consumer Affairs has indicated, in the Bill before us to be debated later, a repeal of the Auctioneers Act and the Appraisers Act, all directed towards reducing the amount of Government regulation which is unnecessary.

The Hon. C. J. Sumner: You will have to do better than that.

The Hon. K. T. GRIFFIN: I was indicating one area. The Premier has indicated that he has received a report on deregulation which he is presently considering and which will lead to even greater freedom in dealing with businesses and the community at large. The Governor's Speech indicated that there will be specific attention to present problems in the Department of Lands in respect of Crown leases.

It has been indicated that, although a number of that department's procedures with respect to Crown lands have been in existence for decades, many will be removed when legislation is introduced to deal more specifically with Crown lands. We indicated, too, that we would restore the system of competitive tendering for public works and construction projects because it has been clearly established that that is the best way in which Governments, or indeed anyone, can obtain value for money.

The Hon. C. J. Sumner: Wasn't that done under the Labor Government?

The Hon. K. T. GRIFFIN: No, it was done only occasionally. The Labor Government's emphasis was to increase the amount of work undertaken by Government departments for statutory authorities. We have before us a clear change of direction, away from that system of building up the bureaucracy and becoming more involved in competitive tendering, with emphasis being placed on the private sector, where the work can be done more efficiently and where it will provide more effective management of projects that are undertaken.

The Liberal Party also indicated that it would explore and develop the enormous resources at Roxby Downs, as well as other resources that it believed would create thousands of new jobs and bring in millions of dollars to South Australia over the next decade. In fact, we have undertaken a number of initiatives that will allow greater investment in South Australia not only in the mining field but also in the industrial field.

The Leader of the Opposition and other Opposition members have not paid very much attention to those aspects of development to which His Excellency referred in his Speech. I remind honourable members that His Excellency said that significant announcements had been made by General Motors-Holden's Ltd., Simpson Ltd., John Shearer and Sons Ltd., B. Seppelt and Sons Ltd., Omark Pty. Ltd., and Grundfos, a Danish company that is in the process of establishing its first Australian manufacturing operation in South Australia. Many announcements were made of projects that were being implemented by industry and encouraged by the Government.

The Hon. C. J. Sumner: All those were the result of the Liberal Government?

The Hon. K. T. GRIFFIN: They were encouraged by and were the result of the Liberal Government. We have adopted the view that we should not make announcements on projects that do not come to fruition.

The Hon. C. J. Sumner: You'll regret that.

The Hon. K. T. GRIFFIN: We will not, because the Government is on safe ground in relation to the projects that come to fruition. I refer to those projects to which His Excellency referred and which have come to fruition, and to those that are being implemented.

The Hon. C. J. Sumner: As the result of the Liberal Government?

The Hon. K. T. GRIFFIN: Yes, as a result of there being a Liberal Government in South Australia. I cannot, at least in the last year of office of the former Government, find one announcement of substance that was implemented during that time. That is to be compared with the initiatives that have been taken by industry and commerce and by the mining industry in the first year of the Liberal Government's term of office.

We have also announced and placed significant emphasis on mining development in South Australia. When in Government, the Opposition was hamstrung by its blinkered view on mining development in this State, particularly in the area of uranium. It was that Government's inability to come to grips with the development of resources, including uranium, that was one of the factors which militated against it at the last election.

An indication was given in His Excellency's Speech that some $18 700 000 had been committed to mineral exploration in the present year, compared with $6 100 000 in 1978. In relation to off-shore exploration, it was stated that B.P. Australia Ltd. and Hematite were committed to spending $35 000 000 over a six-year period, and that Australian Occidental was committed to $15 000 000 in exploration expenditure over the next 18 months.

Other announcements have been made regarding exploration in South Australia, all of which are the result of the changed climate in South Australia and the quite different attitude of the present Government in relation to mining and development in this State.

The Leader of the Opposition and his colleagues were at pains to point out, so they believed, that a number of promises made by this Government had not been implemented by it. They did not take into account those projects which had been initiated and implemented during the Government's first 12 months of office.

Let me again draw attention to His Excellency's Speech where, among other things, it was indicated that the Government would be establishing a Council on Technological Change, with the object of ensuring that industry would adapt to and adopt such changes as were appropriate. The Government indicated that it would be introducing an Industrial and Commercial Training Act to ensure that adequate attention was given to increasing the number of skilled tradesmen either through the apprenticeship system or through appropriate alternative methods of training. Thus, the importance of vocational training will receive a significant emphasis.

His Excellency also indicated that there would be legislation (which has, in fact, been introduced) to establish an Ethnic Affairs Commission, thereby honouring another election promise.

The Hon. C. J. Sumner: Another statutory authority.

The Hon. K. T. GRIFFIN: It is one of very few from which we can see some advantage.

The Hon. C. J. Sumner: Like the Law Reform Commission.

The Hon. K. T. GRIFFIN: The Government has indicated that it will be established when finances permit. No-one can criticise us at this stage, because of the financial constraints under which the Government is operating, for not having implemented that. The Government has also indicated that good progress is being made on the complete revision of the Local Government Act, which was initiated by this Government. We have been able to complete the negotiations and bring to fruition an agreement with the Commonwealth Government on the Adelaide to Crystal Brook standard guage link. A number of other initiatives that honour election commitments are referred to in His Excellency's Speech.

Those indications are significant, as they represent a great advance and progress in honouring the promises which were made to the people of South Australia and on which the Government came to office. This is a much more impressive record, even within the Government's first year of office, than can be claimed by the former Government in relation to any of its years of office.

The commitments that we made at the election on a variety of matters will be progressively attended to during the life of this Government. One must remember that, in the implementation of those election commitments, the Government has a minimum of three years within which to demonstrate to the people of South Australia that it will honour all the commitments that it has made.

Attention can be given to several other matters. The Hon. Barbara Wiese has suggested that the Government's commitment to equal opportunity is mere tokenism, seeking to draw some comfort from the fact that the Minister of Education has decided that the emphasis in the Education Department and the Further Education Department will be on the broadening of the responsibilities of the Equal Opportunity Division to give appropriate emphasis to the rights not only of women but also of minority groups, including the disabled.

I make special mention of the fact that this Government has a clear commitment, in the area of the disabled, to the implementation of the recommendations of the first Bright Committee report; it has encouraged the completion of the second report on the rights of those who are intellectually handicapped, it is planning for the 1981 International Year for the Disabled Person, and has already established a secretariat and an advisory council which are well on the way for implementing plans for 1981.

We have given, as part of our commitment to implement the recommendations of the first Bright Committee report, an indication that we expect to be able to introduce a Handicapped Equal Opportunity Bill during the current session. Far from our commitment to equal opportunity being, as the Hon. Miss Wiese suggested, mere tokenism, we are demonstrating a considerable emphasis on rectifying all prejudice to those who are suffering from disability, who are handicapped, who are in any minority groups, even ethnic minority groups, and also to women—

The Hon. C. J. Sumner: Are they a minority group?

The Hon. K. T. GRIFFIN: I said, "also to women". I draw the Council's attention to the decision I took on behalf of this Government to intervene in the High Court case involving Ansett and Miss Wardley in support of the Victorian Government, which was arguing for the upholding of its Sex Discrimination Act in the context of the case. Yet the previous Government had dilly-dallied in making a decision about whether or not intervention should occur and, in fact, had not made that decision, although the time for the decision was much overdue.

The matters I have indicated demonstrate the goodwill that the Government commands in the community, its commitment to honouring its promises and the sensitivity in which it is proceeding to make decisions which affect the people of South Australia. Far from being characterised, as the Leader of the Opposition suggests, as a Government of indecision and dithering, we are taking positive steps; we are not dithering but are acting in a positive and not a negative way. I support the motion.

Motion carried.

The PRESIDENT: I have to inform the Council that His Excellency the Governor has appointed tomorrow, 20 August, at 3.30 p.m., as the time for the presentation of the Address in Reply.

STATUTES AMENDMENT (CHANGE OF NAME) BILL

Third reading.

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

That this Bill be now read a third time.

I wish to make further comment on matters that were raised by honourable members in Committee. It is not intended to create a procedure for notifying any other person or department of the lodging of an instrument for changing a name. The Births, Deaths and Marriages Registration Division advises the Electoral Commissioner of the names of all females who marry, and of the names of the persons whom they marry. The Electoral Commissioner checks to see that the person is enrolled, and in due course, if an application to change a surname on the roll has not been received, inquires of the person concerned whether it is desired to have enrolment made in the surname of the husband. No action is taken to change a surname on the roll unless a request to do so is received from the person concerned.

Claim forms are posted to all women whose marriages are advised and, if they return the forms applying to have their names changed on the roll, then such action is taken. Otherwise, no action at all is taken. It is quite definite that no change of name is made on the electoral roll unless an elector applies to have such change recorded by submitting a new claim form.

Bill read a third time and passed.

EVIDENCE ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 6 August. Page 93.)

The Hon. C. J. SUMNER (Leader of the Opposition): This Bill does three things. First, it abolishes the right of the accused to give an unsworn statement at his trial. Secondly, it updates the provisions relating to the proof of banking records, taking into account modern photographic and electronic recording of storing information; and, thirdly, it empowers a special magistrate to authorise a member of the Police Force to inspect and take copies of banking records if the magistrate considers it to be in the interests of the administration of justice to do so.

The most controversial matter in this Bill is the first matter, the abolition of the unsworn statement. I cannot see a problem with the second matter, relating to the provision of the proof of banking records, as it is largely a mechanical matter. The third matter gives an extension of powers to the police with respect to banking records, albeit on the authority of a special magistrate, and that matter may need further examination.

Dealing with the abolition of unsworn statements, the Opposition will support the second reading to enable the Bill to be referred to a Select Committee for, in particular, consideration of the proposal to abolish the unsworn statement. The Mitchell Committee, which was set up by the Labor Government and which has produced reports on all aspects of the administration of the criminal law in South Australia, has been referred to in this Council on several occasions. It recommended that the right to give an unsworn statement should be abolished.

The Criminal Law and Penal Methods Reform Committee of South Australia, chaired by Justice Mitchell, was set up by the then Attorney-General, Mr. King (now Chief Justice King), on 14 December 1971. At the present time, an accused person has three options when confronted with a case to answer from the prosecution. The first option is to say nothing, and the second is to give an unsworn statement. If an accused person gives an unsworn statement it is obvious that that statement is not given under oath or affirmation, and therefore he is not subject to cross-examination by the prosecution. The third option is to give evidence on oath or affirmation, which makes the accused subject to cross-examination.

The second reading explanation refers to the fact that the unsworn statement finds its place in our criminal procedure by anomaly rather than by design. It arose in the last century when a defendant was not able to give any evidence in his own defence. Of course, a defendant is now able to give evidence on oath. However, during the last century an accused person was not able to do that. In a sense, the right to give an unsworn statement was an advance on the position where the defendant could give no evidence in his own defence. At that stage, the defendant was unable to give evidence on oath. Since that time, the law has been changed and, although the defendant can now give evidence on oath, the unsworn statement has remained. Therefore, in a sense, it is an anomalous part of our law because, as the second reading explanation points out, the right to give an unsworn statement was not repealed when the defendant was given the right to present evidence on oath. Although that is the historical reason for the introduction of the unsworn statement, it has remained in operation for almost a century.

The giving of an unsworn statement is seen by many people as an essential ingredient in our system of justice, along with trial by jury and the fact that there needs to be proof of guilt beyond reasonable doubt, to ensure that only the guilty are convicted and citizens are protected from wrongful conviction. It is not sufficient to argue that the giving of an unsworn statement is an anomaly and that it should not be allowed. The giving of an unsworn statement certainly came into being in an anomalous way but it is now seen, and I believe with some justification, along with the other traditional safeguards for citizens in our community such as trial by jury and proof of guilt beyond reasonable doubt, as an integral part of our legal system.

It is interesting to look at the incidence of use of the unsworn statement, because it varies quite substantially. Referring to the United Kingdom, the third report of the Mitchell Committee, which deals with the unsworn statement problem, quotes the eleventh report of the Criminal Law Revision Committee (England), as follows:

> The practice of making an unsworn statement has declined. It is very seldom done now at trials on indictment, but it is still done sometimes in magistrates' courts. When it is done at a trial on indictment, this may be because the accused hopes that the jury will not appreciate the smaller value of the evidence.

On the other hand, the Victorian Law Reform Committee indicated that the unsworn statement was resorted to in less than 15 per cent of criminal trials. However, in South Australia the unsworn statement has been much more popular, and the committee points out that, in 1973, 67 per cent of accused persons tried in the Supreme Court made unsworn statements. It is quite clear that the unsworn statement is used considerably in South Australia, much more than in the United Kingdom. I believe it is also used more frequently in New South Wales than in the United Kingdom. That fact is pointed out in a discussion paper on unsworn statements of accused persons that was released this year by the New South Wales Law Reform Commission. When discussing the incidence of the use of unsworn statements, the paper draws attention to the difference between the practice adopted in the United Kingdom, where they are not used to any great extent, and the practice in South Australia where, as I said, 67 per cent of persons tried in the Supreme Court make unsworn statements. Further, in South Australia a little less than 30 per cent of persons tried in District Criminal Courts make unsworn statements. Therefore, there seems to be a difference in practice, one could call it fashion, between the situation in the United Kingdom and the situation in the Australian States.

I mention those figures to indicate that the unsworn statement is part of our judicial system and is seen by many people as one of those traditional bulwarks against a wrongful conviction and something that favours the traditional rights of accused persons which have been developed as part of the common law judicial system. The arguments for retaining unsworn statements were canvassed by the Mitchell Committee, and I will quote what I believe to be the essence of the arguments put forward by that committee. I quote from page 125 of the third report, as follows:

> It has been put to us that "too much would then turn on his appearance, his composure, his demeanour, and his powers of self-expression. The plausible, the suave, the glib, the well-spoken and the intelligent would be unduly favoured as compared with the unprepossessing, the nervous, the uncouth, the halting, the illiterate and the stupid. Many people in the dock have something to hide, even if innocent of the crime charged, and the consciousness of that may give a misleading appearance of shiftiness". This is a compelling argument. We have been concerned particularly with the

case of the unsophisticated type of Aborigine who tends to give the answer which he believes will please his questioner.

There is also the situation of comparing the professional witness, generally the police officer or some other expert such as a medical witness, with the inexpert defendant who may not have appeared in court previously or the inexpert witness called on behalf of the defence. The argument is put that, if the defendant is forced to give evidence, or to say nothing, he will appear to the jury in an unfavourable light compared to the professional witnesses who are regular attenders at the courts to give evidence.

As against that argument in favour of the abolition of the right is the problem that the accused who gives an unsworn statement is not subject to cross-examination. This problem has been highlighted in the case of sexual offences, where a woman (it could be a young girl) has been sexually assaulted, raped, or has had some other sexual offence committed upon her and must give evidence. She is subjected to rigorous cross-examination by defence counsel, whereas the defendant does not have to give evidence on oath. He can make an unsworn statement and make all sorts of statements about the prosecution witness, the girl who has gone through considerable trauma as a result of the offence. The defendant can do that without having those comments in any way tested or contested by the prosecution.

Further (and this argument is advanced against the right to make an unsworn statement), the accused can attack the Crown witnesses. I have said that that is particularly striking in relation to sexual offences but it applies also in other cases. The accused can attack the Crown witnesses, including the police officers, without putting his own character in issue, if he makes an unsworn statement. A further argument against unsworn statements is in the area of corporate crimes, where often an enormous amount of work must be done by the prosecution in tracing defalcations and mounting a case before court. That can take a long time, and witnesses for the Crown are subject to cross-examination. At the end the defendant can give an unsworn complicated statement of what happened in the company's affairs, which can produce confusion in the mind of the jury and possibly lead to an unfair acquittal.

That canvasses, in essence, the arguments for and against the unsworn statement. The conclusion that the Mitchell Committee came to was that the reason for the prevalent use of the unsworn statement in South Australia, and in Australia generally, was that, if the defendant was forced to give evidence on oath, he might inadvertently let in evidence of his own previous convictions or he might, in evidence under cross-examination, attack the Crown. If he attacks the Crown witnesses, he can be cross-examined as to his previous convictions. In other words, he puts his character in issue. That comes about as a result of section 18 (VI) of the Evidence Act, which provides:

> A person charged and called as a witness in pursuance of this Act shall not be asked, and if asked, shall not be required to answer, any question tending to show that he has committed or been convicted of or been charged with any offence other than that wherewith he is then charged, or is of bad character, unless—
>
> *(a)* the proof that he has committed or been convicted of such other offence is admissible evidence to show that he is guilty of the offence wherewith he is then charged; or
>
> *(b)* he has personally or by his advocate asked questions of the witnesses for the prosecution with a view to establishing his own good character or has given evidence of his good character,—

I emphasize this—

> or the nature or conduct of the defence is such as to involve imputations on the character of the prosecutor or the witnesses for the prosecution; or
>
> *(c)* he has given evidence against any other person charged with the same offence:

The defendant making an unsworn statement does not run any risk of having his character brought into question. If, however, a witness does give evidence on oath, two things may happen. First, in cross-examination he may let out details of his previous convictions. Secondly, in cross-examination he also may give evidence that amounts to an imputation on the character of the prosecutor or witnesses for the prosecution. In the case of the police officer, he may accuse the police officer of having acted improperly in some way, such as of having been guilty of assault or having forced a confession out of him.

There can be a whole number of areas where the defendant may reflect on prosecution witnesses. If he does that on oath, his character is brought into issue and he can be cross-examined about previous convictions. The problem about that is that there is then evidence before the court of the accused's previous convictions, and the whole rationale of section 18 (VI) is to prevent that evidence from getting before the jury in certain circumstances, because, if it does get before the jury, there is a risk that the jury will decide the case on the reputation of the defendant and the fact that he has previous convictions, not on the facts of the case.

Section 18 (VI) protects the defendant and provides that only in certain circumstances should details of previous convictions be given. The rationale is that the jury may be unduly influenced by his reputation of having previous convictions and may not judge the matter on the merits of the case. While it is the rule that convictions ought not to be admitted, there are exceptions, and they are contained in paragraphs *(a)*, *(b)* and *(c)* of the provision that I have read. The important provision for our purposes is that, if the defendant makes against the Crown witnesses an imputation, this brings his character into issue, and his previous convictions can then be admitted before the jury.

However, they can only be admitted in that situation or, if the proof of previous convictions is admissible evidence, in relation to the offence with which the person is charged, or if the defendant gives evidence of his own good character. So, the Mitchell Committee came to the conclusion that the major reason that unsworn statements were used rather than evidence on oath, particularly in South Australia, was the fear on the part of the accused that his character would become an issue in the trial either by a mistake made in cross-examination or by his making adverse references to prosecution witnesses in cross-examination. Justice Mitchell's conclusion following that was that the unsworn statement ought to be abolished. However, she said that section 18 (VI) *(b)* of the Evidence Act should be amended by deleting the words "or conduct of the defence is such as to involve imputations on the character of the prosecutor or the witnesses for the prosecution".

That would have the effect of the defendant giving evidence but, if he in any way reflected on prosecution witnesses, his character would not be put in issue and he would not run the risk of having his convictions brought before the court, with the adverse consequence that that could have on a fair trial. So, that was the package of the Mitchell Committee recommendations: first, the abolition of the unsworn statement; and, secondly, amendment of section 18 (VI) *(b)* of the Evidence Act. There was a further recommendation, as follows:

> We recommend that, if the right to make an unsworn

statement be retained, what is contained in the unsworn statement should be capable of being rebutted by evidence for the Crown in all cases in which it could be so rebutted if given in evidence by or on behalf of the accused.

However, the important recommendations relate to abolition, coupled with the amendment to section 18, but this Bill does not do that; in other words, the Bill implements only part of the Mitchell Committee recommendations. It recommends abolition of the unsworn statement but modifies the recommendation by the Mitchell Committee in relation to section 18 (VI) *(b)*. It modifies it in quite a significant way, so that if this Bill were passed and a defendant gave evidence which involved imputations on the character of the prosecution or its witnesses, his character would be put in issue and, therefore, his convictions could be put before the court.

The Hon. J. C. Burdett: That is only at the discretion of the judge.

The Hon. C. J. SUMNER: What is at the discretion of the judge?

The Hon. J. C. Burdett: If an imputation is made on a prosecution witness, I think the judge has discretion.

The Hon. C. J. SUMNER: Be that as it may—

The Hon. J. C. Burdett: It is fairly important.

The Hon. C. J. SUMNER: Well, it is not. The Government is putting a strict qualification on the Mitchell Committee package.

The Hon. J. C. Burdett: It is still important that the judge have a discretion that has always existed.

The Hon. C. J. SUMNER: But that discretion may not be exercised in the way that it is envisaged by the Mitchell Committee. The Government has accepted part of the package but not the rest of it. Under the Government's Bill, the character of the accused and his previous convictions can still be an issue before the court and can be given in evidence before the jury if an imputation is made by the defendant against the Crown, unless that imputation relates to the fact that the evidence was obtained under duress or induced by other improper means. So, it is a very strong qualification on the recommendations of the Mitchell Committee. The point I make is that the Bill does not implement the Mitchell Committee recommendations in their entirety. It implements one part of the Mitchell Committee recommendations and provides a strong qualification on the other part, that is, the amendment to section 18 (VI) *(b)* of the Evidence Act.

This is a complex issue, although it is not one of any broad ambit. It is a narrow matter which is not a matter that involves a lot of taking of evidence. It is not a matter that involves a lot of factual dispute; it is basically a disagreement about what should operate in the criminal justice system in this State, around a very narrow ambit. I do not believe, if the matter were referred to a Select Committee, that that committee would have to take a lot of factual evidence. It would be a matter of researching the law and researching the different opinions that have been put on this issue. I should say that there is no unanimity amongst academic lawyers.

The Hon. L. H. Davis: You can say that about a lot of issues.

The Hon. C. J. SUMNER: Indeed.

The Hon. L. H. Davis: We don't have a Select Committee on everything.

The Hon. C. J. SUMNER: We do not intend to have a Select Committee on everything. However, it is a complex matter, and different jurisdictions have adopted different approaches. In New Zealand the right to make an unsworn statement has been abolished. In Western Australia it has also been abolished. In Victoria there was a recommendation by the Chief Justice's Law Reform Committee that the right be retained. In the United Kingdom there was a recommendation by the Criminal Law Revision Committee in 1972 that it be abolished. I do not know whether or not it has been abolished in the United Kingdom; I do not believe that it has. The most recent statement on the subject comes from the New South Wales Law Reform Commission in the form of a discussion paper which was issued this year canvassing the various opinions on the subject, without at that stage making any firm recommendations.

I would like to quote some sections of the discussion paper, as it indicates the complexity of the matter and the difficulties that are involved. When talking about situations in other jurisdictions, the discussion paper, in paragraph 82, states:

> The right to make an unsworn statement does not exist in Western Australia. It was abolished in New Zealand in 1966. Its abolition has been recommended by the English Criminal Law Revision Committee, and by the Criminal Law and Penal Methods Reform Committee of South Australia. It is seemingly not found in America since the grant of the right to testify. Nor is it found in Canada. It does not exist in Scotland. It remains in England and in the Australian States, except for Western Australia.

So, within the common law jurisdictions there are clearly a number of differing opinions on the validity of the retention of the unsworn statement. Paragraph 83 of the discussion paper states:

> Judges have often attacked the right. Among the writers who favour its abolition are Cross, Cowen and Carter, Glanville Williams, Hoffmann, and C. R. Williams, and much judicial criticism can be found. On the other hand, a subcommittee of the Chief Justice's Law Reform Committee of Victoria, and the committee itself, recommended against abolition.

The Hon. R. C. DeGaris: You know why, don't you?

The Hon. C. J. SUMNER: No.

The Hon. R. C. DeGaris: I will tell you in a moment.

The Hon. C. J. SUMNER: The discussion paper continues:

> The Bar Council of England and Wales opposed the English Criminal Law Revision Committee's proposal to abolish it. Similarly, when the Crimes and Other Acts (Amendment) Bill, which contained a clause providing for abolition, was before the New South Wales Parliament in March 1974, the proposal was publicly opposed by a former judge of the Supreme Court and by the New South Wales Bar Council.

Paragraph 84 states:

> A summary. On the one hand, it may be said that the unsworn statement is part of an established system, which may not be completely logical, but which has for 88 years achieved a rough but satisfactory balance between the prosecution and the accused. It superseded a system which permitted the accused no right to give sworn evidence at all and which, less than a century earlier, had given him no right to legal assistance in cases of felony. An illustration of an illogical part of the system is that the accused can make any admission he chooses to police officers, out of court where he is completely unprotected, but, in courts where he has the protection of the judge, he may make no admission unless he has a lawyer who advises him to do so. Though there may be cases where the accused was wrongly acquitted because of an unfair advantage given by the right to make an unsworn statement, they have not come to our notice. To pull out one part of a roughly balanced system that has persisted in the main unchanged since the compromise of 1891, and that a very sensitive part, without a thorough weighing and investigation of the whole of criminal procedure both in and

out of court as well as evidence, is likely unduly to upset the balance.

I emphasise that last sentence. The discussion paper continues:

> The review of criminal procedure as a whole is not the subject of this paper.

Paragraph 85 of the discussion paper states:

> On the other hand it is argued that, at the end of the nineteenth century, reforms were made in order to redress the balance because the prosecution had been excessively favoured. The time has now come to redress a balance which unduly favours the accused.

I refer, finally, to paragraph 86 of the discussion paper, which states:

> We have set out, in this paper, to advance points for and against the continuance of the unsworn statement without, at this stage, proposing any resolution of them. We will be grateful to have our attention directed to other points which should guide our deliberations, as we will be obliged to have any other comments for or against continuing the present practice.

So, that is what one might call the last word on the subject in the debate in Australia: a discussion paper which has been produced recently, which canvasses all the arguments, and which will, no doubt, be used after comments have been received from the public as a basis for making some recommendations. I believe that that is a further reason for referring the matter to a Select Committee, so that the arguments in the discussion paper can be assessed by representatives of this Parliament.

I have also received submissions from the Aboriginal Legal Rights Movement, which expresses its concern about the abolition of the unsworn statement and the effect that it might have on the fair trial of Aborigines. In essence, the movement restates the concern which the Mitchell Committee had and which I have already quoted to the Council.

Some credence must be given by the Council to the problems referred to by the Mitchell Committee and as submitted by the Aboriginal Legal Rights Movement. That movement states that some Aboriginal defendants who are put in this position may not do justice to themselves in giving evidence because of their lack of education, inability to express themselves and different cultural background. Tribal Aboriginal people from the Far North and Western areas of the State in particular will be at a severe disadvantage if they are obliged to give evidence on oath. The Aboriginal Legal Rights Movement has expressed to me, to other Opposition members and, I imagine, to Government members, its concern about the abolition. This is another factor that needs to be assessed by a Select Committee.

There are a number of different approaches which could be adopted and which ought to be considered by a Select Committee. The first would be the abolition of the unsworn statement and the provision of a judge's discretion to permit a person to give an unsworn statement in certain circumtances, that is, basic abolition but with a discretion left with the judge to permit an unsworn statement to be made if he considers that this is necessary in the interests of justice.

That proposition would need to be examined in more detail. However, it has been suggested to me that the discretion could be left with the judge if there were matters relating to the intellectual capacity, education, cultural background or personal idiosyncrasies of the defendant that needed to be taken into account, or if the judge considered that subjecting a defendant to cross-examination would give rise to a substantial risk of miscarriage of justice. That is one option.

Another option is to retain the unsworn statement but to prohibit imputations against Crown witnesses or, if they make such imputations, to make them subject to cross-examination; or to make similar provision to that which exists in the Evidence Act when evidence is given, so that the character of the accused becomes an issue.

The third option would be to retain the unsworn statement but ensure stricter control by the courts on matters that would be considered to be hearsay, in evidence on oath, irrelevant material, and unnecessary criticism, particularly in sexual matters, of witnesses for the prosecution.

The fourth option is to retain the unsworn statement for most offences but to abolish it for others, such as has been suggested to me. It might be possible to abolish the unsworn statement for rape, sexual offences or offences involving children, or possibly in corporate matters.

A further alternative in relation to corporate crime is to leave the decision to a judge and to do away with jury trials in the case of corporate crime. I am not advocating that, but I put it as a further option that has been put to me.

A further option would be to retain the right to make the unsworn statement, but to enable the prosecution to comment on the fact that the person has not given evidence on oath and has chosen to give an unsworn statement. Presently, that cannot occur. Further, there could be a further expansion of the right of judges to comment on the fact that evidence on oath has not been given. I believe that in the United Kingdom greater scope is given for judges to comment on the fact that an unsworn statement has been given rather than evidence on oath, and that may account for the fact that its use in the United Kingdom is much less than in Australia, and particularly South Australia.

The fifth option is to retain the unsworn statement, but to ensure that it can be rebutted, which was one of the recommendations of the Mitchell Committee, if the right to give the unsworn statement was opted for. I understand that in theory, at least, rebuttal of evidence can be given of an unsworn statement, but in practice that rarely happens.

To sum up the arguments for a Select Committee, I do not believe that this is an issue that will involve the committee in lots of travelling and the like, nor in many witnesses coming before the committee, because it is a matter of fairly narrow technical compass and a matter about which there are conflicting opinions amongst the Law Reform Commissions of Australia and the United Kingdom, amongst jurists in Australia and the United Kingdom, amongst academics and amongst practising lawyers in those countries.

For that reason we believe that, if we are going to abolish the unsworn statement, it should be done only after a thorough investigation of these criticisms. Further, the Government has not accepted completely the Mitchell Committee package—it has accepted the part it likes and rejected the part that it does not like. That is a further reason for consideration by a Select Committee. Finally, there is the discussion paper on unsworn statements just published by the New South Wales Law Reform Commission that we need to examine. For all those reasons I support the second reading, but I have given notice of a motion to refer the Bill to a Select Committee.

The Hon. R. C. DeGARIS: I have listened with much interest to the reasons advanced by the Leader of the Opposition. I would like to comment on the Bill. It may have been better if I had spoken first, because then the Leader might not have spoken for so long. The Leader of the Opposition referred to the fact that the right of an

accused person to make an unsworn statement has been abolished in New Zealand since 1966. That is true. It was also abolished in Western Australia, and does not exist at all in the American system. Recommendations have been made by the Criminal Law Committee in Great Britain for its abolition and also by the Canadian Criminal Law Commission.

The Hon. C. J. Sumner: They have not been made by the Victorian Commission.

The Hon. R. C. DeGARIS: I will come to that. The main objection to the unsworn statement is that the person making such a statement is not subject to cross-examination. It has been contended that this grants an unnatural advantage to the accused, who can make to the court an unsworn statement without any cross-examination, while the witness, particularly in a charge of rape, can be subjected to the most rigorous cross-examination.

I have sometimes wondered whether the unsworn statement does give the accused the advantages that are claimed for it, because of the probability of the jury's being unimpressed by the use of the unsworn statement. However, there are other reasons why recommendations have been made almost everywhere for its abolition.

Of course, the accused has always the option of remaining silent. It is strange in the Australian scene that in South Australia the use of the unsworn statement enjoys a popularity not matched by its use elsewhere in Australia. I have sought the reasons why this is so. In about 70 per cent of cases in which an unsworn statement can be used in South Australia, the unsworn statement is so used. From memory, and I am subject to correction, I believe that it is about 10 per cent in Victoria.

The Hon. J. E. Dunford: It is 14 per cent.

The Hon. R. C. DeGARIS: I am grateful to the Hon. Mr. Dunford for that information. There is a great disparity between the use of unsworn statements in Victoria and South Australia. In seeking the reasons for this difference I found that most people cannot think of a reason for the difference. The only answer one can guess at for this strange set of statistics is that in South Australia judges over the years have directed jurors in this State differently in relation to the weight that should be given to unsworn statements. For example, it has been the practice in New South Wales for judges not to permit an accused person to read a prepared statement.

In Victoria, I believe that some judges, although not permitting the reading of a prepared statement, allow the use of notes in making an unsworn statement. For judges in South Australia it has been the practice to allow the accused to read a typewritten statement, which is usually handed to the accused by his counsel. I do not think there is anything worse than seeing a person reading a prepared unsworn statement in which he cannot pronounce the words written there for him to read.

The Hon. Frank Blevins: What happens if he is illiterate?

The Hon. R. C. DeGARIS: I suppose he should get someone to read his statement. It is claimed by some that if the unsworn statement is abolished in our system there is no way that the accused can convey to the jury, without being subject to cross-examination, facts that he may wish to convey. The Hon. Mr. Sumner raised a matter about which most honourable members have received information from the Aboriginal Legal Rights Movement. I do not want to quote Justice Mitchell's report again, as it has already been referred to by the Hon. Mr. Sumner.

In her report she looked at this question very carefully and came down in favour of the unsworn statement being abolished. The only matter that concerned her at all was this question. She said:

> On the other hand, sometimes the illiterate person becomes more convincing under cross-examination when he stands his ground on vital matters, although he may give unconvincing answers to others.

In examining this question her recommendation is quite clear that the unsworn statement should be abolished.

The Hon. C. J. Sumner: What about the other recommendations?

The Hon. R. C. DeGARIS: If the Hon. Mr. Sumner will wait a moment, I am coming to that. I will develop my case and he will be able to see where I am going. It would be quite wrong for me to get side-tracked by the Hon. Mr. Sumner. This question has been thoroughly examined and a recommendation has been made against it. In exactly the same way this question arose in the Criminal Law Review Commission in Great Britain, the Canadian Law Reform Commission, and also in New Zealand, but they all still believed that the unsworn statement should be abolished. It must always be borne in mind when considering these questions that the accused is in danger of conviction and sometimes severe penalty, while witnesses, although the cross-examination may be painful, are not in that danger. One reason for an accused person not giving evidence is the fear of cross-examination and the possibility of an admission not intended being made. Another is that, if the person accused has had prior convictions, under cross-examination the prior convictions may prejudice the case of the accused. All those points have been touched on by the Hon. Mr. Sumner.

It is reasonable that there should be some protection for the accused, if there is a possibility of a conviction based on a past record and not on the evidence relating to the offence. The recommendation of the Mitchell Committee for the abolition of the right to make an unsworn statement was made with the proviso that section 18 (6) *(b)* of the Evidence Act should be amended to delete the words referred to by the Hon. Mr. Sumner. Under section 18 (6), a person charged and called as a witness shall not be asked any question tending to show that he had been charged or convicted with any offence, unless the conduct of the defence involved imputations on the character of the prosecutor or witnesses for the prosecution.

The Mitchell Committee recommendation deleted, along with the abolition of the unsworn statement, the proviso that would allow the prosecution to ask questions relating, among other things, to previous convictions. This Bill deletes that proviso, but puts it back in slightly different form. That is done in subclauses (4) and (5) of clause 5 where the defendant forfeits his right to protection from certain questions if the defence involves imputations on the character of the prosecutor or witnesses for the prosecution, and the imputations are not such as would necessarily arise from a proper presentation of the defence. However, the Bill provides then that the defendant does not forfeit his protection by reasons of "allegations that statements he is alleged to have made were made under duress or induced by improper means". I have questioned that phrase as deeply as I can and I have some difficulty in following exactly what the second proviso really means. I seek further clarification from the Attorney-General about that when he replies. I also seek from the Attorney-General clear reasons why the Mitchell Committee recommendations were not followed completely. It has been pointed out by the Hon. Mr. Sumner that there is one variation to the recommendations made by the Mitchell Committee on this question.

The Hon. C. J. Sumner: Quite a substantial one.

The Hon. R. C. DeGARIS: I do not know that it is substantial; there may be very sound reasons for that variation. I do not believe that one can claim that it is a

substantial change to the Mitchell Committee's concept.

The Bill provides for the repeal of the right to make an unsworn statement, which on balancing all the facts I support, but there are arguments that can be advanced to support its retention. If the Council was of a mind to retain the unsworn statement, I believe that further amendment to the principal Act is necessary. In such a position, where an accused person can make an unsworn statement, there should be no doubt that the contents of any unsworn statement should be capable of rebuttal by Crown evidence. However, I do not believe that there is any real need to consider that position, because I believe that the Council is of the opinion that the right of the accused to make an unsworn statement should be abolished. I say that even after the anticipated reference to a Select Committee of this Bill by the Hon. Mr. Sumner.

The Hon. C. J. Sumner: Do you believe that is a good idea?

The Hon. R. C. DeGARIS: I will deal with that question now. I believe that a wealth of evidence is already available from the Canadian Law Reform Commission, our own Law Reform Report, the English Criminal Law Revision Committee, the Victorian report, and the fact that it has been abolished in New Zealand and the United States, to indicate that it is reasonable that the right of the accused to make an unsworn statement should be abolished.

In relation to the Victorian position, a recommendation in that State wanted the abolition of the unsworn statement, but the Chief Justice's committee recommended against it. As I have pointed out, the unsworn statement is used in Victoria to a limited degree. One of the reasons they gave was that it was not used to any great degree in Victoria.

Because so much information and research data is available, I do not see any reason to refer this Bill to a Select Committee. The information is available to all members who wish to read it. I agree, and I have made this statement in the Address in Reply debate, that this Council should be setting up more Select Committees to handle many matters that come before it, but we must be careful at this stage not to overtax the Council or let members be dragged into Select Committee after Select Committee, because that will not achieve very much. I believe that this Bill falls into that category. I also put into that category Select Committees that involve a tremendous amount of technical information that is better summarised and better dealt with away from the layman's approach adopted by members of Parliament.

The Hon. Frank Blevins: You are kidding.

The Hon. R. C. DeGARIS: I make that point quite seriously.

The Hon. Frank Blevins: I am sure you do, but I believe it is quite irresponsible.

The Hon. R. C. DeGARIS: I do not believe it is irresponsible at all. There is an area where a Select Committee can operate well, but there are certain Select Committees that require a wealth of highly technical information that could not possibly be digested by members of such Select Committees. Select Committees can be bogged down for years and get nowhere in such a situation. However, there is a very important role for Select Committees. I do not believe that this Bill should go to a Select Committee, because the work has already been done by so many other committees and recommending bodies.

The Hon. C. J. Sumner: They all come up with different ideas.

The Hon. R. C. DeGARIS: No, not really. They do not come up with different ideas at all. There is a general consensus of opinion that the unsworn statement should be abolished.

The Hon. C. J. Sumner: Even if that is the case, surely certain conditions are attached to it and they could be looked at.

The Hon. R. C. DeGARIS: If you wait, you will see what I mean. The question whether the right to make an unsworn statement should be retained, or retained with changes to the Evidence Act, raises the matter of whether evidence should be required to be given on oath. There is a considerable body of opinion in some reports that suggests that the oath should be abandoned as a necessary part of giving evidence.

The Law Reform Commission in Canada and the Criminal Law Revision Committee in the United Kingdom have investigated and reported on this. The penalties for false evidence should be retained, but such a course (allowing a person not to give evidence on oath) has certain advantages. The report of the United Kingdom Criminal Law Revision Committee of 1972 said much about this matter and I should like to place in *Hansard* some of the thoughts of that committee. I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

ADJOURNMENT

At 6.2 p.m. the Council adjourned until Wednesday 20 August at 2.15 p.m.