LEGISLATIVE COUNCIL

Wednesday 20 August 1980

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

QUESTIONS

VINDANA WINERY

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

Leave granted.

The Hon. B. A. CHATTERTON: This seems to be something of a continuing saga. Since I last asked a question on this matter, Vindana has been put in the hands of a receiver, and the assets of the company will no doubt be wound up and distributed to creditors. Last night there was a meeting of concerned grapegrowers at Berri who are naturally very worried about the situation. At that meeting it was reported that one of the reasons why the Vindana winery was now going into receivership was that the company had borrowed $200 000 from Mutual Acceptance Corporation and that that loan was not even mentioned in the scheme of arrangement that had been put to the grower creditors at a previous meeting.

It seems to me that this matter of a loan of $200 000 not being mentioned in a scheme of arrangement and the other matters that I have raised in previous questions to the Attorney-General reinforce the situation that there is something suspicious about the arrangements that have been made with the Vindana winery, Vindana 1980 and the other companies that belong to the Morgan family. It seems that there is circumstantial evidence anyway, that the assets of the company have been transferred to other companies belonging to the Morgan family and that this has been done so that the growers will not receive payment for their grapes.

In the light of the continuing evidence that is coming forward that the Vindana assets have, in a number of ways, been transferred to other companies, will the Attorney-General now order an investigation by the Corporate Affairs Commission into the Vindana winery, Vindana 1980 and all the other companies and assets of the Morgan family?

The Hon. K. T. GRIFFIN: I have indicated to the Council on previous occasions that officers of the Corporate Affairs Commission have been making inquiries about Vindana Proprietary Limited, and all of the matters to which the honourable member referred on previous occasions have been referred to those officers. I also indicated that, prior to the appointment of the receiver when a scheme of arrangement had been proposed to the creditors and accepted by them, one of the responsibilities of the Corporate Affairs Commission was to look at the scheme of arrangement and make its own inquiries in relation to that scheme of arrangement, before deciding whether it should appear before the Supreme Court when the Supreme Court was considering whether or not to approve the scheme.

The object of the Corporate Affairs Commission in making inquiries about this scheme of arrangement, as with every scheme of arrangement, is to determine whether or not full disclosure has been made to creditors; whether or not there have been adequate protections for creditors; and whether or not the Corporate Affairs Commission should support, oppose, or take some other action with respect to the scheme of arrangement when the matter comes before the Supreme Court. Before the appointment of a receiver, Corporate Affairs Commission officers were undertaking inquiries. They had become aware of the borrowing of $200 000 from Mutual Acceptance which had not been referred to in the scheme of arrangement, and that was one of the matters those officers were continuing to pursue in building up the information upon which they would then make recommendations to me about the course of action the Corporate Affairs Commission should follow.

I must also point out that, as late as yesterday, I received a report from the Acting Commissioner of Corporate Affairs and the Chief Inspector with respect to the honourable member's inquiries as to whether or not I should at this stage appoint a special investigator. The advice I have is that, although a number of inquiries have been made, there is not yet sufficient material available to enable those officers to recommend to me that I should exercise the power to appoint a special investigator, keeping in mind that the criteria by which a special investigator may be appointed by the Minister are fairly strict. I must, of course, distinguish between a special investigator being appointed and an ordinary series of inquiries or investigations.

My officers have been very much involved, in the ordinary course, in undertaking their inquiries and investigating the Vindana winery problem. However, as regards appointing a special investigator, with the consequences of evidence being taken on oath by that investigator, and a variety of other matters, that has not yet been resolved. Until my officers have completed their inquiries and can advise me that there is sufficient material which will enable me to appoint a special investigator, I do not intend to make that appointment. But that is not to say that there will not be a decision to appoint a special investigator if sufficient material becomes available and that material then satisfies the criteria of the Companies Act enabling me to exercise the responsibility I have under that Act to appoint a special investigator.

It must not be construed from that response that other inquiries by the Corporate Affairs Commission will not continue. In fact, I have directed my officers to pursue with all urgency the inquiries and investigations which they commenced some weeks ago, with a view to their making further recommendations to me at the earliest possible opportunity.

The Hon. B. A. CHATTERTON: I desire to ask a supplementary question. The Attorney-General has said that he has not sufficient material to order a special investigation, but the growers feel that they do have some material. What is the nature of the material that the Attorney-General is looking for to enable him to launch such a special investigation?

The Hon. K. T. GRIFFIN: In deciding whether or not I should appoint a special investigator, it is important that Corporate Affairs Commission officers undertake some preliminary inquiries, which will include obtaining access to the books and other records of the company and any associated companies, and taking statements from those persons who are making allegations about the particular problems which they see in the conduct of a company or group of companies.

It is not sufficient to act merely on hearsay evidence, but to have statements available which in some respects are corroborated by other evidence and which will indicate that there is a real possibility that offences have occurred under the Companies Act—not that there should then be sufficient evidence to establish beyond reasonable doubt, or even on the balance of probabilities, that there are

offences, but that there is at least some *prima facie* evidence available which suggests that a closer inquiry is warranted.

The other point that has to be made is that often sufficient evidence can be obtained, without embarking upon a special investigation, in the course of ordinary inquiries and investigations by Corporate Affairs Commission officers. In this case, it is possible that, once statements have been taken from those who allege that there are specific problems, it will not be necessary to appoint a special investigator, but that there will be sufficient evidence to be able to proceed against breaches of the Companies Act on the information that is then available. I will keep honourable members informed of the progress and, as soon as I am in a position to indicate whether or not I will appoint a special investigator, I will let that be known.

PRIVACY

The Hon. C. J. SUMNER: I seek leave to make a brief statement before asking the Attorney-General a question about privacy.

Leave granted.

The Hon. C. J. SUMNER: The former Labor Government established a working party to investigate means whereby legislation or administrative measures could be introduced to protect citizens from an invasion of privacy. That committee had met over several months and, just prior to the election, was almost ready to publish its report, which was in its final draft stages. Since then, nothing has been done to revive that committee or to use the material that was collated to finalise the report and issue it for public comment. In other words, the working party has been abandoned. This is an absurd waste of public resources, because a considerable amount of time and effort was put into the preparation of this report, especially as privacy is an issue that is of concern not just in South Australia but throughout the country.

Some Governments have already introduced some form of legislation to protect privacy, such as the legislation in New South Wales where there is a privacy committee. The point I make is that it is absurd to waste all the work and information that was obtained by the working party. The contents of the report should be made public. I wrote to the the Premier about this matter, and he replied that the question of privacy was now a matter for the Attorney-General. He said that his Government was concerned about it, and then said that his Party, when in Opposition, had continued its work in containing as much as possible the powers of inspectors and the rights of access.

First, how has the Government continued its work in relation to the powers of inspectors and the rights of access, and what result has been achieved? Secondly, what does the Government intend to do about the question of privacy and, in particular, will the committee, with its almost drafted report, be revived?

The Hon. K. T. GRIFFIN: The Leader of the Opposition has made several contradictory remarks. Earlier in his statement, for which he obtained leave, he said that the working party was almost ready to publish its report. However, he just said that it was almost ready to draft its report. The position is that there were some tentative proposals to draft a preliminary report, but that is as far as the deliberations—

The Hon. C. J. Sumner: The report was nearly drafted.

The Hon. K. T. GRIFFIN: No, it was not.

The Hon. C. J. Sumner: I have a copy, and I will show it to you.

The Hon. K. T. GRIFFIN: There was a preliminary draft, which was not in final form and was not ready for publication.

The Hon. C. J. Sumner: It was.

The Hon. K. T. GRIFFIN: No, it was the first draft, which had not even been before the committee appointed by the previous Government.

The Hon. C. J. Sumner: Rubbish! That's not true. I have the report.

The Hon. K. T. GRIFFIN: It had not been before the working party, but was being drafted and was in its preliminary form. No decision has been made by the Government on whether or not that working party will be revived. The material collected by the working party will be assessed by officers of the Law Department in due course. It is not correct to say that any work that has been done will be wasted, because that work will be taken into account when the Government makes its own decision on the way in which privacy should be protected.

The Leader has asked how the Government has contained the powers of inspectors and protected rights of access by inspectors and others. If the Leader cares to examine some of the legislation that has been before Parliament in the past 12 months, he will see that some restrictions have been placed on the powers of inspectors in particular. I can clearly recall, in the brief time I was in Opposition, the previous Government serving up to us legislation giving inspectors unlimited powers of access, not only to the homes of individuals but also to buildings and factories. In fact, I can recall the motor vehicle repair legislation as one example where, without a warrant, an inspector had the right to enter any repair shop or any building which housed a towing firm. If my memory serves me correctly, there was also a right to make forcible entry without any judicial or other review of that right. When the election was called, we were moving towards substantially amending that unlimited power of inspectors.

The Hon. C. J. Sumner: How have you done that?

The Hon. K. T. GRIFFIN: I said that when the last election was called we were moving towards amending the legislation to limit substantially the powers of these inspectors.

There are other Bills that came before us. I recollect that in, I think, the boating legislation that came before the Council the powers of inspectors were unlimited. We were able to move and have carried, if not in whole then at least in part, amendments that did, in fact, contain the unlimited power of inspectors that the previous Government had served up to us on a number of occasions.

In Government, we have been anxious to ensure that, in any new legislation that comes before us, the powers of inspectors and the rights of Ministers to make decisions affecting the liberty of the individual are subject to either judicial review or a requirement that there should be some form of warrant.

The Hon. C. J. Sumner: Where have you done that?

The Hon. K. T. GRIFFIN: There is a number of Bills, and we can go back and get the details for the Leader, but in Bills that will be introduced this session the same sort of approach will be adopted by this Government to ensure a consistency of approach between the attitude that we adopted in Opposition and the one that we adopt in Government.

We are concerned to ensure that the rights of unlimited access that inspectors and investigators have is contained. The police do have some restraints, even under general search warrants, and it is inconceivable that other inspectors should not at least be subject to some constraints similar to those on members of the Police Force in respect of the question of access. One will

undoubtedly remember that in the Mitchell Committee's report (I am not sure which one it was: probably the second) there was again concern expressed by that committee about the unlimited powers of inspectors, in particular. That is a matter of concern to the public. The area of privacy is one of major concern which is receiving some attention and emphasis from the Government in its legislative programme. In the longer term, we will be looking at other aspects of privacy, and at some time during the term of office of this Government we will be making some decisions that impinge upon protection of privacy.

The Hon. N. K. FOSTER: I wish to ask a supplementary question. Will the Minister limit or deny the right of industrial inspectors to endeavour to ascertain the cause of a disaster such as the one that occurred in the basic oxygen plant at B.H.P. steelworks last week? Will this Government now move to limit the power of inspectors to inspect any factory or industrial workplace where death or injury has occurred, especially when the company concerned has said that it has not yet ascertained the cause of the disaster or the accident that led to the disaster?

The Hon. K. T. GRIFFIN: I am not familiar with the powers of industrial inspectors.

The Hon. N. K. Foster: You've been talking about that for 10 minutes.

The PRESIDENT: Order! You asked a question, and this is the answer.

The Hon. K. T. GRIFFIN: I am not aware of the present powers of industrial inspectors. I will refer that question to the Minister of Industrial Affairs and bring back a reply.

BALCANOONA STATION

The Hon. J. R. CORNWALL: I seek leave to make a statement prior to directing a question to the Minister of Community Welfare, representing the Minister of Environment, concerning Balcanoona Station.

Leave granted.

The Hon. J. R. CORNWALL: Shortly after it was announced last July that the Labor Government intended to buy Balcanoona Station, I met a large delegation of Aboriginal people from Nepabunna. They were interested at that time in staking some sort of claim to the land. I may say that the Minister of Community Welfare would have as much interest in this matter as would the Minister of Environment. I explained to the delegation that the property had been purchased with money provided from the General Reserves Trust. Presumably, if part of the property was to be repurchased for the Nepabunna people, such funds would most logically come from the Department of Aboriginal Affairs.

We had a lengthy discussion about possible uses to which they might put the Mitchell grass plain country and the ranges portion of the property. I think it fair to say that at the time about 17 people were in the delegation and probably there were 17 different ideas about the various matters put, which is quite usual when negotiating with Aboriginal people, as the Minister would know. We agreed at that time that members of the delegation should go away and have further discussions among themselves to try to reach a consensus on what they would like to see happen regarding this matter. I agreed at that time to meet with them again at Nepabunna three months later. That meeting never occurred, because an election intervened.

Last weekend I met Aboriginal people from the area who were anxious to pursue the matter further. There now seems to be a degree of consensus that the ranges ought to be dedicated as a national park. It is probable that this may be the most satisfactory way of protecting sacred sites, particularly if Aboriginal rangers are employed. In any case, the ranges country has been so grossly over-grazed and ravaged by goats and generally flogged out that at present it has virtually no value as a pastoral lease. On the other hand, the Mitchell grass plains, which are contiguous with Nepabunna and include the homestead and shearing shed, will be a very valuable addition to Nepabunna. At present Nepabunna is too small to be viable, and living conditions there are very poor, to say the least. Indeed, they are considerably worse than very poor—one might even say outrageous. That is one of the reasons why the Minister of Community Welfare ought to have some interest in the matter.

The Nepabunna people claim (and I believe quite rightly) that the Tonkin Government is contemplating purchase of a pastoral lease from an extremely wealthy pastoral family for an amount reputed to be around $1 000 000 as part of the Pitjantjatjara land rights settlement or attempted settlement. They believe that it would not be unreasonable for negotiations to be opened between the Nepabunna people, the State Government and the Department of Aboriginal Affairs to purchase the Mitchell grass plains. Because of its location, the only other people for whom the plains area would have any value, apart from the National Parks and Wildlife Service, are two adjacent pastoralists who both have adequate areas, are very successful, and have no real need for additional country.

Will the Minister say whether any negotiations have been conducted with adjoining pastoralists for sale of the Mitchell grass plains? Have any discussions been held with the Nepabunna people on this subject? Will the Government initiate round-table discussions with the Nepabunna people and the Department of Aboriginal Affairs for the finance and sale of the Mitchell grass plains area, including the homestead and the shearing shed, to the Aboriginal people?

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

RETURNABLE BOTTLES

The Hon. G. L. BRUCE: Has the Minister of Consumer Affairs an answer to my question of 7 August about returnable bottles?

The Hon. J. C. BURDETT: It is true that soft-drink bottles have a return rate in the order of 85 per cent. It is also true that a deposit of 10c applies for all soft-drink bottles except litre bottles, which have a deposit of 20c. This level of deposit is determined by the manufacturers themselves based on their investment in returnable bottles. They are valuable and a high return rate helps lower costs in the industry, with price benefits to the consumer. The retail trade has traditionally acted as a recycler of these bottles, and this highly satisfactory system resulted in the Labor Government exemption of the soft-drink bottles under the Beverage Container Act.

It is also true that the beer bottle return system satisfactorily ensured return rates in the order of 80 per cent or more, and for this reason beer bottles were exempted under the provisions of the Act. However, the market switch to the 370 ml half-bottle "echo" resulted in a real or apparent increase in the problem of glass litter. The preference for half-bottles is an Australia-wide trend, but was exacerbated in South Australia because of the 5c deposit for beer cans.

Obviously, the Government could not stand by and

hope that the situation in relation to 370ml bottles would rectify itself. Two options were available to the Government, and they were to either place a mandatory deposit on all beer bottles or invite the brewers to improve the incentive for consumers to return their spent bottles to marine store dealers. The former would have caused serious dislocation of the breweries' bottling system. The breweries responded to the offer to co-operate with the Government to overcome the litter problem, and the Minister of Environment held a meeting with the management of the breweries, resulting in a substantial increase in the handling fee for empty bottles. The Minister is confident that this will greatly improve the return rate of "echos" and also improve the already very high return rate of 740 ml bottles.

The deficit in the return rate represents the percentage of new bottles required to replace bottles removed from the system. It is in the breweries' interests to keep that deficit as low as possible to keep prices for bottled beer down and minimise the threat from interstate competition. This has obvious consumer benefits as well as environmental benefits. The boom in sales of "echos" naturally meant that returned bottles could not keep pace with increased sales. Consequently, the percentage injection on new bottles into circulation was considerably greater for the sales growth period, hence the "echo" return rate gradually approached 50 per cent in the second year of their use and will presumably continue to improve. The deficit is caused by a number of factors, and it is not the percentage of beer bottles that become litter or solid waste. Bottles are removed from circulation in a number of ways, as well as by their thoughtless disposal by consumers.

The Hon. J. R. Cornwall: Is this a Ministerial statement?

The Hon. J. C. BURDETT: No, it is an answer to your colleague's question. I refer to the rejection of bottles as unsuitable for refilling at the plant, breakage "in house" and at retailers' and consumer premises, and dispatch interstate and overseas.

In other words, 80-90 per cent seems to be the order of magnitude for the return of bottles by a deposit system or by the handling fee system. The return rate will inevitably be less than 100 per cent and it appears that a high return rate is not necessarily a reflection of a high deposit. The honourable member will be interested that in Oregon, the first region to introduce deposit legislation, a deposit of 2c has applied for standard beer bottles since 1972, with a very satisfactory result. The refund for spent bottles in South Australia is now 2½c a bottle if returned to a marine store dealer. Indications are that this has already had a significant impact on the return of "echos". The Minister of Environment is satisfied that the refund for beer bottles is now more realistic, and is confident that "echo" bottles will be returned at the same rate as 740 ml. bottles, now that "echo" sales have settled in the market. The throw-away stubbie has thankfully disappeared in South Australia.

UNEMPLOYED WORKERS

The Hon. J. E. DUNFORD: I seek leave to make a brief explanation before asking the Minister of Community Welfare a question about unemployed workers.

Leave granted.

The Hon. J. E. DUNFORD: The week before last I was pleased to read that the Government had extended free travel to unemployed workers. Not being an unemployed worker, I did not know the full extent of how it would affect these people. Since that privilege was granted, however, many unemployed workers have told me that the Government scheme is practically useless if one is looking for work. Unemployed workers have told me that when they are seeking work they have to travel in peak periods, the two-hour period between 7 a.m. and 9 a.m. being very important to them. People living at Rostrevor, as I do, who have a 9 o'clock appointment with an employer in the city would have to catch the bus at 6.30 a.m. in order to take advantage of the Government's scheme, having to allow 2½ hours for a 20 minute trip. Alternatively, there could be a job interview at 7 a.m. at Port Adelaide, and one could get down there all right but would have to wait nearly two hours before making the return journey.

It seems that this Government has some obligation to create an opportunity for unemployed workers to go out and look for jobs. It is a concession only if the Government will include peak-hour periods in its free-travel scheme for these people. I point out that the purchasing power of unemployed people under 18 years has decreased by 36 per cent in the past four years and, for over-18-year-olds, by 11 per cent, so they are not in any advantageous position to seek employment.

Will the Minister of Community Welfare ask the Minister of Industrial Affairs whether he will request his officers to confer with the Unemployed Workers Union regarding extending free travel during peak hours to unemployed workers seeking employment?

The Hon. J. C. BURDETT: I point out that the concession made to unemployed workers regarding travel was a concession that was not granted by the previous Government. So it was a concession, in the first place.

The Hon. J. E. Dunford: I admitted that. I congratulated the Government on its action.

The Hon. J. C. BURDETT: I thank the honourable member. I want to make it quite clear that the Government has made a move which the previous Government did not make. I shall refer the honourable member's question to the Minister of Industrial Affairs and bring back a reply.

WOMEN'S ADVISER

The Hon. BARBARA WIESE: Has the Minister of Local Government a reply to my question of 6 August concerning the Women's Adviser?

The Hon. C. M. HILL: The existing position of Women's Adviser in the Education Department and the formerly advertised position in the Department of Further Education will now be expanded and renamed as positions of equal opportunity.

The officers will be responsible to the Directors-General of Education and Further Education for researching, developing and assisting with the implementation of policies relating to equal employment and educational opportunities with the two departments.

A major component will be a continuation of the work previously done by the Women's Adviser in relation to the employment and education of women and girls, as well as initiatives in the other areas of handicapped people, Aboriginal and ethnic groups.

The creation of these positions is recognition of the help needed to co-ordinate the opportunities for minority groups in education, in line with the Liberal Government's policy prior to the last election.

The Hon. BARBARA WIESE: I wish to ask a supplementary question. Can the Minister confirm the statement made to me by a very senior officer of the Education Department that it is anticipated that

approximately 10 per cent of the new Equal Opportunity Officer's time will be spent on dealing with the problems of those disadvantaged groups he has mentioned?

The Hon. C. M. HILL: I think it is only fair that I endeavour to seek the proportions of the allocation of the officer's time from my colleague. I shall do that and bring back a reply.

REDCLIFF PROJECT

The Hon. J. R. CORNWALL: Has the Minister of Community Welfare a reply to my question regarding the Federal Government's environment protection legislation in connection with the Redcliff project?

The Hon. J. C. BURDETT: The Government is ensuring that the provisions of the Federal Environment Protection (Impact of Proposals) Act 1974 are applied to the Dow Redcliff proposal. In joint assessment procedures agreed to by the previous administration, and re-affirmed by this Government, the approved procedures specified in that Act are being followed.

The Government, in agreement with the Federal Government, shares the view expressed by the Minister of Mines and Energy in the previous Administration that a public inquiry would add little but cost and delay to the forum provided by public review of the draft Environmental Effects Statement, and therefore would be inappropriate.

It is not surprising that an increased public awareness has been initiated by the opportunity to review the draft Environmental Effects Statement after many previous years of announcements with little evidence of progress on the project. Resultant public submissions will be fully recognised in the environmental assessment which will guide Government in deciding on necessary approvals and appropriate environmental protection requirements for the project.

BEVERAGE CONTAINERS

The Hon. J. R. CORNWALL: Has the Minister of Community Welfare a reply to my question regarding P.E.T. bottles?

The Hon. J. C. BURDETT: First, it must be recognised that the exemption to market two litre P.E.T. bottles in South Australia applies to all soft-drink manufacturers. It is incorrect to talk in terms of specific exemption for Coca-Cola. Whilst these containers do represent a break from the traditional bottle deposit and return system, P.E.T. has certain attributes which makes it a very attractive material for beverage packaging. P.E.T. bottles are significantly lighter than glass bottles, for instance. But, most importantly, they are ideal for outdoor usage, especially at beaches, because the container will not break or shatter like glass. The honourable member may reflect on this highly desirable safety aspect and reconsider his referral to these containers as "monster bottles".

Soft-drink manufacturers will be purchasing pre-formed containers from a glass manufacturer and the Minister of Environment understands that initial supplies will come from interstate. Fillers will not be installing blow-molding equipment to produce P.E.T. bottles. If a glass manufacturer or soft-drink manufacturer installs equipment in this State to produce P.E.T. bottles it does so mindful of the Government's intention to reconsider at the expiry of twelve months. The Government has no intention of allowing any organisation to influence its decision on the environmental merits or otherwise of the product. No-one has been given the go-ahead to make significant investment in P.E.T. in South Australia.

Handling facilities, refrigeration and display units will be modified to adapt for these products but this will not involve substantial investment. It is highly unlikely that retail trade will incur any changeover costs. As to the projected number of P.E.T. bottles that will be sold, that information remains the property of the industries concerned and the Minister of Environment does not think it would be proper to disclose the marketing expectations of any manufacturer in this State. It should be noted that the bottle will have a considerable price disadvantage when compared to returnable litre bottles and this will mitigate against comparable sales with the Eastern States where only non-returnable bottles are sold.

It should be pointed out that the South Australian Soft-drink Manufacturers Association has to date co-operated fully with the Government and has agreed to supply sales figures at the end of each month to be taken into account during the monitoring programme.

The Government's position in relation to PET bottles is hardly irretrievable. It is eminently sensible. The Government has great faith in the professional expertise of K.E.S.A.B. which is undertaking the monitoring programme on behalf of the Government. The product is already being used extensively in the Eastern States without any restrictions whatsoever. The Minister of Environment considers the Government is acting very responsibly in this matter.

The Hon. J. R. CORNWALL: I wish to ask a supplementary question. How can the Minister say that the go-ahead has not been given to install any equipment, expensive or otherwise (to paraphrase his expression), since there is no way, to my knowledge, that the Government can possibly stop anybody from going ahead and installing equipment?

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

RECREATIONAL BOATING

The Hon. J. R. CORNWALL: Has the Minister of Community Welfare a reply to my question regarding recreational boating?

The Hon. J. C. BURDETT: The reply is as follows:

1. The $500 000 a year to be provided by the Department of Marine and Harbors will be by way of a special allocation by the Treasury from Loan funds.

2. It is envisaged that the allocation will continue for as long as the Government is satisfied that there is a need for such expenditure on the provision of facilities for recreational boating.

3. Yes. Projects costing less than $70 000 will continue to be provided by local councils with assistance from the Coast Protection Fund. The limit on the number of such projects will be decided by the Minister of Environment when considering the total annual expenditure programme for the Coast Protection Fund.

4. Yes. On 16 January 1980 the Minister of Environment met with a deputation which included representatives from the Noarlunga Council and the South Coast Boating Association. Correspondence from the council and the association has also been received and replied to. On 27 June 1980 the Mayor and Councillors of the City of Noarlunga met with Department of Marine and Harbors representatives and a very useful discussion was held in regard to the provision of a sheltered boat ramp in the south coast area.

5. The Department of Marine and Harbors is currently

in the process of selecting consultants who will be required to report on a suitable site (or sites), availability of adjoining land, estimated costs, environmental effects, etc., to enable the preparation of a scheme for the provision of a sheltered boat ramp in the south coast area.

WOMEN'S UNIT

The Hon. ANNE LEVY: Has the Minister of Local Government a reply to my question of 13 August about the staff of the Women's Advisory Unit in the Education Department?

The Hon. C. M. HILL: At present the Women's Advisory Unit comprises four full-time equivalent positions:

Lynne Symonds	·4	Adviser, Maths & Science, R-12	to end 1981
Wendy Davis	1·0	Adviser, R-7	to end 1980
Glenys Melgaard	1·0	Adviser, R-7	to end 1980
Elizabeth Sloniec	·6	Adviser, Humanities, Social Science, 8-12,	to end 1980
Denzil O'Brien	1·0	Research Officer ·5 in Women's Advisory Unit and ·5 on the Secondary subject choice project	to end 1980

Two positions with the Women's Advisory Unit were advertised in the supplement of the *Education Gazette* for the week ending 25 July 1980. Applications for these positions will be considered shortly.

The Hon. ANNE LEVY: I desire to ask a supplementary question. The two positions that were advertised were for the office in the Women's Unit in the Education Department. Seeing that that unit will no longer exist, are those positions expected to be filled, and are there expected to be any extra positions created for the work dealing with Aborigines, ethnic people and handicapped people?

The Hon. C. M. HILL: I will obtain that information and bring down replies for the honourable member.

FISHING INDUSTRY

The Hon. B. A. CHATTERTON: Has the Minister of Local Government a reply to my question on 7 August about consultation with the fishing industry?

The Hon. C. M. HILL: On 5 June 1980 the Minister of Fisheries in Parliament referred to discussions between himself and the Australian Fishing Industry Council (South Australia) on the need for greater control and management of the scale fishery. These discussions resulted in the presentation to Parliament of the Fisheries Act Amendment Bill, 1980. The Director of Fisheries' comments on 30 June 1980 referred to the provisions of the Fisheries Act Amendment Bill, 1980, which he personally had not had the opportunity to discuss with the industry following his appointment on 26 May 1980.

The Hon. B. A. CHATTERTON: I seek leave to make a short explanation before asking the Minister of Local Government, representing the Minister of Fisheries, a question about the winter closure of the South-East rock lobster fishery.

Leave granted.

The Hon. B. A. CHATTERTON: The South-East rock lobster fishery has been closed again this year in order to assist fishermen in the South-East to try and improve the efficiency with which they catch rock lobster, the idea of the closure being that there is a limited period in which to catch the rock lobster. It will be more efficient for the individual fishermen, and their net returns will improve. The problem that faces the Government is how long the closure should be. The Government had to make that decision about when the rock lobster fishery would be open and whether September would be available for fishermen to catch rock lobsters.

The main purpose of the closure, as I explained, is to try to assist fishermen and to improve their income. For those reasons it is important that the industry should be deeply involved in any decision on winter closures. The South Australian Fishing Industry Council commissioned Flinders University to conduct a survey of the South-East rock lobster fishery. The university asked the fishermen involved just what they felt would be the most appropriate length of closure in that fishery.

The results obtained from that survey were sent to the Fisheries Department. Why, when the Government made the necessary proclamations to close the South-East rock lobster fishery for the winter, did it ignore the results of that referendum, which was conducted on a very professional basis by Flinders University? Why did not the Government take that into account when it made the necessary proclamations to close the fishery?

The Hon. C. M. HILL: I will refer those questions to the Minister of Fisheries and bring down a reply.

MINISTER'S TEACHING EXPERIENCE

The Hon. ANNE LEVY: I seek leave to make a brief statement before asking the Minister of Local Government, representing the Minister of Education, a question about teaching experience.

Leave granted.

The Hon. ANNE LEVY: I was recently talking to some people who attended a meeting in the Barossa Valley at which the Minister of Education was one of the speakers. I understood those people to say that during the course of the meeting he claimed that he had had 15 to 16 years experience as a secondary school Senior Master. On the other hand, various other people have suggested to me that the Minister was a school librarian at one stage in his career and had very little, if any, teaching experience. I know that in *Hansard* the Minister is not listed as having any academic degree, which one might expect of a secondary schoolteacher. I certainly do not wish to imply in any way that a degree is a necessary qualification for being a member of Parliament or a Minister; far from it, but in view of this confusion and the different stories that seem to be circulating, can the Minister clear up this confusion as to what his history and experience were prior to his entering Parliament?

The Hon. C. M. HILL: I will refer that question to the Minister, and I am sure that his reply will completely satisfy the honourable member.

REDCLIFF PROJECT

The Hon. J. R. CORNWALL: My question is directed to the Minister of Community Welfare in order to clarify a reply that he gave me. I do not have a copy of that reply in front of me, but I want the Minister to tell this Council unequivocally whether I understand him correctly when he says that the State Government is refusing absolutely even to consider establishing or requesting that the Federal Government establish a public inquiry under the Environment Protection (Impact of Proposals) Act, 1974, despite the statements I have made in this Council, and despite widespread public dismay and disquiet, and

despite the widespread calls that have been made for such a public inquiry. Is it in fact a flat non-negotiable refusal?

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

The Hon. J. R. CORNWALL: I desire to ask a supplementary question. Can the Minister not read?

The PRESIDENT: Order! Does the Hon. Dr. Cornwall intend to ask a supplementary question?

The Hon. J. R. CORNWALL: Yes, Mr. President. In view of the fact that the Minister has the written statement in front of him, surely he is not so incompetent that he cannot answer my question. Will the Minister please give a direct answer to my question?

The Hon. J. C. BURDETT: I will repeat the answer. The Government is ensuring that the provisions of the Federal Environment Protection (Impact of Proposals) Act, 1974, are applied to the Dow Redcliff proposal. In joint assessment procedures agreed to by the previous Administration, and re-affirmed by this Government, the approved procedures specified in that Act are being followed.

The Government, in agreement with the Federal Government, shares the view expressed by the Minister of Mines and Energy in the previous Administration that a public inquiry would add little but cost and delay to the forum provided by public review of the Draft Environmental Effects Statement, and therefore would be inappropriate. It is not surprising that an increased public awareness has been initiated by the opportunity to review the draft Environmental Effects Statement after many previous years of announcements with little evidence of progress on the project. Resultant public submissions will be fully recognised in the environmental assessment which will guide Government in deciding on necessary approvals and appropriate environmental protection requirements for the project.

The Hon. J. R. CORNWALL: I desire to ask a further supplementary question. Is the Minister's short answer to my question "No"?

The Hon. J. C. BURDETT: I believe that the honourable member is capable of assessing the answer that I have given.

FRUIT AND VEGETABLE MARKET

The Hon. B. A. CHATTERTON: I seek leave to make a short explanation before asking the Minister of Community Welfare, representing the Minister of Agriculture, a question about the wholesale fruit and vegetable market.

Leave granted.

The Hon. B. A. CHATTERTON: I believe that honourable members would be aware that there has been considerable discussion and investigation as to the most suitable location for a fruit and vegetable market in South Australia. In fact, a number of reports were prepared on this matter for the previous Government. Most of those studies indicate that the amount of fruit and vegetables going through the present East End Market is falling as more fruit and vegetables are supplied direct to the major supermarkets.

The falling volume of trade through the market causes problems for the viability of that market. In those circumstances, I was very surprised to learn that the Minister of Agriculture had assured another group of people who wish to establish a wholesale market north of Adelaide that he would support them in that move. There would then be two wholesale markets in the Adelaide metropolitan area. I believe that that is very surprising in view of the reports that have been prepared on this matter. Will the Minister confirm whether he, in fact, supported the moves by another group of people wishing to establish a wholesale market north of Adelaide?

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

WOMEN'S ADVISER

The Hon. ANNE LEVY: Has the Minister of Local Government a reply to a question I asked on 6 August about the Women's Adviser?

The Hon. C. M. HILL: The position of Women's Adviser will be expanded and renamed as a position of equal opportunities adviser. The position will become a permanent Public Service position, and will continue to involve the researching and developing and assisting with the implementation of policies relating to equal employment and educational opportunities for women and girls. This appointment will not affect the work already being done by the women's resource unit within the Education Department. Full job specifications are being finalised now and there will be a minimal delay in making the appointment.

ADDRESS IN REPLY

The PRESIDENT: I remind honourable members that His Excellency the Governor will receive the President and members of the Council at 3.30 p.m. today for the presentation of the Address in Reply. I ask all honourable members to accompany me to Government House.

[Sitting suspended from 3.15 to 4.5 p.m.]

The PRESIDENT: I have to inform the Council that, accompanied by the mover, seconder and other honourable members, I proceeded to Government House and there presented to His Excellency the Address in Reply to His Excellency's Opening Speech adopted by this Council, to which His Excellency was pleased to make the following reply:

> I thank you for your Address in Reply to the Speech with which I opened the second session of the Forty-fourth Parliament. I am confident that you will give your best attention to all matters placed before you. I pray for God's blessing upon your deliberations.

FUELS AND ENERGY SELECT COMMITTEE

Adjourned debate on motion of the Hon. B. A. Chatterton:

(For wording of motion see page 260.)

(Continued from 13 August. Page 260.)

The Hon. K. T. GRIFFIN (Attorney-General): I oppose the motion that we should establish a Select Committee in identical terms to those on which a Select Committee was established in the previous Parliament. It is true to say that the Select Committee which met during the previous Parliament heard many witnesses and received many submissions of considerable interest and value. It was only the calling of the early election that terminated that Select Committee. The Government has not itself moved to re-establish that Select Committee because, under the terms

of which it was constituted in the previous Parliament, the evidence was available to members of the public. In fact, officers of the Department of Mines and Energy, as I understand it, have already had access to information obtained by that Select Committee. But, as I also understand it, one of the difficulties with the Select Committee was the breadth of the terms of reference under which it operated. They were indeed extremely wide and encompassed matters of interest not only to South Australia but also to Australia and on the international scene.

As I understand it, it has become obvious to those involved in that Select Committee that it was not possible to deal with the very wide range of issues in the terms of reference to the point where any firm conclusions could quickly be reached. It was likely that the Select Committee would continue for several years at least and still not be any closer to reaching a conclusion on the terms of reference. Also, there is the very real question as to what would be achieved by obtaining all those submissions and that evidence, a great deal of which is already available to other agencies, institutions and Governments, and, as I understand it, is also being presented to the Select Committee of this Council on uranium.

So, there was in that respect some duplication of that activity within the Council but also in wider areas of the community where other research and inquiries were undertaken on matters which were encompassed by the terms of reference. There is one other basis upon which I suggest that the motion ought to be opposed; that is, that we already have in existence some five Select Committees, one of which is due to report tomorrow but the remainder of which will be meeting for some considerable time before reaching conclusions and reporting to the Council. Not only would the resources of the Council staff be severely taxed by an additional Select Committee but also the resources of members of the Council. For each Select Committee, there must be a number of members who are prepared to devote a considerable amount of their time to the deliberations of such a Select Committee. In light of the breadth of the terms of reference of the proposed Select Committee, I wonder whether it would be able to meet as frequently and for such periods as would be necessary to examine all the material likely to come before it and whether it is a wise use of the resources of this Council in pursuing a subject of such breadth. I want to draw the attention of the Council to a number of matters relating to the conservation and use of fuel and energy resources which are within the province of the Government and which are being acted upon, all of which are perhaps running somewhat parallel to the sort of inquiries that would be undertaken by the Select Committee.

The Government has already taken significant steps to improve energy management in South Australia since coming to office. The South Australian Energy Council and the South Australian Energy and Research Advisory Committee have both been strengthened as regards membership and funding since this Government came to office. In particular, the South Australian Energy Council now includes the chief executives of the South Australian Gas Company, the Electricity Trust of South Australia and the Pipelines Authority of South Australia as well as the chief executive of Santos, representing the Cooper Basin producers. As a result of this strengthening of the Energy Council, the Government has available to it top level advice on energy questions. The Energy Division of the Department of Mines and Energy has been allocated additional staff in order that it can adequately monitor and assist developments in energy conservation and alternative energy sources.

I also point out to members of the Council that a $31 500 000 exploration programme in the Cooper Basin is being undertaken by the South Australian Oil and Gas Corporation. That, as I imagine most members will know, has been relatively successful, with four out of eight wells drilled in 1979 being successful in terms of locating additional gas supplies. The Natural Gas Supplies Advisory Committee has been established and is due to report to the Council in the next few months regarding natural gas supplies to this State. This committee is considering interstate options, including the Queensland portion of the Cooper Basin.

Parallel with that committee's deliberations, Ministerial discussions are taking place between the Minister of Mines and Energy and the Commonwealth Minister for National Development and Energy (Senator Carrick). One possible outcome of these discussions is that it may be possible for Victorian gas to be made available for use in New South Wales, thus reducing that State's off-take from the Cooper Basin.

There are also discussions under way with Senator Carrick and the Northern Territory Mines and Energy Minister regarding the possibility of obtaining natural gas from Palm Valley and Mereenie in the Northern Territory.

With regard to conservation, the following initiatives are under way: the establishment of an Energy Information Centre to open early next year (this will provide advice to the public on a whole range of issues related to the use and conservation of energy); establishment of an Energy in Buildings Consultative Committee to advise on approaches to minimise energy consumption in buildings; and the funding of a wide range of energy research projects during the current year. Total funding is expected to be just under $300 000. These projects concentrate on use of alternative fuels (for example, solar energy, fuel from plants) and more efficient use of existing fuels (with the emphasis on design, construction and development of an alternative, more fuel-efficient internal combustion engine for cars).

One can see, therefore, that there are already a number of initiatives in the energy and conservation field which are being undertaken by the Government. That is not to say that a Select Committee would not have further useful information available to it. In the light of the various reasons I have given, it would seem to me that such a Select Committee is not a wise use of the resources of this Parliament. It is unlikely to achieve a conclusive result in the short term, and it is unlikely to advance the energy cause in South Australia in the foreseeable future. It is for those reasons that I oppose the motion.

The Hon. B. A. CHATTERTON: The Attorney-General, in opposing this motion, has pointed out a number of other Government activities in the energy field. I do not disagree with his comments, but I draw the attention of honourable members to the wording of the motion, namely:

> . . . including legislation that could be enacted by the Parliament . . .

Again, the next part of the motion states the same thing, as follows:

> . . . including legislation that could be enacted by the Parliament . . .

The terms of reference of the Select Committee are specific: that it should look at legislation, and I do not think that any of the other activities that the Minister mentioned included that matter. It seems to me that the Select Committee does have a specific job to do which is quite different from that of the State Energy Council and

from the activities of the Mines Department and various other activities that the Minister mentioned. We do have a responsibility to see what legislation can be enacted to assist the conservation of petroleum-based fuels, and what sort of legislation we might need if alternative fuels or sources of energy are introduced on a wide scale. I commend the motion and ask honourable members to note the fact that we do have that special responsibility to look at legislation, which is not the responsibility that is being given to any of the other groups mentioned by the Attorney-General.

The Council divided on the motion:

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

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

Majority of 1 for the Noes.

Motion thus negatived.

PORTUS HOUSE

Adjourned debate on the motion of the Hon. J. R. Cornwall:

That in the opinion of this Council any decision by the Government to demolish the property at 1 Park Terrace, Gilberton, known as Portus House, is premature. Portus House is a significant part of the built heritage of South Australia and must be retained while any option exists for alternative transport corridors to meet the needs of the residents of the north-eastern suburbs.

(Continued from 13 August. Page 263.)

The Hon. K. T. GRIFFIN (Attorney-General): I oppose the motion. This motion, which was moved by the Hon. Dr. Cornwall, is remarkable for its lack of grasp of the history of the matter, its failure to take an overall view of where the community's interests lie, and its confusion about transport planning policy. It is notable, above all, for its cynical opportunism, coming as it does from one who was Minister of Environment in a Government under which the proposals involving Portus House matured.

It is instructive to look at a little of the history of this subject, something the Hon. Dr. Cornwall has not done in any rational way, for the history of the matter points up the needs of improvement in this part of our road system and the undoubtedly positive side of these proposals. There is a real and serious problem in the build-up of traffic congestion at the Buckingham Arms intersection. That is why plans were made to improve the intersection. That congestion has caused a growth in the amount of through-traffic using nearby residential streets to avoid the intersection. And that use of local streets by traffic that should be on arterial roads is a legitimate and proper concern of residents thus affected. For that reason, there was developed the idea of using Park Terrace and Mann Terrace as a one-way pair system, with all south-bound traffic using Park Terrace and all north-bound traffic using Mann Terrace.

This was incorporated in the City of Adelaide Plan in 1974. Its purpose is to increase the attractiveness of the whole inner ring route skirting the city, so that traffic will be encouraged to by-pass the city, a desirable goal in terms of the future of the city of Adelaide. I might add that it is estimated that some 40 000 vehicles a day now travel through the city to get from one side of town to another. Further, the improvements are to redirect a proportion of city-bound traffic around Hackney Road and into the city from the eastern side, particularly via Grenfell Street, in accordance with the City of Adelaide Plan.

There will be a reduction of through-traffic in the residential streets of Medindie, Gilberton and Lower North Adelaide, and there will be a reduction of delays at the intersection. These, in essence, are the reasons for the development of this proposal. They are very sound ones, and when carried out will be of benefit to the community.

The proposal means, for instance, that some 3 500 cars a day will be taken out of Gilbert Street, and other Gilberton streets near Park Terrace, a further 3 500 cars a day will be taken out of Hawker Road, Medindie; and 10 000 cars a day from the residential streets of Lower North Adelaide. That means some 17 000 cars a day will no longer be using residential streets but a modernised arterial system, and that will be a major advance for the people who live in those streets and their quality of life. So, let us not under-estimate that benefit.

The intersection needs improvement because of the large and growing number of vehicles using it. It presently is used by over 900 buses a day, carrying 30 000 people, and by 46 000 other vehicles a day, carrying a further 65 000 people. The planned improvements are, I am informed, expected to lead to a halving of the delay there in the morning peak period and a substantial reduction of the delay in the evening peak period. All such reductions are beneficial, both in improving traffic flow and in reducing pollution and fuel wastage, again providing benefits to the community that should not be under-estimated.

There has been the occasional suggestion that really the congestion and delays at the intersection are not all that bad, although I would not have thought that was a particularly convincing suggestion. At any rate, it is necessary to remember that the purpose of revamping the intersection is to get arterial traffic out of local roads. That means that the demands on the intersection will be correspondingly greater, and provision needs to be made for that.

Having made clear the benefits that are to come from the proposals, let me now refer to the specific matter of Portus House, for it is a consequence of the plans for the intersection that Portus House must be demolished. That demolition should be kept in perspective, in light of the advantages the new traffic arrangements will have.

The Government does not take any pleasure from the demolition of an old home, but the fact remains that situations do sometimes occur where it is not possible to save a threatened property, when the overall community interest is considered. That is a point that the Hon. Dr. Cornwall seems to be unwilling to face up to.

Mr. Portus, the former owner of the property, approached the Highways Department in 1975 and asked whether it was willing to purchase the place. The sale was duly negotiated, with date of settlement being 15 December 1975. In accordance with Highways Department policy, the house was let to tenants until the property was required for the roadworks.

The Highways Department furnished a departmental appraisal of environmental factors to the Department of Environment in the customary way, and this discussed all aspects of the proposals, including Portus House. The Environment Department then gave its response. Since there have been those who have mischievously sought to single out the supposed views of the Heritage Unit, it is worth spelling out that the final and overall view, rather than any preliminary paper, is what should be given most weight. In this case the Heritage Unit, taking all factors

into account, agreed to the demolition, on the condition that a photographic and architectural survey of the house be made before demolition, which was something the Highways Department was happy to agree to. I repeat that the Heritage Unit and the Environment Department were able to say to the Highways Department that there would not be an objection to the demolition.

The house is an example of the Victorian-Italianate style of architecture. There are a number of large houses built in such a style, often embellished with other styles. The building is not distinguished by any particular historic event, and according to the Heritage Unit's report is not in itself an item of historical importance. I mention this so that the effect of the demolition is not over-rated.

There had been discussions between officers of the Heritage Unit and the Highways Department in April 1979 to try to resolve the conflicting options of pursuing the road alterations and saving the building. Alternatives were discussed but none proved viable.

One alternative was to shift the whole intersection to the west. This would require the removal of the three shops on Northcote Terrace and increase the cost of the project by about $500 000.

The heritage value of the house was not considered significant enough to warrant such a large additional expenditure. Demolition of the garage to the house and construction of a minimal left-turn lane was looked at, but this would not cater sufficiently for the Walkerville traffic and attract users away from the present short cut through Gilbert Street. Location of the Walkerville left-turn lane to the east of the house was also investigated. However, this would leave the house on an "island" in the middle of the intersection. This can hardly be considered acceptable, since the house would be left isolated, and would have no relationship to the surrounding environment. Therefore, as there was no viable compromise and the need for the traffic improvement was accepted, the Heritage Unit agreed to the demolition.

It is useful to ask ourselves which Party was in power at the time all these decisions were made. The answer, of course, is that the former Labor Government was in office at the time, and it is the Ministers of that day who have to take responsibility for the decisions made then. Any suggestion by the Hon. Dr. Cornwall that he can dismiss these moves as being by low-level underlings, never reaching his high and lofty pinnacle as Minister while he held office, has to founder on the vital principles of Westminster-style Government, and Ministerial responsibility for departments. In any case, it hardly seems credible that a matter that was taking the attention of public servants at many levels, right up to that of permanent head, could have completely escaped the then Minister's notice. The acting permanent head wrote to the Commissioner of Highways giving the Environment Department's considered view on 4 May 1979, by which time the Hon. Dr. Cornwall himself had become Minister of Environment.

The Hon. J. R. Cornwall: I was the Minister for just three days.

The Hon. K. T. GRIFFIN: The honourable member was still the Minister at the time. So the Hon. Dr. Cornwall's hypocrisy is clear. Decisions made when his Party was in office are now to be attacked by him, obviously in the hope of grabbing some newspaper headlines and getting some quick publicity.

His comments, when they are closely examined, have been artfully vague. He has not produced any positive and workable suggestions. He has even so misunderstood what is proposed that he has sought to tie it in with the issue of transit to the north-eastern suburbs, and has misleadingly tried to imply that the intersection improvements are only to suit one particular option of the several options under consideration by the Government for the north-east. The further implication then is that, if any other option is chosen, the intersection improvements are not required. Such a suggestion, as should be clear to the Hon. Dr. Cornwall, is completely wrong.

Quite apart from what might happen in the north-east corridor, the one-way pair is justified. And even if that were not to proceed for any reason, and if traffic was to continue moving along the roads and lanes as presently laid out, it would still be necessary to demolish Portus House so that the intersection itself could be improved. There has also been the extraordinarily naive suggestion that the Government should not act to help vehicular traffic flow, so that energy conservation might be encouraged. What muddled thinking this reveals. It is one thing to urge fuel conservation and a shift of travel habits to public transport, but it would be foolish to assume that such a shift would leave no significant private vehicular traffic. There is always bound to be some, and such traffic needs to be able to move as efficiently as possible.

Population figures, some released as recently as last week, point up the growth that is going to occur in the North-Eastern regions of the suburbs in coming years. That inevitably will generate further traffic to a substantial degree. One might add that speeding up the traffic flow will in itself benefit public transport going through that intersection. The idea that by slowing down congestion the whole road traffic system will somehow magically produce more fuel conservation is too silly for words.

As part of Dr. Cornwall's failure to produce viable alternatives, he needs to be asked what he thinks should be done with the building if it is not pulled down. It clearly could not stay as rental accommodation, since it is not the role of the Highways Department to act as a housing agency. It is doubtful that any private individual would want to buy and renovate the place, for it is valued currently by the Valuer-General at $70 000, and it is estimated that suitable renovations would cost $50 000 to $100 000, and that would make the property almost certainly over-capitalised. What public sector body or department would want the place? Its situation is awkward, and the rooms are not laid out in a way that is likely to be useful for offices or other activities. I very much doubt that any public body could justify spending the money needed to buy and restore the building because it has white ants and termites, as well as salt damp.

The Hon. J. R. Cornwall: It has very little salt damp.

The Hon. K. T. GRIFFIN: It has salt damp. Because of the white ants, etc., the attic has had to be boarded off. I suggest that Dr. Cornwall's vague claims that something can be done with Portus House are not constructuve or positive and just remind us how he has failed to logically think through his position. Another example of that failure is the notion that traffic engineers should devise some other plans that would leave the intersection substantially unaltered.

There have been ideas floated about just dealing with the problem of traffic in residential streets by means of street closures or other restrictions. I should make it clear that the general view of the Road Traffic Board is that it does not favour such restrictions in local streets before the appropriate arterial intersection has been improved as much as possible, for the very practical reason that otherwise the unimproved intersection just gets clogged up even more. One might observe out of all this that it really is a bit late in the day for Dr. Cornwall or the Labor Party to be jumping on this bandwaggon. As I have outlined, the demolition of Portus House has been coming for some

considerable time. It is worth remembering that the elected local government bodies (the Adelaide and Walkerville councils) had agreed in writing by 1977 to the Mann and Park Terrace changes, with all the associated works, including the demolition of Portus House. There was a public display of the plans in 1978 so that public comment could be gained. Indeed, the Walkerville council as far back as March 1976 requested that Portus House be demolished as quickly as possible to enable the construction of a left-hand-turn lane.

In summary, Dr. Cornwall's motion is misguided, illogical, inadequate and hypocritical. The decision for demolition, made under the former Labor Government, is on balance clearly the right one, and is upheld by the present Government. Even though it means the demolition of Portus House, it is in the public interest for the intersection alterations to go ahead.

The Hon. J. A. CARNIE secured the adjournment of the debate.

SUPPLY BILL (No. 2)

Adjourned debate on second reading.
(Continued from 14 August. Page 360.)

The Hon. C. J. SUMNER (Leader of the Opposition): The Opposition is prepared to support this Bill, which is a supplementary Bill to the one introduced in the last session of Parliament to provide for the appropriation of funds to enable the Public Service to operate in this financial year at the same level as for the previous financial year. It extends the allocation made in June last year by a further $350 000 000. That figure is a little higher than normal, but it has come about as a result of the Government opting for a new method of considering the Budget in another place, namely, through the establishment of Estimates Committees, and it is expected that the Budget will not pass through both Houses of Parliament before the end of October. That is the reason for the additional appropriation. As I have said, this Bill is in the same terms as the usual Supply Bills introduced before the end of the financial year, and occasionally during the new session of Parliament early in the new financial year.

I have already mentioned the reason for its introduction, which is basically related to the trial that the Government intends to conduct over the Estimates Committees and the new procedure for consideration of the Budget. This matter raises the question whether the Government has any intention of extending the Estimates Committee system in any way to the Legislative Council, or whether it will in any way involve the Legislative Council in the Estimates Committee system. Honourable members would be aware that an Estimates Committee system operates in the Federal Senate. I now wish to raise a query with the Government to determine its policy.

In June the Supply Bill (No. 1) was introduced, along with the Appropriation Bill, dealing with the Supplementary Estimates for the last financial year. During the debate on the Appropriation Bill I asked a number of questions, because the Premier and the Leader of the Government in this Council, in their second reading explanations, had made a number of claims with which I had dealt in my second reading speech on the Appropriation Bill, and at the conclusion of my contribution I asked the questions. I made my speech on 11 June this year, more than two months ago. I should like to again put to the Council the questions that I asked, because up to the present time there has been no reply. The questions that I asked were:

> First, where was the $2 000 000 saving made on Revenue Account? Secondly, how is the $20 000 000 transferred to Loan Account calculated and, in particular, where has the extra $7 000 000 over and above the $13 000 000 surplus of Revenue Account come from? Thirdly, what contracts have been let for competitive tender in the 1979-80 financial year that would not have been let under the former Government, and what savings have resulted? How are those savings calculated?
>
> Fourthly, what projects have been critically examined? Fifthly, what are the precise details of the expected savings in each of the areas of waterworks and sewers, school buildings, other Government buildings and hospital buildings? In each case, which projects have *(a)* been abandoned completely; and *(b)* been deferred and, if so deferred, until when, and what is the expected saving in each case? Finally, what is the unexplained improvement in the May figures which are expected to continue into June? When will this be explained to Parliament, and why should the public and Parliament be asked to accept such incomplete information when considering the appropriation?

To my mind they were all legitimate questions that arose out of the Premier's statement to the House of Assembly, which was repeated by the Attorney-General in this Council, in introducing the Appropriation Bill, which was immediately followed by the Supply Bill. However, it is now well over two months since I asked those questions, which I should have thought were not particularly exciting questions. They sought information that arose directly out of the Premier's explanation when giving details of the Supplementary Estimates.

I think that it was about a week or two ago that I asked the Attorney-General when I could expect a reply to those questions, along with replies to other questions that had been asked of the Government in this Council, and I still have not received a reply. I am merely making the point that, within two and a half months, one would have expected the Treasurer to be able to provide answers to those questions, in which there was nothing particularly mischievous. They genuinely sought information about the Bill.

I said at the time that I did not want to delay the Council by getting the answers to the questions or by exploring them more fully in the Parliament, because I understood that some kind of assurance had been given that answers would be provided. I think it is unsatisfactory that they have not been provided after two and a half months, and I am sure that the Hon. Mr. Davis would agree with me.

The Hon. L. H. Davis: I don't agree with you at all.

The Hon. C. J. SUMNER: I am sure that the honourable member will agree with me, in view of his criticism of the information provided to the Parliament by statutory authorities. It seems that he has one standard for statutory authorities and reporting by them and another for the Government.

The Hon. L. H. Davis: They were required to be brought down within two months, and they will be. You will be able to debate them then.

The Hon. C. J. SUMNER: They will be brought down next week.

The Hon. L. H. Davis: There are to be Budget Estimates Committees.

The Hon. C. J. SUMNER: Standing Orders and Sessional Orders have to be passed, and you cannot pre-empt that. It is a matter for the House to decide. If there are Estimates Committees, that is all to the good. It is of no use saying that a Budget was to be presented in two or three months time and that I could wait until then. I asked specific questions and should have had replies. I do not

believe that what has happened is acceptable, and I ask the Attorney to give further attention to the matter.

The Hon. K. T. GRIFFIN (Attorney-General): I want to deal with two matters to which the Leader of the Opposition has referred. First, he asked whether the Estimates Committees would be extended to include the Legislative Council. It is not intended at this stage that that occur. The Estimates Committees are designed to facilitate consideration of the Estimates by the House of Assembly. As we know, there is a somewhat cumbersome procedure in the other place for dealing with Estimates, and what is intended with Estimates Committees is that they would improve that system and give members of the House of Assembly of all Parties more opportunity to ask questions and obtain information. The practice of the Legislative Council during the Committee stages of the Supply and Appropriation Bills has been that there has always been opportunity to ask questions on some lines of the Estimates, but that has never been persisted with as extensively as in the House of Assembly. At this stage it is not the intention of the Government to recommend Estimates Committees to include the Legislative Council.

The Hon. Frank Blevins: Why do you say "at this stage"?

The Hon. K. T. GRIFFIN: I suppose I could say that there is no intention at all, that it is not our intention at all, but it is always open for review at some time in the future, and the reference to the words "at this stage" was meant to indicate that the operation of the Estimates Committees will be closely watched not only by members of the Government Party but, as I imagine they will be, by other members of Parliament, and it may be appropriate to at least give some consideration to extending their operation, but all that is conjecture at present, because this is the first year they are coming into operation. Regarding the questions asked by the Leader of the Opposition in June, I have not been supplied with the answers. I will undertake to follow them up with the Treasurer and endeavour to expedite the replies.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Issue and application of $350 000 000."

The Hon. R. C. DeGARIS: I am sorry that I was out of the Chamber when the second reading debate was on, but there are many demands on one's time. However, I take full responsibility for being out of the Chamber. There are certain comments I would like to make in relation to clause 2. The passage of a Supply Bill, which allows appropriation of funds covered in clause 2, until the Budget finally passes the Parliament, is not marked usually by any particular contribution to the second reading debate. As it is a general financial Bill, the debate can range over a wide area, and I hope that what I wish to say is related to the Bill, particularly clause 2.

I tie my remarks to the fact that a significant part of the moneys appropriated in a Supply Bill comes from the Federal Government through various financial arrangements with the Commonwealth. It is this relationship to which I wish to direct my remarks. The present Federal Government, in coming to power in late 1975, propounded policies that, for the first time since the Second World War, demonstrated an explicit commitment to federalism and the constitutional powers of the States.

For the first time, a Federal Government made a specific commitment—not just a tongue-in-cheek statement. I am sure that all honourable members would be aware of my own views on this question, because in many speeches I have made in this Council I have drawn attention to the increasing inroads being made by the Commonwealth into the legislative and administrative responsibilities of the States. I admit my own satisfaction with the clear commitment made by the Federal Government in 1975.

The problem that the Commonwealth's federalism policies seek to overcome is that the States possess the power to make laws in most legislative areas—education, health, criminal law, justice, transport, urban development, local government, environment, etc. The Commonwealth is involved in many of these areas as well, of course, but mainly through the back door—Commonwealth funds in such ways as section 96, and other ways.

It is the electoral importance of the areas such as education, urban development and health that has attracted the Commonwealth. The States can force the Commonwealth to pay a high price for its intrusion into State policy-making areas, and the high price that has had to be paid has, in many circumstances, cost the taxpayer dearly. Monarto, the Land Commission, health and education can all be examined to demonstrate the truth of this claim. But, Commonwealth financial involvement in State jurisdictional areas is a two-edged sword, as the Prime Minister has discovered.

Attempts to reduce the level of Commonwealth funding is strongly attacked by the States, which can then blame the Commonwealth for any reduction in services and for any painful political decisions that the States may have to make. We have seen, in the first 12 months of operation, a new Government in South Australia make significant taxation concessions, which I heartily applaud.

The abolition of the iniquitous death and gift duties, and the abolition of land tax on the principal place of residence, are taxation moves that deserve plaudits. But, even with the most stringent application of efficient economic management, the impact of these forms of taxation will require some replacement. This can only be achieved in three ways: increases in State charges; different forms of taxation; and increased Commonwealth reimbursement.

The area of legislative and administrative responsibility is the States' base of power; the Commonwealth's base lies in its financial power. The Commonwealth has sole access to the lucrative tax fields of personal and company income tax, sales tax, excise and such levies as the crude oil levy. With this financial power, tied or conditional grants came into fashion and were magnanimously expanded during the Whitlam period, to the detriment of sound economic practice.

The use of conditional grants has proved to be a clumsy and inefficient way of achieving political goals in the administrative areas of State jurisdiction. To add insult to injury, the States have been able to garner most of the credit for the use of conditional grants and on occasions been able to sheet the blame back to the Commonwealth when things have not turned out to be as popular as was anticipated. It is in this light that one must consider the 1975 commitment of the present Federal Government to its announced federalism policies.

The Hon. C. J. Sumner: Do you agree that there should be some kind of guarantee from the Federal Government to the States?

The Hon. R. C. DeGARIS: I believe that the guarantee should only be in relation to the question of the Grants Commission that will balance the inherent difficulty of, say, Tasmania against Victoria, and that is as far as it should go.

The Hon. C. J. Sumner: So, the States should get their share of income tax revenue but without any guarantees to a certain level each year?

The Hon. R. C. DeGARIS: That is not quite the point that I am trying to make. The point I make is that there is a division of jurisdictional responsibility where the State holds most of the jurisdiction, but the Commonwealth holds most of the financial power. It is this point that is creating a great deal of difficulty and uneconomic use of funds. The question that I am trying to put is that, unless there is some resolution of this point, the States will lose their jurisdiction in regard to their legislative areas unless the States accept the responsibility of raising taxation. However, I will come to the point that the Leader has raised in a moment. The real problem lies in the facts as I have outlined them, that the States hold the power of responsibility, while the Commonwealth holds the financial power.

Whether we like the options or not, there are only two ways to go: first, for the Commonwealth to be granted wider jurisdictions from State powers; and, secondly, the States to be responsible for the raising of revenues to a greater degree of financial needs. The Commonwealth, in answer to this challenge, has offered to allow the States to raise their own income tax, at the same time seeking to peg back the rate of growth of general financial grants to the States.

There is no system that permits more gross inefficiency in the use of public funds than a system that allows expenditures to be undertaken by a public body without the responsibility resting on that public body to raise the required revenue. All the States which, quite incredibly, have fought doggedly to preserve their jurisdiction, have argued bitterly against the Commonwealth's suggestions in relation to the present promises on the new federalism deal. The emotional but specious argument has been advanced of double taxation.

The Commonwealth proposals are no more double taxation than any other tax or charges raised by State Governments or local governments. Honourable members could ask themselves the question: by how much did taxation fall when so-called double taxation came to an end in 1942? I issue this warning that, if the States refuse point blank to grasp the nettle, then, inevitably, they will lose the power base of their jurisdiction.

The State Premiers, in the approach they intend to make to the Prime Minister, have not disclosed the line they intend to adopt. If the State Premiers, in their submissions to the Prime Minister, intend to ask for the right to levy taxation other than an income tax, then they will have my support and approval, because such an approach is a natural extension of the co-operative offer that has already been made to the States by the Commonwealth. But, if that approach is only to be demands for greater financial reimbursements from the Commonwealth financial resources, leaving the Commonwealth still with the political unpopularity of raising that taxation, then they deserve a flat and uncompromising "No" from the Federal Government.

However, it frankly appals me that, in the long battle over many years in the fight to preserve the States' jurisdiction, the State Premiers, in concert, may intend to put pressure on the Prime Minister, a few weeks before a Federal election, to gain a larger share of the Federal financial cake, while rejecting out of hand the offer made for the States to share the financial responsibility of raising the revenue they say they require.

I know that what I have said will have little effect upon the thinking of the A.L.P., because the stated philosophy of the A.L.P. is fundamentally opposed to preserving the States' jurisdiction. The point that the State Liberal Parties must understand is that, if they continue to oppose out of hand the genuine offers that have been made by the Commonwealth, then inevitably they will play into the hands of the known political ambitions of the A.L.P.

I spoke in the Address in Reply debate on the question of the declining significance of Parliament. Nothing is adding more to that decline than the annual and intermittent haggling matches that occur between the States and Commonwealth over financial matters in Canberra and elsewhere. I think every honourable member would agree that it is degrading to our Parliamentary system when that occurs.

I hope that the proposed Premiers' foray will not add to the disillusionment of the public. I trust that the Premiers have a plan that will include State responsibility for tax raising on their own behalf. Not enough credit has been given by the States to the Fraser Government's initiatives. As I said earlier, it is the first real commitment to the preservation of the Federal system since the Second World War.

It is interesting to speculate what would happen if the States accepted the Fraser proposals. It would give the States greater flexibility in their revenue collection and the States then may well claim a more influential role in national economic policy. If the Canadian experience is followed, it may be an end to conditional grants for more untied grants. As I pointed out earlier, I do not think that there is any more uneconomic way to handle the nation's finances than to have the States not responsible for raising revenue, but demanding more revenue from the body—

The Hon. C. J. Sumner: Do you accept what the Premier said about there being a guaranteed base from the Commonwealth to the States in general purpose grants?

The Hon. R. C. DeGARIS: I think the whole matter has to go further than that. I have not been informed of what the Premier intends putting to the Prime Minister.

The Hon. C. J. Sumner: The Premiers met together a week or so ago.

The Hon. R. C. DeGARIS: I do not know exactly what the Premier intends putting to the Prime Minister. What I am saying is that, if it is to be a means whereby the States accept responsibility for the raising of taxation, then I give my wholehearted approval to it. What I do not want to see is a continual haggling match between the States and the Commonwealth on this question, because, if we are going to achieve anything in the expenditure of money, it must be with responsibility; otherwise, the States will lose their present jurisdiction.

The Hon. C. J. Sumner: It sounds to me as though you are offside with the Premier.

The Hon. R. C. DeGARIS: That may well be. I may be offside with all Premiers. I do not think, over the years, that anyone has fought more vigorously for the preservation of State jurisdiction than I. It concerns me when an offer is made that strong opposition is expressed, when the proposition is not exactly what the States want; the base is there. The point I am making is that the first commitment since the Second World War to the concept of federalism by the Federal Government—

The Hon. C. J. Sumner: I think you are saying that you disagree with any guaranteed base.

The Hon. R. C. DeGARIS: I do not know that I disagree with any guaranteed base. I do not know that I go that far. What I am saying is that there must be a decline in the reliance on the unpopularity of the Commonwealth raising taxation if the States are going to maintain their jurisdiction. That leads to all sorts of dealings which I think have made some contribution to the decline in the public mind of the present system of Parliament.

As far as the A.L.P. is concerned, it is not capable, at this stage, of attacking the Fraser proposals with any conviction. No-one wants a return to the Whitlam style,

which lays itself open to challenges of financial irresponsibility and centralism; since Whitlam is clearly out of fashion and centralism is clearly out of fashion, the A.L.P. has an ideological problem.

The Hon. C. J. Sumner: The States have had to rely on the Whitlam guarantee for quite a few years up until the present time. Tax sharing did not come up to the amount being guaranteed by the Whitlam Government.

The Hon. R. C. DeGARIS: The whole philosophy of the Whitlam proposal was to achieve a higher degree of centralism. That philosophy is absolutely out of date at the present time. The A.L.P. has an ideological problem regarding attacking the Fraser proposals.

What the Liberal Premiers have to realise is that in their attitudes they do not fulfil the objectives of the A.L.P. without the A.L.P. hardly lifting a finger to defend its own ideology. It is also unable to do so because of the present political climate, where there has been a complete turning away from the concept of the Whitlam centralism policy. As I have stressed in this speech, the alternative is a loss to the States of jurisdiction if the State Premiers do not accept, in principle, the proposals of the Fraser Government, that in financial matters the States must accept greater responsibility in raising the revenues they require to fulfil the jurisdiction with which they are entrusted.

Clause passed.

Clause 3 and title passed.

Bill read a third time and passed.

EVIDENCE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 19 August. Page 434.)

The Hon. R. C. DeGARIS: I am sorry that I am causing so much concern today. Yesterday, when I sought leave to conclude my remarks, I had reached the point where I wanted to quote from the United Kingdom Criminal Law Revision Committee's Eleventh Report. However, before I do that I would like to comment on part of the argument that I advanced yesterday on the recommendation made by Justice Mitchell for the abolition of the ability to cross-examine an accused when giving evidence on previous convictions when certain criteria had been satisfied. The point I wish to make is that the ability to cross-examine an accused person on previous convictions, even with this Bill, still relies upon the discretion of the trial judge.

There will not be, even if the duress proviso which has been included in this Bill and which is an addition to the present Act, even if that is removed, a blanket right to cross-examine on previous convictions.

However, it is reasonable that, if an accused person embarks upon an unreasonable attack on the character of a witness, and sometimes the allegations can be quite scurrilous, it should then be competent for the judge to allow the jury to know more about the character of the person making those allegations. The main point that I wish to stress was raised yesterday by the Hon. Mr. Sumner. Even if the Bill passes as it presently stands, there is still the discretion of the judge whether such cross-examination of the accused should proceed.

The Hon. J. C. Burdett: Did the Hon. Mr. Sumner say that?

The Hon. R. C. DeGARIS: I understood that the Hon. Mr. Sumner argued that there was no discretion of the judge. Perhaps I may be wrong in what I thought he said.

The Hon. C. J. Sumner: I questioned whether the discretion was relevant—whether discretion exists is irrelevant.

The Hon. R. C. DeGARIS: I believe there is a discretion—

The Hon. C. J. Sumner: If there is, it is irrelevant, because your Bill is saying that the convictions can be admitted in certain circumstances, whereas the Mitchell Committee is saying—

Members interjecting:

The Hon. R. C. DeGARIS: That still relies upon the discretion of the judge to allow that cross-examination.

The Hon. C. J. Sumner: What I said was that the discretion aspect is irrelevant, because you are departing from the Mitchell Committee recommendations. I was pointing out that you have accepted one part of the package and not the other.

The Hon. J. C. Burdett: That was said in the second reading explanation, that we were departing from the recommendations.

Members interjecting:

The PRESIDENT: Order! This must not develop into another legal battle. The Hon. Mr. DeGaris.

The Hon. R. C. DeGARIS: I do not accept the point being made by the Hon. Mr. Sumner that the question is irrelevant. It is not irrelevant, because there is still the discretion of the judge as to whether that cross-examination should proceed. There is protection from the judge's discretion in any case.

I now come to the matter that I want to include in *Hansard*. I refer to the question that is obliquely related to the abolition of the unsworn statement. The Criminal Law Revision Committee's Eleventh Report recommended the abolition of the unsworn statement and then went on to say something about the question of taking an oath. I believe this report should appear in *Hansard* and, dealing with the abolition of oaths, the report is as follows:

> 279. We considered whether to recommend that witnesses in criminal proceedings should no longer take the oath but should make a declaration in the appropriate form undertaking to tell the truth. The great majority are strongly of the opinion that this change should be made. Their reasons are given in paragraph 280. A minority are strongly opposed to the change for the reasons given in paragraph 281. The reason why we have not included a provision to this effect in the draft Bill is that the question is obviously an important one of general policy going beyond the criminal law. In particular it would hardly be thought right to abolish the oath in criminal proceedings only while keeping it in civil proceedings. We were informed that the Law Reform Committee decided to make no recommendation about the oath in civil proceedings because they regarded the question as a social rather than a legal one. We agree that this is a good reason for not making a recommendation, but we think it right to express our opinion for two reasons. First, assuming that it is in fact right to replace the oath, this is one of those kinds of reform which may never happen unless bodies in favour of making it express their opinion on appropriate occasions, and a general review of criminal evidence is in our opinion an appropriate occasion. Second, three of our recommendations directly concern the oath. These are the abolition of the accused's right to make an unsworn statement, the provision for calling on the accused to give evidence and the fixing of fourteen as the lowest age for giving evidence on oath. If the witness's oath is replaced by a declaration, the law of perjury would be applied to false evidence given after a declaration as it applies to false evidence on oath or affirmation; and it might be thought right that the declaration should include an acknowledgment by the witness of his liability to be prosecuted for perjury if he told an untruth in giving his evidence.
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> 280. The reasons why the majority consider that the oath

should be replaced by an undertaking to tell the truth are given below:

(i) The oath is a primitive institution which ought not to be preserved unless there is a good reason for preserving it. Its use has been traced back to times when man believed that a verbal formula could itself produce desired results, as in the case of the curse. Curses were operative magic performances, and the oath was a conditional self-curse. With the growth of religious belief it was thought that God was the executor of man's oath. He was believed to respond to its magic. The oath was an imprecation to heaven calling upon the supernatural powers to bring disaster on the speaker if he uttered falsehood. This was the basis of the Anglo-Saxon system of compurgation, which rested on the belief that the taking of a false oath brought automatic supernatural punishment. This view of the oath lasted for a surprisingly long time. A judicial expression of the traditional view of the oath is to be found as late as 1786 in *White*, where at a trial at the Old Bailey for horse-stealing a man was rejected as a witness because he "acknowledged that he had never learned the catechism, was altogether ignorant of the obligations of an oath, a future state of reward and punishment, the existence of another world, or what became of wicked people after death". The court said "that an oath is a religious asseveration, by which a person renounces the mercy, and imprecates the vengeance of heaven, if he do not speak the truth; and therefore a person who has no idea of the sanction which this appeal to heaven creates, ought not to be sworn as a witness in any court of justice". However, in 1817 Bentham attacked the traditional view with his usual vigour. He pointed to the "absurdity, than which nothing can be greater", of the supposition that "by man, over the Almighty, *power* should be exercised or exercisable; man the legislator and judge, God the sheriff and executioner; man the despot, God his slave".

(ii) It might be said that, although the original purpose of the oath is no longer relevant, it nevertheless has value now in that it serves to call the attention of a witness who believes in God to the fact that, if he tells a lie, he will incur the divine displeasure. But if this is its justification, it is curious that it is only in the case of lying in certain official proceedings that the citizen has his attention called to his assumed belief in divine retribution. We do not draw attention to this possibility for any other purpose of law enforcement.

(iii) There have already been large inroads into the practice of taking the oath. Originally, non-believers were prevented from taking the oath because this would have involved practising a kind of deception on the state. Eventually, however, concern for the promotion of trade brought about a change of attitude and infidels were allowed to take the oath and so to testify in legal proceedings.

The Oaths Act 1838 (c. 105) for the first time allowed persons other than Christians and Jews to be sworn in such form as the witness might declare to be binding on him. In effect this involved an abandonment for these persons of an inquiry into their beliefs as to the hereafter. S. 3 of the Oaths Act 1888 (c. 46) declares that, where an oath has been duly administered, "the fact that the person to whom the same was administered had, at the time of taking such oath, no religious belief, shall not for any purpose affect the validity of such oath". The same Act introduced the affirmation as an alternative to the oath. But affirmations were allowed only for those who declared that they had no religious belief or that their religious belief prevented them from taking an oath. Cases have occurred in which persons who could not bring themselves within either of these requirements, nor state what form of oath was binding on them, had their evidence rejected altogether. It is no longer considered a fatal objection to receiving the evidence of a child that he does not understand the nature of an oath. The last stage has been the Oaths Act 1961 (c. 21), which empowers the court to require a witness to affirm instead of taking the oath if it would not be "reasonably practicable without inconvenience or delay" to administer the oath to him in the way appropriate to his religion. In passing this Act Parliament recognised that there is nothing wrong in requiring a person to give evidence without being sworn even though he has a religious belief and it is not contrary to this to take an oath. It seems difficult, therefore, to see why this should not apply to all witnesses.

(iv) To many people it is incongruous that the Bible should be used, and the Deity invoked, in giving evidence of such matters as, for example, a common motoring offence. In evaluating evidence, little attention is paid to the mere fact that it has been given on oath. In any case it is probable that many witnesses who in fact have no religious belief take the oath because they do not wish to call attention to themselves or because they fear that the impact of their evidence will be weakened if they depart from the customary oath.

(v) If it is right to regard it as incongruous to require ordinary witnesses to take the oath, this is specially inappropriate in the case of the accused. The accused, if guilty (and sometimes even if not), is under an obvious temptation to lie. Our proposals involve putting pressure on him to give evidence, and it may seem to many excessive to require him to take a religious oath as well.

(vi) There would be a good case for keeping the oath if there were a real probability that it increases the amount of truth told. The majority do not think that it does this very much. For a person who has a firm religious belief, it is unlikely that taking the oath will act as any additional incentive to tell the truth. For a person without any religious belief, by hypothesis the oath can make no difference. There is value in having a witness "solemnly and sincerely" promise that he will tell the truth, and from this point of view the words of the affirmation are to many at least more impressive than the customary oath. The oath has not prevented an enormous amount of perjury in the courts. A witness who wishes to lie and who feels that the oath may be an impediment can easily say that taking an oath is contrary to his religious belief.

We need hardly say that we have no wish to offend any religious feelings, nor do we see why anything said above should do so. Moreover, the replacement of the oath by some form of declaration has been advocated several times recently in legal periodicals and in two of the observations sent to us, and the arguments in the periodicals do not seem to have provoked any arguments to the contrary.

I have quoted that report because I believe that the question of taking an oath and giving evidence in a court is obliquely touched upon when we discuss abolishing the unsworn statement. I have placed that quotation in *Hansard* because I believe it is a question that will be discussed in the near future in this Council, and because I believe there is a great deal of sense in the recommendations of the United Kingdom Criminal Law Revision Committee. Returning to the question of the

abolition of the unsworn statement, I believe three possibilities can be considered: first, the unsworn statement could be abolished; secondly, it could be retained; and thirdly, alterations could be made to the base rules applying to unsworn statements.

I believe that, while this Bill should probably be accepted with an amendment, this Council may be reconsidering the position later. This report does not place any qualification upon my view that the right to make an unsworn statement should be abolished. In relation to clause 5 (3) of the Bill, I believe that the Bill should not operate once a trial has commenced. It appears under clause 5 that the Bill will apply even if a trial has started. Any trial that has commenced should be completed under the existing evidence procedures, and I will be moving amendments to provide that the provisions of the Bill will not apply if a trial has commenced before the proclamation of the new Act.

The other matter dealt with by the Bill concerns the question of bankers' books and banking records. The operative clause is clause 8, which states:

> Where a special magistrate is satisfied on the application of a member of the Police Force that it would be in the interests of the administration of justice to permit the applicant to inspect and take copies of banking records the special magistrate may order that the applicant be at liberty to inspect and take copies of those banking records.

With the increase in what is termed "white-collar crime"—a term which I dislike—it is fair and reasonable that the secrecy of banking records should not shield a criminal from the normal course of justice. However, one aspect that concerns me and no doubt will concern other members is the use that may be made of any information that is gathered. The only disclosure—

The Hon. J. E. Dunford: You have not elucidated on the second statement you made.

The Hon. R. C. DeGARIS: What is that?

The Hon. J. E. Dunford: How use can be made of that information.

The Hon. R. C. DeGARIS: I will do that for the honourable member now. I am referring to an invasion of privacy, and I know that the Hon. Mr. Dunford is a very strong advocate of that.

The Hon. J. E. Dunford: You have invaded my privacy a bit over the years.

The PRESIDENT: Order!

The Hon. G. L. Bruce: What about white-collar crime?

The Hon. R. C. DeGARIS: Crime is crime, and I do not believe in white-collar, blue-collar or any other coloured crime.

The Hon. N. K. Foster: What would you call it?

The Hon. R. C. DeGARIS: Crime.

The Hon. N. K. Foster: What about Sinclair; he got off because it took only one juror to say "No".

The PRESIDENT: Order! There have been enough interjections across the Chamber, and I ask honourable members to now listen to the Hon. Mr. DeGaris.

The Hon. R. C. DeGARIS: I do not wish to become bogged down over this point. However, I do object to the term "white-collar crime" because that indicates that that crime is, shall we say, of a higher standing than other forms of crime. I believe that a crime is a crime.

The Hon. Anne Levy: It is a type of crime.

The Hon. R. C. DeGARIS: Perhaps, but I still do not like the term.

The PRESIDENT: The Hon. Mr. DeGaris will address the Chair and will not argue across the Chamber.

The Hon. R. C. DeGARIS: Certainly, Mr. President. The only disclosure of such information that should be permitted is in the course of a prosecution and should only be disclosed in the court. Clause 8 *(e)* provides for a penalty for a member of the Police Force who divulges, otherwise than in the course of his official duties, any such information gathered. I appreciate that the secrecy surrounding banking records existing at present can cover activities which in certain circumstances should be made available to investigators. One has only to consider the activities undertaken by the failed Nugan Hand banking organisation to realise that. However, where the information gathered does not lead to use before the court, can that information be used in any other way? There is, of course, only one group that could force from the Police this information so collected, and that fact does concern me.

We must consider the two factors of the reasonable demand for privacy and the need to ensure that the course of justice is not frustrated. I feel that the assurance of a reasonable degree of privacy for such information that is not used in a prosecution is inadequate but at this stage I do not have any suggestion to make to the Council for a means of strengthening that protection. However, I do know that Ministers can disclose information, both in the House and outside, that is designed not to advance the cause of justice but to create a diversion from their own incompetence, or simply to damage the reputation of another person. I support the second reading.

The Hon. L. H. DAVIS secured the adjournment of the debate.

PRICES ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 14 August. Page 360.)

The Hon. C. J. SUMNER (Leader of the Opposition): The Opposition is prepared to support this important piece of legislation. It seems to have been the product of the same bureaucratic mind that decided that we should not be frivolous about changing our names, because it makes provision for the Minister to receive only one report by the Commissioner of Consumer Affairs relating to the Consumer Transactions Act, the Consumer Credit Act, the Residential Tenancies Act, and the Prices Act. At present, the first three of those Acts are reported on as soon as practicable the after 30 June each year, whereas the Prices Act is reported on as soon as practicable after 31 December. This Act will provide for the Commissioner of Consumer Affairs to report as soon as practicable after 30 June.

It seems to be a matter of bureaucratic convenience to assist the Minister by his not having the confusion of reports coming to him at different times of the year. It may have the incidental effect of minimising the publicity given to a particular aspect of the Commissioner's report because all reports will be produced at the same time. There does not seem to the Opposition to be any real reason for opposing the Bill, as the Government appears to want it, although at this stage we cannot see the need.

The Hon. J. C. BURDETT (Minister of Community Welfare): I thank the Leader for his contribution. What I would say that this Bill does is take away the present bureaucratic inconvenience of one Minister having to report at different times on different Acts that are within his own administration.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Annual report."

The Hon. C. J. SUMNER: I ask the Minister what steps he intends to take to ensure that the reports are presented as soon as reasonably practicable after 30 June, in view of the great concern of Mr. Davis about delay in tabling some reports.

The Hon. J. C. BURDETT: I will take every step to see that the reports are presented as soon as practicable, which is the term used in the present legislation.

Clause passed.

Title passed.

Bill read a third time and passed.

SOUTH AUSTRALIAN ETHNIC AFFAIRS COMMISSION BILL

Adjourned debate on second reading.

(Continued from 13 August. Page 266.)

The Hon. C. J. SUMNER (Leader of the Opposition): I support the second reading. The establishment of the Ethnic Affairs Commission was promised by the Liberal Party before the election last year, and the proposal is based on the Ethnic Affairs Commission set up by the Labor Government in New South Wales. I do not oppose the concept of the Ethnic Affairs Commission. The only query I raise is whether it is really necessary. South Australia led the way in initiatives in the area of ethnic affairs under Labor and particularly under the emphasis and support given to those initiatives by former Premier Don Dunstan, who had, during his whole Parliamentary career, shown an interest in the problems of ethnic groups and people of ethnic minority background, initially in his District of Norwood as a back-bencher, where there were a large number of people of Greek and Italian descent, and later as Premier, when he had responsibility for the administration of ethnic affairs in the Labor Government.

That leading of the way by South Australia occurred without the establishment of another statutory authority. The Hon. Mr. Davis, in the Address in Reply debate, spoke of the number of statutory authorities, and I understood that he was being critical of the number. The Premier has criticised, and talked about cutting down, the number of statutory authorities. He has talked about the introduction of sunset legislation, and the like. It is ironic that, with the passage of this legislation, there will be two more statutory authorities under this Government than there were under the Labor Government. The Meat Hygiene Authority was established during last session. When the Government meets its promise to establish a Law Reform Commission, there will be another one. It seems to me that there is some degree of double standard in this matter.

The Hon. C. M. Hill: Some others may be repealed.

The Hon. C. J. SUMNER: That may be, but ethnic affairs was promoted in this State without the need for an Ethnic Affairs Commission. I believe that the Minister would not criticise the statement that, in Australia, we in South Australia led the way in this area, and we did that without the need for a statutory authority. Further, on law reform, law reform reports have been presented in this State by the Law Reform Committee, headed by a Supreme Court judge. The Liberal Party apparently wants another authority. Where we had committees dealing with law reform and ethnic affairs—

The Hon. C. M. Hill: The reports were rarely acted upon.

The Hon. C. J. SUMNER: Regardless of whether that is the case, the Liberal Party wants to replace the functions in law reform and ethnic affairs with commissions. That seems contradictory to the proposition that that Party put before the election and to what the Hon. Mr. Davis said in his Address in Reply speech.

It will be interesting to see how many statutory authorities have been created in three years time. It was Labor's view that the interests of the ethnic groups could be promoted through an ethnic affairs branch in a normal Government department, but that where necessary committees could be set up with participation from members of ethnic groups to look at specific problems. This was done in a number of cases. The question of State funding for Ethnic Broadcasters, the establishment of a police migrant working party, the establishment of a committee to look at interpreter translation services in South Australia, and in the Education Department the Migrant Advisory Council were all initiatives taken. There were advisory committees set up to advise on ethnic festival grants and ethnic grants in general, so that there was participation from members of ethnic communities in these committees. Further, our policy stated:

> To ensure that ethnic communities have the right to participation and to full and continuing consultation and information in the implementation of ethnic affairs policy, Labor will encourage the formation by ethnic communities of a central organisation representative of all ethnic groups in the community.

That is, we were prepared to encourage and financially assist voluntary organisations of ethnic groups and, if possible, an umbrella group within South Australia. This would have ensured that people who were actively involved in ethnic affairs and representative of some organisations would participate in Government policy on ethnic affairs. The present proposal, by contrast, involves Government appointment of people to the commission; that is, ethnic groups themselves do not select the members. Labor wanted to maximise participation, not so much through Government appointment of positions but through providing financial and other encouragement to ethnic organisations so that they would have the facilities and resources to conduct research, investigate problems relating to ethnic affairs, make representations to Government and other organisations, promote greater understanding of ethnic affairs, assist and encourage the full participation of ethnic groups in the social, economic and cultural life of the community, and promote co-operation between the various ethnic and other groups in South Australia. That is, to do what this Ethnic Affairs Commission is going to be set up to do.

We supported an ethnic-based organisation to have the financial backing to carry out some of the work envisaged by this commission. The advantage of this would have been independence from Government, whereas this Bill does not amount to independence from Government but, rather, a commission which is subject to the control and direction of the Government and which involves appointment by the Government. The commission will be Government-appointed and, pursuant to clause 11, subject to the general control and direction of the Minister. We believe that the extra money now going into the creation of a commission could have been used to enable ethnic group organisations to set up such independent activities with paid staff but paid by the ethnic groups themselves, albeit by a grant from the Government and not under the direct control of the Government.

Under the Ethnic Grants Advisory Committee, grants were given to ethnic groups, some of them umbrella organisations at times, such as the Ethnic Communities Council, to assist in their activities. The policy that I have

outlined would have furthered that development possibly with the development of an overall umbrella group to which financial assistance would have been given to enable it to carry out many of the functions envisaged by the Ethnic Affairs Commission but carried out independently of the Government. That is the potential flaw with the Ethnic Affairs Commission system: it is subject to the direction of the Government, and its members are subject to appointment by the Government. I believe that there was a misstatement in the second reading explanation, as follows:

> In accepting the need to promote the concept of a multicultural society, the Government has undertaken the establishment of such a body, which is in accordance with initiatives in ethnic affairs which have been taken at the Federal level and elsewhere in Australia.

That is simply not correct. The only Government of the seven Governments in Australia that has established a Commission for Ethnic Affairs has been the New South Wales Government.

The Hon. C. M. Hill: That also relates to the general Galbally initiatives.

The Hon. C. J. SUMNER: I know, but that is not what it says. I appreciate the Minister's explanation. The explanation states that the establishment of a commission is in accordance with initiatives in ethnic affairs taken at the Federal level and elsewhere in Australia. The only commission established in Australia has been a commission in New South Wales. In Victoria—

The Hon. J. C. Burdett: There are initiatives.

The Hon. C. J. SUMNER: I know that. I did not deny that.

The Hon. C. M. Hill: It's a little confusing, but nevertheless it does cover the general initiatives.

The PRESIDENT: Order!

The Hon. C. J. SUMNER: I appreciate the helpful interjection from the Hon. Mr. Hill, as opposed to the unhelpful interjection of the Hon. Mr. Burdett. Mr. Hill has clarified the situation by saying that he was referring to initiatives. He has also conceded that it is not completely clear in the statement that I read to the Council. In case other members of the Council or members of the community are in any doubt about the situation, I should say that a commission has been established only in New South Wales and that in Victoria things are done through a Government department. At the Federal level, the same situation pertains.

In so far as ethnic affairs policies exist in other States (they are certainly very limited in Western Australia and completely non-existent in Queensland), anything that is done is done through a Government department. So, I merely want to correct any misunderstanding on that point. While I think that there may be other ways of ensuring participation by ethnic groups in a more independent way in the formulation of Government policy, this proposal for a commission was clearly a Liberal Party commitment. It was stated as policy before the election and has been its policy for some time.

Accordingly, we are prepared to support the Bill and express the wish that it will provide an effective vehicle for the promotion of participation of ethnic groups in the South Australian community on an equal basis and without discrimination, and that it will encourage recognition within the South Australian community of the different ethnic minority cultures and languages that are now a part of that community. Once the commission is established, we would wish that commission all the best in pursuing those objectives and the objectives that the Government has outlined in this Bill.

I said that South Australia had a reputation of having led Australia in ethnic affairs initiatives. In the Council on 26 July 1977, I gave an account of those initiatives, which can be summarised as follows: the establishment of the Ethnic Affairs Branch; the establishment of a State interpreter service; the extension of the translation of Government publications into various languages; the provision of welfare grants to ethnic organisations involved in that area; and, in particular, the continuing funding of organisations that were funded under the old Australian Assistance Plan in the western suburbs, as mentioned in the Chamber yesterday—the Thebarton Residents Association, the Migrant Action Committee, and the Italian Catholic Federation at Seaton, as well as many others.

Written drivers' licence tests were permitted in a person's native language. Licences from foreign countries were accepted as evidence of a person's ability to drive, and a booklet was produced by the Motor Vehicles Department explaining in 15 languages the rules of the road and other traffic regulations in South Australia.

Within the area of arts development, funds were provided to ethnic groups for the continuation of their traditional cultures and also to assist in the contemporary development of the arts of the ethnic groups within the South Australian community. A special fund was set up to provide funds for ethnic festivals. Further, an ethnic grants fund was established and administered by an Ethnic Grants Advisory Committee, which provided grants of a general nature to ethnic minority communities. Financial support was given to Ethnic Radio when little or no financial support was forthcoming from the Federal Government, despite the fact that broadcasting is a Federal responsibility.

The Hon. C. M. Hill: Tell us about the $5 000 cheque that went up to Whyalla to the ethnic people.

The Hon. C. J. SUMNER: What does that mean? What happened?

The Hon. C. M. Hill: It went up there just prior to the last election.

The Hon. C. J. SUMNER: For broadcasting?

The Hon. C. M. Hill: Yes.

The Hon. R. C. DeGaris: The Minister was referring to the justice of it.

The Hon. C. J. SUMNER: It was perfectly justifiable. It had been recommended by the Ethnic Grants Advisory Committee. The Hon. Mr. Hill has raised the question of the $5 000 that was granted to the Whyalla ethnic communities for ethnic radio in that area. The ethnic community had been requesting funds for some time, an application was made, and it was processed by the ethnic grants committee.

The Hon. C. M. Hill: It was rushed up there.

The Hon. C. J. SUMNER: I do not think so. The Ethnic Grants Advisory Committee approved it, and I imagine the cheque was sent off. I do not really see that the Hon. Mr. Hill can complain about that. Perhaps he would like to indicate whether he intends to continue or withdraw the funding. In the area of education, Labor Government initiatives through the Education Department were considerable. The teaching of community languages was extended. There was in the Education Department the Ethnic Students in Secondary Schools Committee, and an annual child migrant survey was carried out. The Italian bi-lingual programme was established in Trinity Gardens and St. Morris. There was the establishment of a multicultural education centre, which included provision for the development of multi-cultural curriculum materials. There was the establishment of the 10 schools programme in South Australian primary schools which has now extended well beyond that number but which was applicable to

primary schools where there was a preponderance of children from ethnic minority backgrounds. It was designed to promote an understanding of ethnic minority cultures and languages within South Australia among schoolchildren, and to ensure that this sort of material was made a part of the school curriculum.

We also provided per capita grants to enable ethnic schools to continue teaching languages in periods outside normal school times. When there was felt to be a need for further training, particularly of Italian and Greek teachers, but no funding was available from the Federal Government, to enable those courses to be commenced at the Adelaide College of the Arts and Education the State Government provided interim funding.

In 1965, we were the first State in Australia to pass legislation prohibiting discrimination on the ground of race. Concessions on State Government charges were applied to migrants who would have been entitled to the pension had they been in Australia for 10 years, but who did not, in fact, receive the pension because they had not fulfilled the Federal requirements. The migrants who were not naturalised were given the right to vote in local government elections. The requirement to be a British subject was removed from the Public Service Act, and museum assistance was offered to groups interested in preserving items of cultural interest.

Immediately before the last election, instructions were given for the preparation of an ethnic directory, which was launched recently by the Premier, who said it had been prepared in the last six months. Also, before the last election a research project was ordered through the Equal Opportunities Branch of the Public Service Board to ascertain the number of members of ethnic groups in the Public Service, in order to see whether any action needed to be taken to remove discrimination. Also, just before the last election, working parties were established in the health area, following approval by Cabinet of a proposal for the implementation of ethnic affairs policies throughout Government departments. This was to involve taking various departments (and the health area was the first) and preparing reports and other material that had been written involving the needs of migrants and ethnic minority groups within those areas, and setting up working parties to put them into effect.

Before the election, there was a working party set up in the health area following a report prepared by the Ethnic Affairs Advisers. The election intervened, and the Minister has now intimated to me that no further working parties have been set up. However, a concrete proposal was under way to ensure that policies were implemented through all Government departments, and a schedule of priorities had been arranged. Health was the first one, and there were others to follow. Unfortunately, continuation of that project has not occurred under the present Government. I will comment on that in a moment.

I now turn to what has happened in the area of ethnic affairs since the last election and will comment on some aspects of the Government's performance. The first one has been mentioned in this Council on a previous occasion, but I would not like to let the opportunity pass without mentioning it again. That was simply that the Minister reduced the effectiveness of the Ethnic Affairs Branch quite substantially by sacking from the branch almost half the policy and information personnel, including an 18-year-old stenographer.

Those sackings were illegal, and the latest that I have heard on that issue from the Premier can hardly be considered a satisfactory reply. This is what he wrote to me on 30 July:

> In view of the comprehensive statements made by myself in the House and my colleague, the Hon. C. M. Hill, in the Legislative Council, and in view of my replies to previous correspondence, and the opportunity specially afforded to you to consult the Chairman of the Public Service Board for further information on these matters, I can say in all good conscience that there is nothing further required to be said, and I do not propose to enter into further correspondence or discussion on the subject.

To me that is a completely unacceptable reply because, as I said, legal opinion was obtained on what happened in the Ethnic Affairs Branch following the election, indicating that the sackings and bans imposed were illegal. The Premier has refused to obtain any opinion from his Crown Law officers, despite the fact that on 23 October the Hon. Mr. Hill said that there were bans imposed on certain employees being employed in some Government departments, and the Premier on 31 October said that no such bans existed, yet I get a reply from the Premier in those terms. He has just failed to answer what happened between 23 October, when the Hon. Mr. Hill made his statement, and 30 or 31 October when the Premier made his statement.

The important thing is that, apart from the considerable injustice that was done to those officers, it reduced the effectiveness of the Ethnic Affairs Branch, so that in the last 11 months it has really been operating on some sort of caretaker basis and has done little in continuing the initiatives that were started, especially the promotion of the ethnic affairs policies in Government departments that I have mentioned. In other words there has been a hiatus in the past 11 months regarding the development of such policies.

A further matter upon which I wish to comment relates to the promises that the Liberals made at the last election about an inquiry into the needs in education of migrant children. The policy states:

> Further, a Liberal Government will establish an inquiry into the needs in education of migrant children so that they will no longer be disadvantaged. The terms of reference will encourage members of ethnic communities and their leaders to give evidence and make recommendations to ensure that ethnic children who have been brought up in a language other than English, will not be disadvantaged in any way within the community.

There is nothing of which I know that the Government has done to establish such an inquiry. As I understand it, the Government believes that the inquiry into the education of migrant children will now be undertaken by the general committee of inquiry into education in South Australia that has been set up by the Minister of Education.

The Hon. C. M. Hill: What's wrong with that?

The Hon. C. J. SUMNER: It is completely unacceptable. It is completely contrary to what was promised.

The Hon. C. M. Hill: You must carry the policy around in your pocket, because you quote it every day.

The Hon. C. J. SUMNER: I do. It is about time that you got on and implemented some of the policies. You said you would establish an inquiry into the needs in education of migrant children so that they will no longer be disadvantaged. The policy states:

> The terms of reference will encourage members of ethnic communities and their leaders and make recommendations . . .

The Hon. C. M. Hill: We have written to them.

The Hon. C. J. SUMNER: Maybe you have, but there is nothing in the terms of reference that deals with migrant needs in education. There is no person of an ethnic minority background on the committee, no-one at all.

The Hon. C. M. Hill: I will tell you about it later.

The Hon. C. J. SUMNER: Maybe you will. It seems to

me that what you have said is that the Government will set up a committee of inquiry, but it has now subsumed that under a general committee of inquiry. The Government has made no reference specifically to the fact that ethnic groups have needs. The needs of children in ethnic groups will be considered under that inquiry, and the Government has appointed no person of ethnic minority background to that inquiry.

Finally, in relation to the Government's performance, there is the matter of its breach of promise over the closure of the Thebarton information office and the removal of funds from the Thebarton Residents' Association in direct contradiction of a policy which promised support for community-based centres.

The Hon. C. M. Hill: Yesterday, you did not read properly from our policy, and left out an important word.

The Hon. C. J. SUMNER: I read from your press statement, as follows:

> Financial assistance will be given to—community-based cultural and community centres;

Is that your statement or not?

The Hon. C. M. Hill: That was not in our policy.

The Hon. C. J. SUMNER: It was in the statement that announced the policy. Perhaps you might like to now tell us what your policy is. All I am saying is that there was a community-based organisation in Thebarton that was running an information centre, and the Government has closed it. That was contrary if not to the technical terms of the Government's policy (if that is what the Hon. Mr. Hill is arguing) then certainly to the spirit of the policy.

I have some doubts about the definition of "ethnic affairs" and "ethnic group" which are mentioned in clause 4. I do not believe that that means anything, but I will explore that more in Committee. I give notice to the Minister (and I would be happy to speak to him informally when the Council adjourns) that I believe that those definitions do not come to grips with what we are trying to achieve. However, it raises the question whether it is intended that the commission will also have responsibility in the area of Aboriginal affairs.

The next query relates to the composition of the committee and, in accordance with the propositions that we put previously, we believe there should be an employee of the commission given a seat on it, and we will be moving amendments to that effect. Subclause 9 (6) provides:

> The commission shall keep accurate minutes of proceedings at its meetings and, within twenty-eight days of the holding of a meeting, shall furnish the Minister with a copy of the minutes of that meeting.

We believe that those minutes should be tabled in Parliament because, if the commission is to act as a genuine sounding board for ethnic affairs policies, and if ethnic groups are to know what their commission is doing, there ought to be some kind of mechanism for the publication of the decisions of the commission. Therefore, we believe that the tabling of the minutes would be one way of doing that.

The Hon. Frank Blevins: That would be open government.

The Hon. C. J. SUMNER: True, it would accord with the Government's policy in relation to open government. Those are the three specific matters that we will be dealing with in Committee.

The Opposition is happy to support this Bill. We recognise that it relates to a promise made by the Liberal Party. There are other ways of implementing a policy in regard to ethnic affairs; for example, providing for participation by ethnic groups in decision-making. The Government has opted for this method and, as an Opposition, we should not oppose it. I believe that it has the potential to provide some form of greater participation and consultation by ethnic communities in decision-making matters, provided that it is handled correctly and provided that the appointments are made on a correct basis, taking into account the interests of ethnic communities.

While I believe that it has some disadvantages, in that it really is a Government department, although of a more participatory kind, and while there could have been other ways of going about it (for instance, through the financial backing of some kind of umbrella organisation that would elect its own representatives and provide input into the Government), I hope that the appointments to the commission and its operation will provide ethnic communities with a greater say in policy development.

I believe the scheme has worked well in New South Wales and, if it works as well as that in South Australia, it will be an advance that will provide some improvement at least in the participation of ethnic communities in the affairs of this State. Once the Bill has passed, I would certainly wish the commission well in the conduct of its responsibilities. I support the second reading.

The Hon. R. C. DeGARIS secured the adjournment of the debate.

CRIMES (OFFENCES AT SEA) ACT AMENDMENT BILL

Adjoined debate on second reading.

(Continued from 13 August. Page 263.)

The Hon. C. J. SUMNER (Leader of the Opposition): This Bill has arisen as a result of a gross error by the Government. In fact, it was an oversight.

The Hon. R. C. DeGaris interjecting:

The Hon. C. J. SUMNER: The Hon. Mr. DeGaris is the House of Review man. This Bill corrects a minor mistake relating to the date of the passage of the Commonwealth legislation. Our Act, which was passed earlier this year, refers to the Commonwealth Act as a 1978 Act but, in fact, the Commonwealth Act was a 1979 Act.

The Hon. R. C. DeGaris: So, it was the Commonwealth's fault, really.

The Hon. C. J. SUMNER: No, it was our fault. In fact, it was the Attorney-General's fault. It was Government legislation, and this rather important error has crept in.

The Hon. R. C. DeGaris: Do you believe that it was the President's fault, because he did not correct a clerical mistake?

The Hon. C. J. SUMNER: It could be, too.

The PRESIDENT: Order! At about this time we should get back to the Bill.

The Hon. C. J. SUMNER: I am happy to support the second reading to correct the Government's shoddy preparation of the previous legislation.

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

ADJOURNMENT

At 6.21 p.m. the Council adjourned until Thursday 21 August at 2.15 p.m.