LEGISLATIVE COUNCIL

Tuesday 4 November 1980

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

PETITION: WHYALLA CULTURAL CENTRE

A petition signed by 107 residents of the City of Whyalla, praying that the decision to erect a cultural centre at Whyalla be rescinded and that the funds be made available to other projects in Whyalla, was presented by the Hon. J. A. Carnie.

Petition received and read.

PAPERS TABLED

The following papers were laid on the table:

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

Pursuant to Statute—

Local and District Criminal Courts Act, 1926-1980—District Criminal Court Rules—Fee.

Motor Vehicles Act, 1959-1980—Regulations—Alterations or Additions to Vehicle.

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

Pursuant to Statute—

Director-General of Education—Report, 1979.

Sewerage Act, 1929-1977—Regulations—Trees and Shrubs.

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

Pursuant to Statute—

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

South Australian State Planning Authority—Report, 1979-80.

Director of Planning—Report, 1979-80.

QUESTIONS

PETROL

The Hon. C. J. SUMNER: I seek leave to make a brief explanation prior to directing a question to the Minister of Consumer Affairs on the matter of petrol prices.

Leave granted.

The Hon. C. J. SUMNER: On 23 October, last Thursday week, I asked the Minister whether the Government agreed with the submission that I understood it had received at that stage from the South Australian Automobile Chamber of Commerce regarding petrol prices. In reply, the Minister advised that he had rejected a proposal to reduce the maximum wholesale price by 2c (a step that had been taken in New South Wales) and that he would consider a further submission when it was made. That submission has now been made, and the Government has had it for some 10 days. No reply has been received and, if press reports are accurate, there is now the potential for direct action and a threat to petrol supplies to South Australians. The submission, which has been circulated to some members, can be briefly summarised as follows:

(1) The so-called Garland package, which was a modified version of the Fife package first proposed in 1978 and rushed through the Commonwealth Parliament before the election, is inadequate.

(2) Price discrimination by oil companies still exists.

(3) In excess of 90 per cent of motor spirit sold in metropolitan Adelaide is currently being sold at retail for up to 3½c a litre below the wholesale price set by the Prices Justification Tribunal.

(4) This lower retail price is being controlled by the oil companies at the expense of retailers by using and eroding their retail margin of profit.

The submission recommends to the Government the following:

(a) the implementation of wholesale and retail price control provisions for the supply of motor spirit;

(b) the setting of the maximum wholesale price at the most common level at which each company is supplying its retail sites;

(c) the setting of the maximum retail price at a level calculated to provide a fair margin of profit to petrol retailers in all parts of South Australia;

(d) the regular review of the fixed prices (perhaps monthly or quarterly) and adjustment as deemed necessary;

(e) the introduction of a South Australian Divorcement Act to preclude oil companies from direct retail marketing; or

(f) a request to the Federal Government for the enactment of a regulation under the Petroleum Retail Marketing Sites Act precluding oil companies from operating any of their quota of sites in South Australia.

Even though the oil companies seem to be controlling the markets by discounting and thereby putting the squeeze on retailers, it is quite clear that the oil companies are able to make quite large profits. The after-tax profit for 1979 increased substantially in the case of all the oil companies over that profit in 1978. In the case of Shell, the after-tax profit was $87 400 000 in 1979, a 102 per cent increase on the profit in 1978, and the Caltex after-tax profit was $44 300 000, an increase of 108 per cent on the 1978 profit. In the case of British Petroleum, the profit was $23 400 000, a 59 per cent increase on 1978 figures. Although the oil companies are making quite large profits, they still are able to discount and to do so in a discriminatory manner, thereby placing retailers in a position of having their retail margins squeezed.

They are still making these profits, despite cut-throat discounting and the fact that the P.J.T. has set the price at the present levels. Is the Government prepared to act on the submission presented by the South Australian Automobile Chamber of Commerce on behalf of the petrol resellers? If it is not, what action does the Government intend to take, in view of the deteriorating position of the petrol retailers and the likelihood of direct action, which will threaten petrol supplies in this State?

The Hon. J. C. BURDETT: Most of what the Leader has said I replied to in my answer to his previous question.

The Hon. C. J. Sumner: You didn't answer it.

The Hon. J. C. BURDETT: Yes, I did. I pointed out that in the past, with both this Government and the previous Government, the maximum wholesale price had been fixed by the P.J.T. All that the previous Government did, in effect, was rubber stamp that, and that is what this Government has done also. When I replied to the Leader's previous question, I mentioned that we considered that the base used by the P.J.T. in fixing the maximum wholesale price was inadequate and deficient. That is exactly what the Leader was saying in the course of his very long explanation. He was suggesting that the profits are excessive and that there is undue room for the wholesalers to move.

Because the wholesale price fixed by the P.J.T. which had been rubber stamped by the previous Government as well as this one was too high, they were able to support selective cut-throat discounting, and that has been the problem. I pointed out when I replied to the Leader previously that the formula base used by the P.J.T. was that used by the South Australian Prices Commissioner in regard to South Australia in 1974. I pointed out also that the price basis formulae deteriorated over a period, having regard to the changed economic and marketing circumstances, and that formerly the price base used by the South Australian Prices Commissioner in 1974 was overdue for review then but does still apply in 1980.

In replying previously, I told the Leader that the South Australian Government had made a submission to the P.J.T., because it is now inquiring into the price base, and I said that it was wrong. In answer to the Leader's request, I did table the submission. I received the present submission of the Automobile Chamber of Commerce which was dated 24 October 1980, although I did not receive it until a subsequent day.

The Hon. C. J. Sumner: That's still 10 days ago.

The Hon. J. C. BURDETT: The Leader does not know on what basis it was provided.

Members interjecting:

The Hon. J. C. BURDETT: If he does know, he should not know. It was a serious submission directed to the Premier and, as I said, it is dated 24 October 1980. It was naturally referred to me, and that process does take time. It is a submission that I regard very seriously, as it involves one of the main problems that I have encountered since we have been in Government. I do not take it lightly. I have had my department prepare a report, which will be available within a day or so. I am not going to act prematurely on this. Whilst prompt action is necessary, to take action that is wrong in order to act expeditiously would be a disaster.

It is essential that the action be correct. This is a very delicate and difficult position, as it has proved to be throughout the Commonwealth. In New South Wales, where the maximum wholesale price was increased by 2c, it has not produced a very good effect, and certainly has not solved the problem, which is probably broader than that.

In reply to the Leader's question, I am, as a matter of urgency, very carefully considering the submission and the problem in addition thereto. I will be making recommendations as soon as the matter can be properly assessed. However, it would be a disaster to rush into the matter or to act prematurely.

SUPERMARKET PRICES

The Hon. B. A. CHATTERTON: I seek leave to make an explanation before asking the Minister of Consumer Affairs a question regarding price tickets on products in supermarkets.

Leave granted.

The Hon. B. A. CHATTERTON: The Minister is no doubt aware that the Australia-wide consumer organisation AFCO held its meeting in Canberra over the weekend. The Minister may not be aware that the South Australian consumer organisation CASA put forward a resolution, which was passed, to the national body. It was as follows:

> That AFCO take all steps necessary to ensure that uniform legislation is introduced which guarantees the continuation of individual price marking (on items currently marked) once computerised supermarket check-outs are introduced.

Most members would be aware of the changeover that is occurring at some supermarkets towards price coding on products and the elimination of the marking of those products with an individual price ticket. When a customer takes the product to a check-out, it is scanned electronically and the price is then automatically marked into the cash register by a computer. The price is supposed to be marked on the shelf for the customer, but anyone who has been in a supermarket knows that frequently this does not occur. Also, the supermarkets have said that, if the price changes in the computer, it is the computer price, and not the price that the customer sees on the shelf, that goes into the cash register. So, if there is a discrepancy, it is against the customer. In defence of the system, the supermarkets claim that the customer obtains a printed account of all the items that have been purchased.

The Hon. J. C. Burdett: Which doesn't happen now.

The Hon. B. A. CHATTERTON: That is so. That list contains the price of each item. Of course, this happens after, not before, the decision has been made. The customer receives this printed account after he has put all his purchases through the check-out. The customer is supposed to take the account home and look at it and, if something is wrong, take appropriate action next time. Of course, the price may have changed in the meantime.

Has the Minister or his officers investigated this situation of computerised check-outs and the disappearance of individual price marking and, if it has been investigated, is the Minister concerned about the lack of information that is provided to customers? Also, will the Minister take up the matter that was passed by AFCO, with a possibility of introducing legislation so that customers continue to be informed, even if a computerised system is introduced?

The Hon. J. C. BURDETT: The matter of electronic check-outs was considered late last year by the meeting, held in Darwin, of the Standing Committee of Consumer Affairs Ministers. At that time the committee decided that it was not opposed to such check-outs, provided that a detailed check-out slip was given which showed, for example, that five kilos of potatoes cost so much, that a packet of All Bran cost so much, and so on. As the honourable member who asked the question has acknowledged, that is more than is done now. At the present time, when one goes to the check-out, all one gets is a list of figures, with no details of the items. The approval in principle that was given by the Ministers at that time was only on the condition that there was a detailed check-out slip, so that one could see the price that one was charged and see the item against which it was charged.

The Hon. N. K. Foster interjecting:

The Hon. J. C. BURDETT: Since I have been interrupted, I point out that the only system to which we gave approval in principle was that providing a slip at the check-out—not just a jumble of figures that one gets now, with no way of checking what is charged against each item—but, with an electronic check-out, details of the item and the price charged.

Further, approval in principle was only given provided that the computer was so programmed that the prices could not be changed in the computer at the check-out unless they were also changed on the shelf. It was a requirement that that be the pattern of electronic equipment used. It was to be programmed so that one could not change the computer at the check-out point without changing the prices on the shelf, and a considerable amount of additional work would be involved in marking each item. A committee on which my department has a representative met about a month ago,

and that committee, which is an Australia-wide committee, and which has some status in giving pattern approval for this kind of equipment, decided that it would not give pattern approval to any equipment of this kind designed to provide for electronic check-outs unless these two criteria applied: first, that there be items against the prices; and, also, that the equipment be such that one could not change the price at the outlet without changing the price on the shelf. If that was done, consumers would have far more information than they have now.

The only disadvantage to the consumer would be the disadvantage referred to by the honourable member (and that has been canvassed, of course): that the consumer has no way of checking afterwards that the price charged at the check-out point is the price that appeared on the shelf, except that pattern approval will only be given to that equipment if it is such that that situation cannot be departed from. In addition, I point out that when this kind of equipment was introduced in the United States it was made compulsory for the store to provide—free of cost for the use of consumers—marking pencils so that consumers could mark, if they wished, the price of the products they bought and so make a check afterwards.

The American experience has been that, when that was done, in the first few months the marking pencils were used extensively, but after that people did not worry about them when they realised that the system meant that they were getting more information than they were getting previously, and that the price on the shelf was indeed the price that they were charged at the check-out point. Since the meeting last year to which I referred, some States have decided that—

The Hon. N. K. Foster: Is this a second reading speech, Mr. President?

The Hon. J. C. BURDETT: The Opposition asked the question, and should wait for the answer. Some States, notably Queensland, have decided that they are not satisfied with the system, and they think that prices should be marked on the articles. Therefore, this question has come up again and will be considered again by the Standing Committee of Consumer Affairs Ministers which will be held in Melbourne on 14 November this year.

The Hon. B. A. CHATTERTON: I desire to ask a supplementary question. The Minister said that approval would be given only if the computer could not charge a price different from what was marked on the shelf. How would that actually be enforced, because that method is quite different from the present method of marking prices on the shelves?

The Hon. J. C. BURDETT: I have also raised that question. I am not an electronics expert, and I cannot answer that question, but it is one of the matters that will be considered at the meeting on 14 November.

The Hon. N. K. FOSTER: I desire to ask a supplementary question. Is the Minister aware that Bi-Lo Stores may well introduce this system within the next few weeks? If that is the case, will they be outside the law of this State? Will the public be protected from such computerisation and the withholding of sales price information permitted by this system? Will the Minister, as a matter of very grave and extreme urgency, consider introducing a Bill that will firmly protect the rights of consumers in South Australia, instead of talking about a mythical meeting in Darwin some 12 months ago?

The Hon. J. C. BURDETT: The meeting in Darwin was not mythical.

The Hon. N. K. Foster: It was in real terms.

The Hon. J. C. BURDETT: It was a fact, and I was there. It was not mythical in real terms, and the matter was carefully considered. The meeting in Melbourne on 14 November will not be mythical, either. I think I have made it quite clear that uniform legislation and uniform regulations and requirements are needed, and that matter is being actively considered by this State and the Commonwealth, and that will continue.

The Hon. N. K. FOSTER: I desire to ask a further supplementary question, because this is a serious matter. Will the Minister endeavour to contact Bi-Lo Stores in South Australia and insist upon their withholding computerised check-outs until such time as the Minister is able to examine them and give a direction as to whether or not they are in accord with the principle of the question he has been asked?

The Hon. J. C. BURDETT: I will take such action as is necessary.

BY-LAWS AND REGULATIONS

The Hon. C. J. SUMNER: I understand that the Attorney-General has replies to four questions I asked previously. These answers have been forced out of the Government by my persistence in placing requests for answers on the Notice Paper over a period of about a month. First, has the Attorney-General an answer to my question of 11 June on by-laws and regulations?

The Hon. K. T. GRIFFIN: The Government considered that the matter was one for consideration by the President of the Legislative Council and the Speaker of the House of Assembly and therefore raised it with the President. I understand that the President discussed the matter with the Speaker and has written to the Editor of the *Advertiser*. The President will, no doubt, advise honourable members when a decision has been made.

The Hon. C. J. Sumner: What absolute rubbish! You know that you had to pay to get them in. Are you providing the money?

The Hon. K. T. GRIFFIN: The Hon. Mr. Sumner obviously did not bother to look at the Budget Papers, because they contained provision for funding the Legislature.

The Hon. C. J. Sumner: Good. What are you complaining about?

The Hon. K. T. GRIFFIN: I am not complaining; what are you complaining about?

The Hon. C. J. Sumner: Is there anything in the provision for the Legislature for this matter?

The PRESIDENT: Order! The Hon. Mr. Sumner should be content to listen to the answer given by the Attorney-General, and if he wishes to ask a supplementary question he can do so.

SENTENCE REMISSIONS

The Hon. C. J. SUMNER: Has the Attorney-General an answer to my question of 12 June on sentence remissions?

The Hon. K. T. GRIFFIN: Following the question asked by the Leader on 12 June 1980, the matter was further examined, and it was decided to make inquiries interstate and overseas. These inquiries have now been completed, and in the light of the replies received the matter has been reviewed. The practices in the United Kingdom, Canada, New Zealand, New South Wales, Victoria, and Queensland were ascertained, and in no instance does the Government publish names or details of acts of Executive clemency.

The Government has re-examined the matter and takes the view that the interests of justice must prevail. It has therefore been decided not to publish names and details of

acts of Executive clemency. However, it is intended to release annually statistical information similar to that given by the Attorney-General in the Legislative Council on 10 June 1980.

LEGAL AID

The Hon. C. J. SUMNER: Has the Attorney-General an answer to my question of 6 August on legal aid?

The Hon. K. T. GRIFFIN: I have taken the view that I answered the Leader's question on the day when he asked it. However, I can say that I have now examined the article in the *Legal Services Bulletin* which was referred to by the Leader. The point that I have made repeatedly on the question of regional officers of the commission is that there should be full consultation with the Law Society and with local legal practitioners to try to devise solutions which would involve local practitioners and would provide a satisfactory level of service in local areas. Until there have been full discussions between these parties on any particular proposal for regional legal aid, I am not prepared to consider requests for additional funds.

APPROPRIATION BILL (No. 1), 1980

The Hon. C. J. SUMNER: Has the Attorney-General answers of my questions of 5 June on the Appropriation Bill (No. 1), 1980?

The Hon. K. T. GRIFFIN: The Leader has asked for replies to the following questions which he asked in respect of the Appropriation Bill (No. 1), 1980, introduced in this Council on 5 June 1980. He also expressed concern at the delay in receiving a reply to those questions. The questions were as follows:

1. Where was the $2 000 000 saving made on Revenue Account?

2. 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?

3. What contracts have been let for competitive tender in the 1979-80 financial year which would not have been let under the former Government, and what savings have resulted? How are those savings calculated?

4. What projects have been critically examined?

5. 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 and in each case which projects have—

(a) been abandoned completely?

(b) been deferred and, if so deferred, until when and what is the expected saving in each case?

6. What is the unexplained improvement in the May figures which are expected to continue into June?

Let me say at the outset that there is no intention on the part of the Government to avoid answering questions where those answers can be provided, reasonably. However, I am sure that members are well aware that comments about the State's financial position, made at the time of presenting Supplementary Estimates (and they were presented in June of this year), are made against the background that normally a more complete and detailed review will be provided when the Premier and Treasurer presents his financial statement early in the new financial year. I believe that reference to the second reading explanation which accompanied Appropriation Bill (No. 2), 1980, and the Public Purposes Loan Bill, 1980, will support that view.

I turn now to the specific questions asked by the Leader. In respect of No. 1, savings of $2 000 000, which in the event turned out to be $2 700 000, were due principally to the control exercised over all expenditures during 1979-80, coupled with a less than expected call on the funds provided for industry incentives. Those savings were offset partly by the need to provide $3 000 000 for natural disaster relief and $3 500 000 in respect to the State's offer to the Commonwealth for Monarto.

I am sure that members would appreciate that the overall saving in departmental expenditure is a combination of many variations, both above and below Budget. The information contained in Attachment I to the Treasurer's Financial Statement outlines the situation in respect to those departments where major variations occurred.

As to question No. 2, the second reading explanation which accompanied Appropriation Bill (No. 1) 1980 sets out the basis for the proposal to transfer $13 000 000 from Revenue Account to Loan Account in 1979-80. Given the element of uncertainty inherent in all budgeting (and I will return to this in responding to question No. 6 in a moment), and the need to ensure that the Government had enough appropriation available (given the limitations of the Governor's Appropriation Fund), the Government sought appropriation for a transfer of $20 000 000, in the event that the surplus for 1979-80 turned out to be greater than $13 000 000. The extent of the transfer is, of course, limited to the extent of the surplus and in the event was $15 500 000.

Regarding question No. 6, the words "unexplained improvement" may have been, on reflection, a poor choice of words. The May 1980 result did show a further improvement beyond the expectation at the time the Supplementary Estimates were prepared. However, there was insufficient time to examine the cause of the underlying trend. Perhaps the words "yet to be examined improvement" may have caused less comment.

As to the remaining questions, an enormous amount of detailed work would need to be done to provide the answers. The Government does not believe it would be justified in incurring the cost involved.

However, in respect of question No. 4, I can say that the Government is examining all projects critically and, in the case of the relocation of the A.D.P. Centre, it has deferred the project temporarily, while alternative ways of satisfactorily achieving the objective are examined. I can say also that no project in the areas mentioned in question No. 5 has been abandoned by the Government.

The Hon. C. J. SUMNER: I wish to ask a supplementary question. Is there any allocation in the Budget provision for the Legislature for this financial year to enable the Legislature to ensure that regulations are published in the daily press? I ask this question because the Minister has said that an allocation was made for the Legislature. If no amount is allowed for that, will the Government provide it if there is a request from the Speaker or the President?

The Hon. K. T. GRIFFIN: There is provision in the Estimates for the Legislature and the financing of the Legislature. The decision on whether or not money is expended in this way is the responsibility of the Legislature.

The Hon. C. J. SUMNER: It seems that the Attorney and the Government as a whole are completely passing the buck on this matter to you, Mr. President, in not providing funds to enable it to be carried out, despite the fact that it was promised by the Minister of Health in the other place before the election. My supplementary question is: in view of the fact that the Government has now made a firm decision not to publish details of acts of sentence remission

and Executive clemency, why did the Premier, before the election last year, undertake to provide this information and why has he now gone back on this promise?

The Hon. K. T. GRIFFIN: As I have indicated, the matter has been examined closely and the decision that the Government has taken is one that achieves a reasonable balance between ensuring that justice is done to those persons who are subject to Executive clemency and the need to publish some statistical information about the number and the sorts of cases involved.

The Hon. C. J. SUMNER: I wish to ask a supplementary question. Does the Attorney intend to answer my question as to why the Premier, before the election last year, promised to make these acts of Executive clemency known to the public and called for them to be published in the *Gazette?*

The Hon. K. T. GRIFFIN: I have adequately answered the matters raised by the Leader.

WASTE MANAGEMENT

The Hon. J. R. CORNWALL: I seek leave to make a short statement before asking a question of the Minister of Local Government concerning the Waste Management Commission.

Leave granted.

The Hon. J. R. CORNWALL: The previous Government introduced the Waste Management Commission Bill to streamline waste disposal and, even more important, to enshrine the "polluter pays" principle in legislation. When the Bill came before the Council, the present Minister of Local Government, who at that time was on the Opposition front bench, weakened the provisions considerably. Most of those amendments were accepted by the then Government rather than lose the Bill.

Since coming to office, the Minister has been pressured by various groups to amend the regulations to further remove any residual teeth. He has not seen fit to tell us about this in the Legislative Council, despite the fact that he has known that many members, particularly I, have had a very deep interest in the matter. Of course, I raised questions concerning the commission many weeks ago. I understand that under the new regulations only metropolitan waste management depot occupiers are required to pay the contribution under section 36 of the Act. All other operators are exempt. Further, the contributions payable under regulation 12 have been halved.

Other amendments provide single licence fees for multiple tip operators and restrict licensing requirements to persons who collect and transport hazardous waste. Even prescribed waste is now limited to hazardous and toxic substances only. The Government appears to have completely abandoned the "polluter pays" principle of the original legislation, and appears to have given up commitments to innovation in many other important areas, such as "at source" garbage separation.

In short, the scaling down of the Waste Management Commission is a sell-out to the packaging industry. Its operations have been so dramatically scaled down that it is now reduced to a small and rather useless bureaucratic appendage. I ask the Minister why the Government has removed the "polluter pays" principle from the Waste Management Commission. I also ask whether, now that the commission has been deprived of teeth, its administration will be transferred to the patron of lame ducks, the Minister of Environment.

The Hon. C. M. HILL: There is not any intention to transfer the legislation to the Minister of Environment. Regarding the changes that have been introduced by way—

The Hon. J. R. Cornwall: P.A. Management Consultants said it should be.

The Hon. C. M. HILL: I am not concerned with what P.A. Management Consultants said. I did not even know that P.A. Management Consultants were investigating this particular matter. I think the best answer I can give is that the new amending regulations have been presented. They have been lying on the table of this Council and the member, if he is in any doubt as to what they include, should have a close examination made of them.

I refute any claims that the Government, by the changes that it has introduced, is showing disinterest in this very important matter of waste management. All that the Government has done is take a realistic view of the current situation, and that situation was one in which it was impossible for the Waste Management Commission, in its early period of establishment and in its staff structure, to cover the whole State to the degree that no doubt will happen in time, and to the degree that ultimately we would all like to see. It would be quite foolish to ask some councils, for example in the country, councils that were handling their waste management arrangements quite well, to pay a levy simply to apply the "polluter pays" principle.

We have not dropped that principle, because, if the Waste Management Commission is requested to act in the country or goes into the country as a result of complaints and carries out work on behalf of local government in the country, local government will pay on a fee-for-service basis. Neither the Waste Management Commission nor the Government is turning its back on this very serious matter but, in its very early period of establishment, the Waste Management Commission will concentrate where it is most needed. That is in metropolitan Adelaide, because that is where the greatest amount of waste is generated.

One has only to visit the Wingfield area, as I did with officers, members of the commission, and Ministerial colleagues involved in this area, when this matter was under review. One could see from that region the dire need that exists for concentration by this commission in areas such as that.

So, in a practical way the Government has decided that that is where, in the first instance, the commission will concentrate its efforts. The commission will endeavour to obtain a master plan for the whole of metropolitan Adelaide as far as waste management is concerned. We do not want to see duplication by metropolitan councils in regard to expenditures in this area. We want to assist local government with a master plan. The responsibility to investigate it is in the hands of the Waste Management Commission. I make no apology in that we reduced the levy rates that metropolitan councils need pay. We reduced them because we did our sums based on our new plan, and we were of the view that the revenue that the commission will receive will cover its outgoings. That is the principle laid down in the legislation previously passed by this Council.

So, I reject any criticism at all of the Government for making some amendments to the regulations. I can assure the honourable member that the Waste Management Commission will continue to act as the body in charge of waste management control in the State, and I believe that, with the passing of time and with the metropolitan problem gradually coming under control, more and more attention will be paid to the areas to which the honourable member referred.

The Hon. J. R. CORNWALL: I have a supplementary question.

The PRESIDENT: Before the Hon. Dr. Cornwall asks his supplementary question, I point out that I did not hear what he said about the Minister of Environment. Will he repeat it?

The Hon. J. R. CORNWALL: I referred to him as the patron of lame ducks.

The PRESIDENT: There is a certain inference there.

The Hon. J. R. CORNWALL: The Minister seems to have missed the point of my question. Does he agree that, because licence fees have been so greatly scaled down, the "polluter pays" principle does not apply under the regulations even in the metropolitan area? I am not particularly interested in the country in this question.

The Hon. C. M. HILL: I do not agree. The "polluter pays" principle is still there.

PERSONAL EXPLANATION: NEWSPAPER ARTICLE

The Hon. N. K. FOSTER: I seek leave to make a personal explanation.

Leave granted.

The Hon. N. K. FOSTER: I was grossly misrepresented by the *Australian* of 25 October, and I want to clear my good name. That newspaper contains an article regarding a question I directed to the Attorney-General in respect of the State Lotteries. It is a matter of some grave concern at the moment, as a result of the efforts of a well-known South Australian journalist. Maybe this newspaper could print something later under my name in respect of a question I asked a few weeks ago about the Lotteries Commission. The article states:

> The South Australian Premier, Mr. Tonkin, has opened an inquiry into allegations of corruption in the State's Lotteries Commission.
>
> He has ordered a written report from the Manager of the commission Mr. G. V. Minchin, after disclosures that two people bought sets of identically-numbered tickets in the Instant Money Game.
>
> The order follows claims in Parliament by Labor M.P. Mr. Norm Foster that the commission was "ripping off" the public.

At no time did I say that the Lotteries Commission was corrupt or was engaged in corruption. The strongest word that I used and as printed in *Hansard* was the term "skulduggery". I would not think of using the word "corruption" unless I knew it was honest to do so. I want to dissociate myself from the word "corruption" in this newspaper. I applied the term "skulduggery" only in respect of the printing of lottery tickets.

The Hon. R. J. Ritson: What does it mean?

The Hon. N. K. FOSTER: What does "rip-off" mean? That is my explanation in respect of the matter and in respect of that edition of the newspaper. What is said in the future will be the subject of further disclosure in this Council.

POLICE BEHAVIOUR

The Hon. FRANK BLEVINS: I seek leave to make a brief explanation prior to asking the Minister of Local Government, representing the Chief Secretary, a question on police behaviour.

Leave granted.

The Hon. FRANK BLEVINS: As a responsible citizen, I pay my fees and join the R.A.A. The latest edition of *South Australian Motor* was dropped into my letterbox last week. On skimming through it to see whether there was anything of interest in relation to my car and its costs, I came upon the legal advice column. There was a serious story and a serious point in it. It is headed "You are not obliged . . .", and it states:

> Many motorists who have been stopped by police try to accommodate the officers by answering all questions put to them.
>
> But too often they answer too many questions. They give answers to questions that legally they don't have to answer. They give answers which could lead to additional charges, or which could be used against them in any later court proceedings.
>
> It is easy to be caught in this situation, as Tom found after he was stopped while travelling to the beach with his wife and children.
>
> The police officer waved Tom over to the road shoulder and stepped up to his car window. He asked Tom if he knew what the speed limit was along that section of road.
>
> A flustered Tom thought for a moment before he said he guessed it was 60 km/h.
>
> The officer asked if he knew at what speed he was travelling. Tom didn't know and told the officer so.
>
> Tom was asked to show his licence, which he did, and was then asked where he worked. He replied. The officer asked his occupation, and even though Tom couldn't understand what use his occupation could be to the police officer, he answered anyway.
>
> The officer told Tom he'd been timed at 73 km/h. He also asked Tom if he had any excuse for exceeding the limit. Tom said he didn't.
>
> Later that day Tom began wondering why the police needed all that information, so he called at the RAA's Legal Advisory Service.
>
> Tom was advised that in fact he did not have to answer all of the questions he had been asked.
>
> The Legal Service Officer said that under the Police Offences Act (section 75) a police officer can ask a suspect for his name and address. If he has reason to suspect that the answers are false, he can ask for corroborating evidence.
>
> Under the Road Traffic Act (section 38) police can question to learn the identity of the driver or owner of a vehicle.
>
> And, under section 42 of the same Act, a police officer can question to find out the name, address and place of business of the driver or owner.
>
> From the three areas of the law which the police can rely upon in traffic accidents, the driver is only obliged to answer any question which may lead to the identification of the driver or vehicle owner.
>
> In Tom's situation he did not have to tell the police whether he was aware of the speed limit applying to the stretch of road, whether he knew what his speed was, or what his occupation was.
>
> He was only obliged to give his name, address and place of business.

It is reasonable to infer from that article that the Royal Automobile Association is trying to warn its members against this procedure that has apparently been adopted by the police. I do not think it is unfair to infer, if that report is a correct description of what happens, that there is a certain element of entrapment in it. I therefore direct my questions to the Chief Secretary, although perhaps the Attorney-General may wish to comment on them now.

Is the legal advice given on page 5 of the November edition of *South Australian Motor* correct? Also, is any warning given by members of the Police Force, advising motorists of their rights before asking those motorists questions that, legally, the drivers would not be obliged to answer? Finally, will the Minister consider instructing the police that they are not to ask motorists questions that they do not have to answer without the police officers

concerned first telling the motorists that they are not obliged to answer those questions?

The Hon. C. M. HILL: I will refer those matters to the Chief Secretary and bring back a reply.

CORPORAL PUNISHMENT

The Hon. ANNE LEVY: Has the Minister of Local Government, representing the Minister of Education, a reply to the question I asked on 23 October regarding corporal punishment?

The Hon. C. M. HILL: Regulation 123(3) under the Education Act is still in force. That regulation provides that the Minister of Education may determine conditions for the imposition of corporal punishment. A set of conditions was approved by the Minister on 2 September 1980 but, following submissions being made that wider consultation should first take place, that approval was rescinded on 16 October 1980.

The Director-General of Education is arranging for Regional Directors of Education to raise the matter at meetings of school principals. He has also written to parent organisations and to the South Australian Institute of Teachers with a view to determining a revised set of conditions for consideration by the Minister of Education.

The Hon. ANNE LEVY: I do not think that the Minister has really answered my original question, which was whether that section of regulation 123, which states that, if parents request a school not to use corporal punishment on their child, the school is not to use corporal punishment on the child, although other means of discipline can be used, still applies. I want particularly to know whether that part of regulation 123 still applies, pending these consultations.

The Hon. C. M. HILL: I will check out that matter with the Minister. The answer does say that regulation 123 (3), which is the regulation to which the honourable member referred—

The Hon. Anne Levy: I think it was regulation 123 (6).

The Hon. C. M. HILL: —is still in force. The honourable member did refer to 123 (3), although I notice from her question that she also dealt with regulation 123 (6). I will clear up that matter and bring back a reply.

CLINICAL NURSING CARE

The Hon. FRANK BLEVINS (on notice) asked the Minister of Community Welfare:

1. Which of the following hospitals—Royal Adelaide, Queen Elizabeth, Modbury, Flinders Medical Centre, Whyalla, Port Augusta, Hillcrest and Glenside, have, in the last four years, used or adopted the use of procedures for the evaluations of the quality of clinical nursing care given by—
   - *(a)* individual nurses, up to and including the senior registered nurse grade (sometimes called assessments);
   - *(b)* teams or groups of nurses, e.g., ward staff (sometimes called audits)?
2. *(a)* Which of the stated hospitals have stopped or suspended such evaluation programmes?
   - *(b)* Which programmes were suspended or stopped in which hospitals?
   - *(c)* Were any of the programmes suspended because of inaccuracy, invalidity or unreliability, and, if so, which ones?
3. Will the Minister supply me with copies of such documents (sometimes called instruments, evaluation forms, audit check lists, assessment forms, etc.) as are now being used to evaluate the performance of—
   - *(a)* individual nurses up to and including senior registered nurse grade;
   - *(b)* teams or groups of nurses;

in each of the aforementioned hospitals?

4. Will the Minister provide me with copies of any evaluations made of these specific performance evaluation programmes?

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

1. All of the hospitals mentioned now use a form of procedure to evaluate the quality of nursing care given by:
   - *(a)* individual student, trainee and registered nurses; not all assess to senior registered nurse grade (Whyalla and Flinders Medical Centre assess to registered nurse level only);
   - *(b)* not all use procedural forms to evaluate the nursing care given by teams or groups of nurses;
   - *(c)* these tools attempt to measure the clinical performance of individual staff members rather than the overall quality of care given within an institution.
2. *(a)* Modbury Hospital had an evaluation programme which was suspended in 1979 because of lack of manpower;
   - *(b)* this is the only programme which, once commenced, has had to be suspended;
   - *(c)* all programmes in use are undergoing periodic review and evaluation to minimise challenges of inaccuracy, invalidity and unreliability.
3. All the hospitals involved would be happy to supply copies of documents used to the honourable member should he request some of them.
4. The continuing on-going assessment of individual staff members has been in operation in all hospitals for a number of years. The tools used are designed to suit each hospital and, in some cases, specific areas within the hospital, for example, operating theatre, intensive care areas, casualty areas.

None of the Directors of Nursing is prepared to release confidential information relating to performance of individual members of staff. Quality assurance programs are still in the very early stages of development in South Australia, and much more time is needed to develop appropriate "tools" to measure overall quality of care.

CONTRACTS

The Hon. C. J. SUMNER (on notice) asked the Attorney-General:

1. Since 15 September 1979 how many contracts have been let by the South Australian Government or its instrumentalities to interstate or overseas companies, firms or individuals?
2. Specify in each case—
   - *(a)* the name and place of business of the company, firm or individual to whom the contract was let;
   - *(b)* the nature and value of the contract.

The Hon. K. T. GRIFFIN: The information sought is not readily available. Considerable research will be required, the cost of which is not considered to be warranted.

PUBLIC SERVANTS

The Hon. C. J. SUMNER (on notice) asked the Attorney-General: With respect to the transfer of certain officers from the Ethnic Affairs Division following the election last year:

1. Did the Minister of Local Government say in the Legislative Council on 23 October 1979 in relation to some officers, "This officer was advised that he could not be transferred to (core) Public Service departments, namely, Treasury, Auditor-General's Department, Public Service Board, or Premier's"?

2. Did the Premier say in the House of Assembly on 31 October 1979 that there were no bans applying to certain officers from being employed in core departments of the Public Service?

3. How does the Government reconcile the statements referred to in questions 1 and 2?

4. Were certain officers advised after 31 October that they could not be employed in some departments including the core departments?

5. If the bans were lifted on 31 October, what caused the Government to change its mind between 23 October and 31 October?

6. Did the Minister of Local Government say in the Legislative Council on 23 October 1979 that certain transfers were "for the more efficient operations of the Ethnic Affairs Branch"?

7. If so, why was section 57 of the Public Service Act used to effect the transfers when it is section 77 that refers to transfers on the grounds of efficiency?

8. Are there any Executive Council or other orders or documents relating to the transfer of these officers apart from those sent to me by the Premier on 27 May 1980?

9. Why was the transfer of one officer not effected until 17 April 1980?

10. In view of the allegations of illegality, why will the Government not obtain a Crown Law opinion on the transfers?

11. Why has the Premier by letter dated 30 July 1980 refused to answer these questions or enter into further correspondence or discussion on the subject when there are legitimate questions that remain unanswered?

The Hon. K. T. GRIFFIN: The subject matter of these questions has been dealt with in considerable detail in this Council, and in another place, and therefore it is not considered to warrant the time and expenditure of public money required to put Public Service officers to the task of obtaining further replies which will repeat answers already given.

POLICE HAND GUNS

The Hon. C. J. SUMNER (on notice) asked the Minister of Local Government:

1. Is the Police Department proceeding with the proposal for police to wear hand guns exposed on their hips?

2. If so, how far has this proposal progressed and particularly—

(a) how many police now wear these guns?

(b) for how long have they been wearing them?

(c) when is it proposed that all police will wear them?

3. What guns do plain clothes police carry at present?

4. Is it intended that plain clothes police should carry the Smith and Wesson hand gun now proposed for uniformed police? If not, which gun will plain clothes police carry in future?

The Hon. C. M. HILL: I regret that I have not been able to obtain this information from the Chief Secretary, and, as the Council will not be sitting next week, I respectfully ask the honourable member to place the question on notice for 18 November.

The Hon. C. J. SUMNER: Because the Government seems to be unable completely to answer any questions, and as the Minister has asked me to do so, I ask that the question be placed on notice for 18 November.

SELECTION PANELS

The Hon. C. J. SUMNER (on notice) asked the Attorney-General:

1. What Ministerial officers have participated on selection panels for officers of the South Australian public Service since 15 September 1979?

2. By whom are such Ministerial officers employed and what is their salary in each case?

3. In each case what were the positions in the Public Service in the selection of which the Ministerial officers participated?

The Hon. K. T. GRIFFIN: The Leader knows the procedure for answering Questions on Notice: they need to go through the departments concerned and then to Cabinet. The practice in the past few weeks has been not to give the Government sufficient time to give answers.

The Hon. C. J. Sumner: It's been about 10 days.

The Hon. K. T. GRIFFIN: As I have not been provided with the reply to this question, I ask the Leader to put it on notice for 18 November.

The Hon. C. J. SUMNER: In the hope that an answer might be forthcoming on that day (although in view of the Government's attitude it is probably not likely to happen), I ask that the question be put on notice for 18 November.

REPLIES TO QUESTIONS

The Hon. C. J. Sumner (on notice) to ask the Attorney-General: In view of the indication given by the Attorney-General on 22 October 1980 that the following questions would be answered on 22 or 23 October 1980, when does the Government intend to answer these questions concerning:

(a) Regulations, asked on 11 June 1980;

(b) Sentence remission, asked on 12 June 1980;

(c) Legal aid, asked on 6 August 1980;

(d) Replies to Questions, asked on 12 August 1980 (including questions asked in the Appropriation Bill debate on 11 June 1980).

The Hon. C. J. SUMNER: The Attorney-General has purported to answer these questions today, and I ask him whether he is prepared to give fuller answers.

The Hon. K. T. GRIFFIN: In answer to the Question on Notice, these questions have been answered today.

FILES

The Hon. FRANK BLEVINS (on notice) asked the Attorney-General: When does the Government intend to answer the question on files (asked on 13 August 1980), namely:

1. Are files still held by the Special Branch of the South Australian Police Force on any member of Parliament?

2. If so, what is the total number of members of Parliament on file?

3. What is the Party affiliation of the members of Parliament on file?

4. Who has access to the files?

5. Will the Chief Secretary give instructions to the

Police Commissioner that will permit members of Parliament who wish to examine their files to do so?

The Hon. K. T. GRIFFIN: The replies are as follows:

1. There are no files held at Special Branch on any South Australian members of Parliament.
2. Not applicable.
3. Not applicable.
4. The only persons with access to Special Branch files are members of the Police Force serving in that branch.
5. Not applicable.

SELECT COMMITTEE ON LOCAL GOVERNMENT IN COOBER PEDY

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

That the time for bringing up the report of the Select Committee be extended to 26 November 1980.

Motion carried.

HOLIDAYS ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

This Bill has two main objectives: first, to declare 26 December a public holiday in lieu of the public holiday on 28 December and, secondly, to enable variation to proclamations issued in respect of the observance in 1981 of the public holiday commemorating the birthday of Her Majesty Queen Elizabeth II.

For many years, representations have been made to successive Governments for a variation of the present arrangements for the celebration of the public holiday on 28 December. Every other State in Australia celebrates a public holiday on 26 December. Those people in South Australia required to work normal hours between Christmas and New Year are required to work the day after Christmas when the rest of Australia is on holiday. Working the day after Christmas is of general inconvenience, but is particularly inconvenient to the many people, especially bank employees, who work some distance from their relatives. Many employees have requested a change in the date of the public holiday to the day following the public holiday for Christmas.

Many employers in South Australia have also requested a change in date of the public holiday because of the complications caused by Federal awards specifying a public holiday on 26 December and employees under State awards receiving the public holiday on 28 December.

The purpose of this Bill is to declare 26 December a public holiday in lieu of the public holiday on 28 December. When 26 December falls upon a Saturday, the following Monday shall be a public holiday, and when it falls on a Sunday, the following Tuesday shall be a public holiday in lieu of that day.

This means that the public holidays for Christmas Day and 26 December will be continuous, and not interrupted with a requirement that shop assistants, bank officers and many other employees and employers may be required to work in between the two public holidays, so causing inconvenience and discontinuity of their holidays.

Discussions with the Mayor of Glenelg and officers of the Corporation of the City of Glenelg have revealed that the council is aware of the difficulties emanating from the present arrangement and is amenable to a change being made. It has indicated that, should the proposed change be made, the official Commemoration Day Old Gum Tree Ceremony and associated activities will still be held as at present on 28 December, or on the following Monday, if 28 December falls on a weekend.

The Minister of Industrial Affairs has discussed the proposed change with the President and Secretary of the United Trades and Labor Council who have claimed that approximately 50 000 employees are currently gaining the benefit of having holidays on both 26 December and 28 December, these being mostly Federal awards. This number is out of a total of 460 000 wage and salary earners in civilian employment in South Australia. It has been further claimed that if South Australia celebrates a public holiday on 26 December in lieu of 28 December that these people will automatically lose one public holiday each year.

That is not the case. Most of the awards which grant both days as public holidays refer specifically to granting a public holiday for Proclamation Day or Commemoration Day. However, the Holidays Act makes no reference to Proclamation Day or Commemoration Day. Therefore, as the way most, if not all, of these awards are currently written, a second public holiday on 28 December or the following Monday if it falls on a Saturday or Sunday will still be retained for those workers.

The majority of employees who currently have a public holiday on both 26 and 28 December are employees of Commonwealth Government departments or instrumentalities. Commonwealth employees have always been granted the public holidays that apply in the State in which they are employed, as well as the normal Commonwealth public holidays, which include Boxing Day. However, by a long standing arrangement, Commonwealth employees in other States are granted an extra holiday during the Christmas-New Year period in most years and action has already been taken by the Commonwealth Public Service Board for Commonwealth Government employees in South Australia to be granted a public holiday on 29 December this year (28 December falls on a Sunday). Accordingly, no Commonwealth Government employee will be deprived of a public holiday this year by the amendment to the Act contained in this Bill.

This amendment to the Act will mean that this year most employees will not be required to work for four consecutive days from Thursday 25 December to Sunday 28 December inclusive. Surely that is more sensible than requiring many people to work on Friday 26 December and some on the morning of Saturday 27 December, in between the public holidays of Thursday 25 December and Monday 29 December 1980.

The Queen's birthday holiday has traditionally been observed on the Monday following its observance in the United Kingdom on a Saturday in June. This practice had been adopted by all States except Western Australia so that the announcement in the United Kingdom and Australia in relation to honours conferred by Her Majesty on the occasion of her birthday would coincide. This resulted in the holiday being observed on some occasions on the second Monday and, in other years, on the third Monday in June. This uncertainty resulted in a number of organisations requesting that a fixed formula should be developed to facilitate long-term planning for sporting, recreational or similar events.

The matter was raised at the Premiers' Conference in 1979 and agreement was reached between the States (excluding Western Australia) that agreement should be sought to have the Queen's birthday holiday observed on the second Monday in June of each year. Before these

negotiations could be concluded, advice was received indicating that in 1981 Her Majesty's birthday would be celebrated in the United Kingdom on Saturday 13 June. A proclamation was, therefore, issued declaring that the holiday would be observed in South Australia on the following Monday, that is, 15 June 1981.

Some weeks later, further advice was received indicating that the request from the 1979 Premiers' Conference for this holiday to be celebrated on the second Monday in June each year had received Royal approval and, accordingly, in all States, excluding Western Australia, the holiday will be observed in 1981 on 8 June.

It was subsequently established that, whilst the Holidays Act provides that the Governor may, by proclamation declare a particular day as being the day on which the Queen's birthday will be celebrated, there is no power to amend or substitute an earlier proclamation where that proclamation is subsequently deemed to be inappropriate.

Accordingly, this Bill alters the date of the Queen's birthday holiday for 1981 and future years to the second Monday in June, and at the same time provision is made for varying proclamations under section 5 of the principal Act to meet similar problems in future.

Clause 1 is formal. Clause 2 repeals sections 3 and 3a of the principal Act and enacts a new section 3, which fixes holidays by reference to the second schedule and makes provision for variations. If the twenty-fifth day of December or the first day of January falls on a weekend, the holiday will be celebrated on the following Monday. Australia Day will be celebrated on the Monday following the twenty-sixth of January, if the twenty-sixth is not a Monday. If the twenty-fifth of April is a Sunday, the Anzac Day holiday will be held on the following Monday. Boxing Day will be held on a Monday if the twenty-sixth of December falls on a weekend but, where the twenty-fifth also falls on a weekend, Boxing Day will be the following Tuesday.

Clause 3 amends section 5 of the principal Act to empower the Governor to vary or revoke a proclamation made under that section. Clause 4 substitutes a new second schedule for the existing schedule. All holidays now appear in the schedule in one undivided list.

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

LOANS TO PRODUCERS ACT AMENDMENT BILL

Second reading.

The Hon. K. T. GRIFFIN (Attorney-General): I move:

That this Bill be now read a second time.

It proposes an amendment of the principal Act, the Loans to Producers Act, 1927-1962, relating to the fixing of interest rates on loans made under the Act. The principal Act empowers the State Bank of South Australia to make loans to assist primary production. The Act also provides that interest is payable on all such loans and that the rate of interest is not to be less than the rate payable by the Treasurer or the State Bank on loan moneys out of which the loans are made.

These provisions have meant that rates on loans under the principal Act have been tied to the long-term bond rate which has varied relatively infrequently. However, with the introduction of a new system for issuing Commonwealth bonds, the requirement that the rate of interest on loans to producers be not less than that payable by the Government on its borrowings would probably necessitate fixing new rates too frequently for reasonable administrative convenience. Accordingly, this Bill proposes that the rate of interest on loans under the principal Act be fixed by the Treasurer on a quarterly basis having regard to the rates of interest payable by the Treasurer and the State Bank on loan moneys out of which the loans are made.

The Bill also proposes that a provision be included in the principal Act designed to remove doubts as to the effect on existing loans of any variation by the Treasurer of the rate of interest fixed under the Act. Under the provision proposed, the rate of interest payable would vary according to the rates fixed by the Treasurer, from time to time, in the case of all loans other than loans made before the commencement of the amending Act that did not, by their terms, make provision for such variation. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides that the measure is to come into operation on a day to be fixed by proclamation. Clause 3 amends section 9 of the principal Act which provides for the fixing by the Treasurer of interest rates on loans made under the Act. The clause amends this section by requiring that the rates of interest on loans made under the Act be fixed by the Treasurer having regard to the rates of interest payable by the Treasurer and the State Bank on loan moneys out of which the loans are made. The clause also requires that the Treasurer review the rates for the time being fixed under the section on a quarterly basis.

Clause 4 proposes a new section 11a defining the term "fixed rate" for the purposes of sections 10 and 11. The effect of this definition would be that the rate of interest payable on loans would vary according to the rate fixed by the Treasurer, from time to time, in the case of all loans made after the enactment and commencement of this measure and in the case of loans made before that commencement that made provision for variation of the interest rate. In the case of loans made before that commencement that did not make provision for variation of the interest rate, the interest rate fixed at the time the loan was made would continue to apply for the period of the loan.

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

RAILWAY AGREEMENT (ADELAIDE TO CRYSTAL BROOK RAILWAY) BILL

Adjourned debate on second reading.

(Continued from 29 October. Page 1568.)

The Hon. J. E. DUNFORD: I support this Bill, which ratifies an agreement between the Commonwealth and the State of South Australia to standardise the Adelaide to Crystal Brook railway line. In my previous occupation I had a lot to do with the railways, representing Commonwealth and State employees, and I supported this standardisation well before entering Parliament.

The Hon. M. B. Cameron: You had plenty of time.

The Hon. J. E. DUNFORD: Yes, we had plenty of time. I spoke at length in a previous debate, and I do not believe that Mr. Cameron showed much enthusiasm at that time.

The Hon. M. B. Cameron: No, you're wrong.

The Hon. J. E. DUNFORD: I may be wrong, but the Hon. Mr. Cameron does not show much enthusiasm for

anything I say. I covered those employees who used to tranship the goods.

The Hon. C. M. Hill: At the bogie exchange.

The Hon. J. E. DUNFORD: It was before the bogie exchange. Those men worked at a back-breaking job, and I worked at it myself in Victoria. When the bogie exchanges were introduced, most of the employees at Port Pirie were absorbed into work at the smelters. I could see that there was a lot of support in Port Pirie, nearly 15 years ago, for standardisation. Of course, the Federal Labor Government, as soon as it came into office, conferred on this matter with the South Australian Government. It is interesting to note in the second reading explanation the statement that the project lapsed after 1974. In the debate on this Bill in another place, a member said that it did not lapse but was axed by Fraser and the Federal Minister for Transport (Mr. Nixon). I read that debate with interest. The speaker I referred to was the Hon. J. D. Wright, whose statement was supported by press releases in the *Advertiser* which referred to the Commonwealth welching on the deal, and in the *News,* which published a similar editorial. This sort of animosity has occurred in the community for many years.

I support this proposal, which is rather urgent, for another reason. I very seldom agreed with a previous Premier of this State who has been eulogised in both Houses of this Parliament; I think he was rather overrated, and I am referring to Sir Thomas Playford. His hatred for the working class was unbelievable, and he called trade union officials paid agitators. However, I give credit where it is due. I recall an interview with Sir Thomas Playford when he said that South Australia, with proper rail standardisation could become a focal point for trade between the States, from the east to the west.

On that particular occasion I agreed with Sir Thomas, although I have disagreed with him on many occasions because of his archaic ideas and attitudes towards this State. This State, under Playford, has been called the low-wage State and the hanging State. One could not get a beer after 6 o'clock, and policemen were running up and down Hindley Street locking people up for leaning against a post, even though they may not have had any drink at all. The man who was responsible for this has been eulogised by members opposite. To many people's way of thinking, Playford was a troglodyte. There was no improvement in this State until the Dunstan Labor Government came to power. The Attorney-General in his second reading explanation, referred to South Australian Governments being involved in this matter over many years, but there was only one Government that supported this proposal strongly, and that was the Dunstan Government.

The Hon. M. B. Cameron: Are you sure of that?

The Hon. J. E. DUNFORD: Of course I am sure.

The Hon. M. B. Cameron: We will straighten you out later.

The Hon. J. E. DUNFORD: I hope you do; you will have an opportunity to speak. In fact, since the Hon. Mr. Cameron became Secretary of the Liberal Party he does not speak at all. He sits there grinning, and when he is not grinning he is interjecting. The Hon. Mr. Cameron is a strange type of character. Later in his explanation the Attorney said that this Government had been most successful in reaching such a complex agreement in such a short time since taking office. This Government has been in office for 14 months, yet members opposite refer to it as a short time. The other day after we adjourned early a journalist, whose name I will not mention, said, "No wonder they got up in the Legislative Council, this Government is doing nothing at all." Indeed, it is doing nothing at all. We have heard today that the Government will, next year and the year after, take a holiday away from about 50 000 workers, and I will discuss that matter later. This Government has not been a short time in office. I am prepared to suggest, and I shall be reminding this Council of it in another two years, that there will be no move on this project until just before the next election.

It is my opinion and honest belief that there will be no move on the standardisation of this railway until then. It will be a gimmick for those people on the other side who have farms, executive positions, two jobs, and security. it will be a sop to the country so as to increase the Liberal vote in the Legislative Council. I want to have that recorded in *Hansard* to remind members of it when they start this project.

The other matter that I am always concerned with and speak about when I get the opportunity is unemployment. This project will create considerable employment, not so much in the building of the line but in goods and services that will be supplied, the amount of tourism that can be attracted by a continuing service from Sydney to Perth without interruption, and also from the point of view of trade and commerce.

The very good thing about this project is that the new proposal does not require the State to contribute towards construction or operating costs of the standardisation link. All such costs will be borne by the Australian National Railways Commission, and the State will be absolved of any debts arising out of the 1974 agreement. I recall that, when I first came here, there was a bitter rejection of the transfer of the State railways to the Federal Government, but that sale has saved South Australia many millions of dollars in operating costs. As a result, South Australia will not bear any cost of this standardisation.

I support the proposition that, during the period over which the traffic flows are changing, A.N.R. intends to relocate staff between Peterborough, Port Pirie, Port Augusta, and the Adelaide metropolitan area. This is important, because we have all watched with concern the winding down of Peterborough. Concern has been expressed by the business people and the community there, about 500 or 600 people, who can be uprooted as a result of the upgrading of our rail services. Port Pirie is also included here. I think it worthy of consideration that, if the Government can cater for all workers who are uprooted and must be transferred, that should be done at no loss to themselves, because it is difficult to sell a house to another workman in an area where a job is disappearing and the other workman has no opportunity for further employment. This must be considered and I trust that, when these matters are being dealt with, the Government will be reminded of the Minister's remarks in his second reading explanation.

Thirdly, I support the Bill, not only so far as the progress of South Australia is concerned, but also in the event of our country being invaded. Recently I spoke about the matter of Australia being a U.S. satellite. If we are going to defend all the actions of the U.S. without having anyone to come to our assistance, we must have a railway system to provide defence.

The other matter that always is of concern to me is that, in a railway system, it is not always properly utilised. I am concerned about the attitude of this Government in the short time (as it says) that it has been in office, 14 months, when it has tended to diversify and divert public instrumentalities to private enterprise. It has been of concern to me, as a man who has travelled extensively in the country and from Tarcoola to Port Augusta, to see some of the worst roads (some are only tracks) and to see huge trucks ripping up the saltbush and endangering the

lives of other travellers, whereas a railway line has been running down the side of the road and not used. This line ought to be encouraged for the transport of our goods and services throughout South Australia, but this could have to wait until we have the change to a Labor Government in 1983.

The Hon. M. B. Cameron: What would you do?

The Hon. J. E. DUNFORD: I am not the Minister of Transport, but I would encourage strong competition, not the competition that members opposite believe in.

The Hon. M. B. Cameron: You don't want the country rail services: you sold them.

The Hon. J. E. DUNFORD: I would encourage the railway service. We have members in the Federal Parliament who should encourage the A.N.R. to have charges that are competitive with private enterprise. I do not say this to knock private enterprise, but I believe that there is a waste of resource. These diesel trucks not only tear up the roads but they also waste a resource that we can ill afford to waste at present. I know that the Hon. Mr. Cameron wishes to speak, and I will be interested to hear what he says.

The Bill has my full support and I have supported the project for at least 10 years. The project was an initiative of the previous Government but it was axed by Fraser. I hope that the worst does not happen, namely, that the building of the line waits until we get near the next election, which I understand is due in May 1983.

The Hon. D. H. LAIDLAW: I support, with one reservation, the second reading of this Bill, the aim of which is to ratify the new agreement for converting the Adelaide to Crystal Brook rail line to standard gauge. My objection relates to the proposed route of the standard gauge along LeFevre Peninsula from Port Adelaide to Outer Harbor. The route is to be laid some distance from existing industries, which could move in future large tonnages by rail and need spur lines into their factories in order to achieve the maximum cost benefit. I shall deal with this aspect in some detail later in my speech.

The Hon. C. J. Sumner: Can anything be done about it?

The Hon. D. H. LAIDLAW: Yes. The new agreement is currently more favourable to the State than that entered into in 1974 by the Labor Governments then in office and validated by Statute. Under that Act, the State was committed to contribute three-tenths of the cost of construction but now it is proposed that the Commonwealth will bear the whole cost. Furthermore, the Commonwealth agrees to refund to the State any payments of capital and interest made thus far. In the Federal Budget papers for 1980-81, $863 000 is provided as a refund to South Australia with respect to this matter.

In about 1965 the State Government commissioned Maunsell and Partners, consulting engineers, to produce a plan for standardising the rail line from Crystal Brook to Adelaide. Under this proposal, the new line was to end at Islington. This was widely criticised by merchants and manufacturers in the Adelaide metropolitan area with plants situated some distance from this terminal. The cost of loading, transporting and unloading goods between terminal and warehouse or factory, however short the distance, is a factor to be considered.

Under the new agreement, there is provision for a standard gauge line to be laid from the Dry Creek marshalling yards through the Mile End depot to connect with the broad gauge line at Keswick. In addition, a standard gauge line will be laid from Dry Creek to Gillman and Port Adelaide with provision to lay spur lines into adjacent factories.

The Hon. J. E. Dunford: When will all this happen?

The Hon. D. H. LAIDLAW: In the next six months it will start. I will be very cross if it does not. Ultimately, the creation of a standard gauge rail link from Adelaide to Perth, Sydney, Brisbane, Alice Springs and then on to Darwin will be of inestimable value to Adelaide-based industries. The Premier is already proclaiming South Australia as the central State. It is significant that the Australian National Railways has moved its headquarters to Adelaide and, so far as I know, it is the only Federal statutory authority to be based in this State.

The public is not sufficiently aware of the cost advantages to be gained by moving goods along a continuous standard gauge rail link to Sydney and Brisbane via Broken Hill, rather than through Melbourne with its break of gauge. The Minister said that on average it takes at least one day to change bogies at Port Pirie or Peterborough under the existing system and the same delay or longer occurs in Melbourne. When moving livestock, in particular, time is the essence of the exercise.

During my Address in Reply speech at the beginning of this session, I referred to the increasing cost of transporting motor vehicles to the major markets in the Eastern States. This is of real concern to Mitsubishi, which manufactures only in Adelaide and sends 90 per cent of its finished goods out of South Australia.

One method of reducing freight costs is to ship more motor vehicles on each rail wagon. At present two tiers of vehicles are carried, and this could be increased to three tiers, as occurs in the United States, if rail clearances were raised, either by raising overhead road bridges or lowering rail levels at the points of intersection. This is only feasible where the rail line runs through flattish country without tunnels, for example, north from Adelaide to Crystal Brook and Broken Hill via the new standard gauge line rather than through tunnels in the Adelaide Hills.

The Federal Government has announced plans to electrify the Sydney-Melbourne rail link with the object of completing this project by 1985, and I am informed that clearances on this line will be increased significantly to permit carriage of semi-trailers on piggy-back rail cars. If rail traffic from Adelaide goes via Crystal Brook and Broken Hill and is then diverted through Junee to join the electrified rail line to Sydney and, if the A.N.R. can be persuaded to raise rail clearances of the new overhead road bridges between here and Junee, it would surely be possible to send piggy-back semi-trailers and three tiers of motor vehicles to Sydney along an uninterrupted standard gauge line at a greatly reduced freight cost.

I said at the outset that I am concerned about the proposed route of the standard gauge line along LeFevre Peninsula from Port Adelaide to Outer Harbor. Clause 13 of the agreement provides that at any future time, with consent of the Commonwealth and State Minister, this rail extension can be included in the scheme, but clause 17 empowers the State Minister to vary the railway work in the Adelaide sector. As presently proposed, the rail line passes through a residential area in Largs North which would require a number of houses to be acquired and demolished. This is undesirable and, as I understand, is contrary to the wishes of the Port Adelaide council. Furthermore, the route is remote from existing industries whose factories could use rail to receive or ship substantial tonnages of material if spur lines could be laid into their plants.

I refer particularly to James Hardie, Mobil, Caltex, Shell, H. C. Sleigh, Adelaide Brighton Cement and the Birkenhead wharves. If the proposed standard gauge line was laid from Glanville along the south edge of Semaphore Road to Elder Road and then northwards past the factories mentioned to join up with the proposed route

beyond Largs North, it would meet the needs of these industries, it would provide extra revenue for the Australian National Railways, it would avoid demolishing existing houses, it would cause less noise to houses in the Exeter, Peterhead and Largs Bay areas, and it would almost certainly cost less to construct. I ask the A.N.R. and the Minister of Transport to give consideration to this suggestion. Subject to this criticism regarding the route of the standard gauge line along the LeFevre Peninsula, I am pleased to support the second reading.

The Hon. M. B. CAMERON: I do not wish to speak at any great length on this Bill, because I believe it should be passed as soon as possible. The time has gone on and on with this subject. As the Hon. Mr. Laidlaw said, it is now 15 years since negotiations were first started. In fact, there was a time when it was predicted that this project would be completed by now. The Hon. Mr. Dunford made some play on the fact that the former State Government had been held up in its attempts to have a standard gauge link completed between Adelaide and Crystal Brook. In fact, he took all the credit for negotiations that were either started or under way in the early part of 1970, whereas in fact that is quite incorrect, as he well knows. The former State Liberal Government, in 1965, started the negotiations for the project and initiated forward studies. They were completed during the time of the Liberal Government in 1968-70, and the new Labor Government came in just in time to receive the benefit of the studies that had been made. I think the Hon. Mr. Dunford quoted from some newspapers, so I might quote from a few more to put him straight on one or two matters. First, I quote from the *Advertiser* of 19 August 1971, which stated:

> The Minister of Roads and Transport (Mr. Virgo) believes South Australia's standard rail gauge project will become a reality "in the not-too-distant future". He told the Assembly yesterday that the terms and conditions agreed upon by himself and the Minister for Shipping and Transport (Mr. Nixon) has been accepted by Federal Cabinet.

He implied in some way that the Federal Government torpedoed the project. In the first place, when they were in office in 1971, they agreed to it. The article continues:

> The Railways Commissioner and his staff had been actively engaged in a great deal of preliminary work on the project. Mr. Virgo said he hoped to meet with Mr. Nixon soon to arrange details of planning, design survey work and finance. Subsequently, the Government would introduce a Bill into the Assembly to ratify the agreement that would be reached.

In 1974, the *Advertiser* of 23 November stated:

> The Minister of Transport (Mr. Virgo) expressed concern yesterday at the time lag in completing negotiations for the standardisation of South Australia's railway lines.

From the time when the Liberal Government first agreed to it, the Federal Liberal Government first gave agreement to the project in 1971.

The Hon. N. K. Foster: So what?

The Hon. M. B. CAMERON: If Mr. Foster had been here, he would have heard what I was saying. I suggest that he look at the *Advertiser* of 19 August 1971 and he will see a statement from Mr. Virgo that Mr. Nixon and Federal Cabinet had accepted the project. In 1974, there was a Federal Labor Government. If there had been a delay in negotiations, it could be directly attributed to a State Labor Government and not a Federal Labor Government. I do not understand why the honourable member was so concerned about the delay. Of course, this project has been going on and on. It took the election of the State Liberal Government 14 months ago to get this matter finally on the road.

The Hon. Frank Blevins: On the rails.

The Hon. M. B. CAMERON: Yes, it has got back on the rails, and it will be now proceeded with and completed.

It is a disaster from this State's point of view that this work has taken so long, and it is now beyond the projected completion date. Undoubtedly, many people have been involved in the delay. However, I do not want the Opposition to think that its members have been the angels in the piece, because they had the opportunity between 1970 and 1974 to get this project under way. They claimed to have the co-operation of a Federal Government of their own political persuasion, yet nothing occurred. It is a good decision to proceed with the scheme as soon as possible, although it is a great shame that the delay has occurred. Undoubtedly, it has been costly to this State that the project has been allowed to slide for so long.

The Hon. N. K. FOSTER: In supporting the Bill, I intend to be brief. I was not in the Chamber to hear the Hon. Mr. Laidlaw refer to some areas that may have to be altered or duplicated by Australian National Railways. I refer, for example, to the LeFevre Peninsula and other urban areas. This matter has been the casualty of successive Liberal Governments, as well as of the Labor Government, because of the complexity of the matter as between the State Governments of various political persuasions.

When the scheme looked like getting on the rails (to use the correct term), we in South Australia found that, once more, the Federal Government decided before the 1972 election that the line ought to take a route different from that which had been proposed by the State, and a further feasibility study by Maunsell and Partners was insisted on. Also, one of the great matters of concern to the Liberal Party was whether or not it would undertake the scheme. One of the reasons for their procrastination was that between 1968 and 1970 many Liberals who were disloyal to their Party shied off with Steele Hall into a separate Party. One of those persons was the honourable gentleman who has just resumed his seat and who ran away from the Liberals, playing truant for several years. He was most unproductive and useless, and not to be trusted. However, he got his way by skulking—

The Hon. M. B. CAMERON: I rise on a point of order. It is not often that things upset me, but I believe that the honourable member has gone beyond the pale in what he has said. I ask that the honourable member withdraw the remarks that he has just made.

The ACTING PRESIDENT (Hon. R. J. Ritson): Order! I ask the honourable member to withdraw his remarks.

The Hon. N. K. FOSTER: In withdrawing my remarks—

The Hon. K. T. Griffin: Unqualified.

The Hon. N. K. FOSTER: You shut up, Mr. Attorney. You were not even in the argument. The Acting President cannot toss me out. He has got to get the President back to do it. The Hon. Mr. Cameron twisted and turned and left the Party.

The ACTING PRESIDENT: Order! It may be true that I may have to vacate the Chair.

The Hon. N. K. FOSTER: You might, too.

The ACTING PRESIDENT: Is it the honourable member's wish that I do so?

The Hon. N. K. FOSTER: No.

The ACTING PRESIDENT: Will the honourable member withdraw his remarks?

The Hon. N. K. FOSTER: I am merely reminding Mr. Cameron of what happened.

The Hon. M. B. CAMERON: I rise on a further point of order, now that you, Mr. President, have resumed the Chair. Certain remarks were made by the Hon. Mr Foster, in your absence, Sir. If you wish to suspend the sittings of

the Council to obtain a copy of what was said, I am perfectly happy to have that happen. However, I ask the honourable member to withdraw unreservedly the despicable remarks that he made about me.

The Hon. D. H. Laidlaw: They weren't even true.

The Hon. N. K. FOSTER: They were.

The PRESIDENT: Order! The honourable member has been asked to withdraw his remarks.

The Hon. N. K. FOSTER: Which remarks?

The PRESIDENT: Will the Hon. Mr. Cameron please tell me to which remarks he objects?

The Hon. M. B. CAMERON: The whole sentences that the Hon. Mr. Foster uttered about me. The honourable member is playing games, because he knows exactly what he said. I have been in politics for a long time and I am not sensitive. The honourable member knows what he said, and I certainly will not repeat it.

The PRESIDENT: The Hon. Mr. Foster would do the Council a service if he withdrew the remarks to which the Hon. Mr. Cameron has taken exception.

The Hon. N. K. FOSTER: I will withdraw the remarks that I am accused of making. I have heard the Hon. Mr. Cameron say that I used the word "skulking", but he was sulking when he joined the Liberal Movement.

The PRESIDENT: I take it that the honourable member has withdrawn his remarks.

The Hon. N. K. FOSTER: I have withdrawn all the remarks that the honourable member considers I may have made. However, I will repeat them later in the debate.

The PRESIDENT: Order! The honourable member has withdrawn his remarks, and has leave to continue with his contribution to the debate.

The Hon. N. K. FOSTER: Thank you, Sir, I will proceed. The Hon. Mr. Cameron, along with some of his colleagues, saw fit to blame the Labor Party because the standardisation of the line between Adelaide and Crystal Brook had not yet been completed. What political hypocrisy. Between 1968 and 1970, the Steele Hall Government found itself so divided and leaderless that even the Speaker in another place could not support the then Premier. One of the reasons for that was the utmost importance to the State in those days not only of Chowilla but also of the standardisation of this line. The hesitancy and weakness of the Hall Government, and the dissidents within it, enabled the Federal Government to take advantage of it and call for yet another report from Maunsell and Partners in relation to the Crystal Brook railway line standardisation. That was a delaying factor, which was inhibited by the Whitlam Government, until it was shaken out of office, almost by corruption, in 1975.

I do not know what the Hon. Mr. Cameron thinks, but, if he thinks that he can get up in this place with a clown-like attitude and say all sorts of things, he is mistaken. This is a matter of Parliamentary research, and the Hon. Mr. Cameron ought to go beyond his Party's attitude of asking, "Can I please see the Liberal clipping in relation to such a Minister or Government?"

Surely his thinking must go beyond such research. Surely he thinks about what contribution he can make to a Bill, and surely he properly researches it. There is nothing new in the bungling and delays to the standardisation of the railway line to which the Bill refers. Such bungling has been going on for about 100 years in regard to the Darwin-Adelaide link. It was the same bungling in regard to the railway at Blanchetown, where no railway line has ever been constructed. There is nothing new about the bungling of the railways system in this country. The railways have been one of the greatest fatalities of each era and each Parliament.

I took objection to the remarks of the Hon. Mr. Cameron in attempting to lay the blame on one particular person, on one Minister or on one Government in regard to a matter that has been a matter of political and departmental controversy for almost 15 years.

The Hon. R. C. DeGaris: What do you know about the line to Darwin?

The Hon. N. K. FOSTER: As the honourable member knows, it was built from Larrimah to Darwin and fell into disuse with the closing of the Frances Creek iron deposits about five years ago. That gap has still to be filled. The matter has been raging for about 100 years and has been the subject of great constitutional argument in regard to the undertaking given by the Federal Government when the Northern Territory was made the responsibility of the Federal Government and on a number of occasions since then. I do not believe in regard to this Bill that it is fair, that it is honest, that it is good political judgment and I do not think that any good political capital arises when any member in this Chamber starts throwing stones.

The Hon. M. B. Cameron: You tell Mr. Dunford.

The Hon. N. K. FOSTER: I am not responsible for what the Hon. Mr. Dunford says, just as the honourable member is not responsible for what the Hon. Mr. Dawkins says. The matters which I want to canvass in the Bill are in connection with the proposed changes (minor in overall concept), and their effect on residents in certain Adelaide suburban areas. I seek to determine whether or not there has been sufficient and proper study made in the urban area at least in comparison with the millions of dollars that have been spent examining the areas and the routes involved, say, between Dry Creek and Crystal Brook.

If South Australia is going to herald such a link, as we should, we then should be mindful about what it will mean in lost revenue to this State. It also means that we ought to be taking a much better and closer look at proposed unification measures in terms of energy audit in the 1980's, because the dieselisation of the railways throughout Australia was an unforeseen blunder which looked good at the time. It will grow into a costly operation.

If the standardisation of the railway is going to be such that it will involve the further use of expensive fuels to carry most if not all of the primary products of this land by container and if goods will be transported to Melbourne at the expense of Outer Harbor, despite the improvements of the past five years, then I am concerned. Sooner or later South Australia has to realise that it must make use of the real energy resources that it has in abundance, that is, its coal deposits, be it brown coal or steaming coal. If one can see that there will be a swift change from one sector of the transport industry to another, we should be aware of the change.

On the credit side of this, we will probably not see any increase in road transport to a great extent on the highway between Adelaide and Melbourne. Indeed, if road haulage had expanded as much from 1965 to 1975 as it did from 1955 to 1965, we would have a situation involving a four-lane (two lanes each way) highway between Adelaide and Melbourne. If commercial road transport had continued to grow at that rate, there would hardly be room for private vehicles on the roadway. Sooner or later one has to conclude that everything that is moved must be assessed by an energy audit. It would be based on the energy source available in each State and consider points such as efficiency and the like. South Australia has a cost structure advantage. The energy audit would ascertain the cost involved in moving that amount of cargo in any given form, for example, in containers or units. The question will have to be asked how certain goods will be moved. One may be wanting to move cargo from Adelaide to

Melbourne by sea rather than by road, or part of it may be moved by rail, but these aspects must be considered, and it is valid to dwell on these points.

If one comes down on the side of the rail link, then I believe one is looking at a project of such a cost that the additional cost to shorten the journey involving South Australia in marshalling yards away from the traditional or known areas will be necessary. I refer to the present rail problem in Port Adelaide and what it will be as a result of the limitation imposed by bridges. I refer to the situation that already exists in regard to the movement of road traffic in that area.

One will have the same rail congestion in regard to marshalling and movement as we have in regard to road transport and trailers seeking to get over the bridge in the port, through the residential areas into Rosewater, and there will be no value in such a railway system for the proposed and extremely costly Rosewater overpass. It will take Grand Junction Road traffic over Port Adelaide Primary School, right over the two Port Roads and on to the causeway near West Lakes. That will cause some reaction, but it is all in the planning stage at this time. In fact, I think the overpass from Grand Junction Road, where there will be acquisition of the property of petrol stations and the like, is not going to aid in this gigantic approach that standardisation will give us.

If South Australia is going to become a State with the capacity at least to unload containerised ships, as distinct from sending loaded containers of wool and so on to Melbourne, we will start to balance the amount of work for containers between Melbourne, Sydney and Adelaide. It must be looked at as a discharging port rather than a loading port. Therefore, we should look at a containerisation concept of discharging more than loading. It is at that point that one realises the value of the railway system. If there is to be any growth at all in containerisation as a discharging port for overseas ships, we cannot afford a road hauling scheme as well, because of the waste in energy that the present road system presents. That system has hung around our necks for many years, and I believe it will become a deciding factor in favour of the new railway system.

One must then consider the expansion of the Outer Harbor area. We should not impose heavy traffic upon the very narrow peninsula in that area over one bridge across the Port River, or even through a duplication of the Birkenhead Bridge. If we attempt to channel all traffic down the narrow neck of that peninsula we will be heading for trouble because of the marshalling yards at Gillman. There will possibly be a link with marshalling yards at Islington, and they will all merge on to the same line in the Dry Creek area. It is possible that there will also be marshalling yards in the southern industrial sector in the Hallett Cove area. The areas through Tonsley Park, Edwardstown and even Mile End—and I am sure the Hon. Mr. Laidlaw is paying attention because he knows what is happening there through his knowledge of manufacturing —will all be affected.

We must start thinking about building a link between import-export areas that will travel north to Crystal Brook to meet up with the national network. That link should bypass every marshalling yard in the metropolitan area. I argue that point very strongly, because thousands of containers will be discharged and many trainloads of one type of transportation unit will be railed, and that will do away with the need for marshalling yards. We must not allow a duplication of the terrible congestion that exists in Sydney and Melbourne and that can only be done, not on the export side, but only on the importing side. At Balmain it is impossible to get through-clearance in under five or even six weeks. The blame for this situation cannot be directed at the Transport Workers Union, Customs or even container depots. This situation has occurred because they were put in the middle of the biggest city of Australia in an area where the streets are no wider than those that were needed to force unfortunate people in chains to get between rows of buildings in the eighteenth century.

Any attempt to connect the containerised depots in the inner dockside area of Sydney to areas such as Challora, which is a multi-million dollar development that was supposed to be a clearing house for containers, has been a costly and very dim failure. Such congestion cannot be overcome by merely providing a marshalling depot 20 miles distant, as in the case of Challora, when there is no way to widen arterial highways in the inner city areas. To travel that 18 or 20 miles to Challora involves passing through about 150 sets of traffic lights.

South Australia should learn from that situation and should conduct a study to find a trunkway that will enable a direct rail and road link with the line north of the areas that will need to service it. An argument put forward on the north-eastern transport problem was that the Northfield rail service could not be proceeded with because we could not afford a break to develop from feeder lines coming in from the main railway system at points such as Dry Creek and so on.

Although I support this Bill, at this stage I make it very clear that, whilst a lot of money has been spent on the line in outer urban areas on its journey to Crystal Brook, I believe that the Bill should be subject to a great deal of discussion and soul searching. The plan needs a great deal of improvement, particularly in the Port Adelaide area, where there is only one railway bridge a long way down the river from the Birkenhead Bridge. That is insufficient. A further bridge is needed north of the chemical works. Much of the live sheep export will go through that area in the northern end of the peninsula rather than through Port Adelaide. The previous Government had already advanced plans in respect to that matter. The present Government has seen fit to continue with those plans, and perhaps it will accept recommendations for their improvement from those who were responsible for such a gigantic problem.

I suggest that the Hon. Mr. Laidlaw should use his considerable influence to ensure that the utmost value is given to that line and its use. Much revenue will come to this State through that line as an importing rather than as an exporting source.

South Australia will be in a lot of trouble if within the next three years Russia decides to containerise to the same extent as Britain and America. In yesterday's newspaper we find the export figures and the revenue capacity of Port Adelaide over the last 12 years, which have multiplied hundreds of times because Russian ships have been loading at the port. I am sure that well over 60 per cent of all ships visiting Port Adelaide have been Russian vessels. South Australia should take cognizance of the fact that Russia may be about to containerise to the extent that other countries containerised about 10 years ago.

I thank the Council for its patience. I hope I have stayed on my feet long enough for the Attorney to proceed with the matters about which he had forgotten.

The Hon. K. T. GRIFFIN (Attorney-General): I thank members for the contributions they have made to this debate and for the indication that the Opposition will support the Bill. Enough members have spoken on the history of this matter to make it not necessary for me to pursue the matter further. Suffice to say that the linking of Adelaide to the standard gauge system is a very important

development that will have a significant impact on Adelaide in particular and South Australia in general. It is one that we, as a State Government, want to see proceed at the earliest opportunity.

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

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 29 October. Page 1572.)

The Hon. R. C. DeGARIS: The Bill makes a number of amendments to the Local Government Act that may be classified as relatively minor. The amendments include penalties for fishing in the Torrens River, delegating to authorised officers power to sign certain certificates, empowering councils to subscribe to life saving clubs, amendments to postal voting procedures, appointment of returning officers, appointment of scrutineers, empowering councils to operate bus services, more flexibility for councils with schemes for aged cottages homes, empowering councils to contribute to school libraries, security deposits from consumers where council supplies electricity, the area at Victoria Park to which the S.A.J.C. may charge for admission, portability of sick leave entitlements, and council elections to be held in October each year.

One can see that, as usual, this Local Government Act Amendment Bill is largely a Bill to be discussed in Committee. Clause 3 includes definitions of Deputy Returning Officer, Presiding Officer, and Returning Officer, and they are not amendments that one can debate at great length. However, subclause *(d)* does make an important change and a consequential amendment to a later amendment changing the date for council elections from the first Saturday in July to the first Saturday in October.

The reasons given by the Minister for this change are that it would be better to have local government elections following the adoption of the annual budget rather than throw new councillors into a budget session almost as soon as they are elected and that, secondly, the weather may improve the interest factor in council elections.

On this point, I question whether the Local Government Act should lay down any date for council elections. Over the years, we have been moving away from paternalistic attitudes and have been trying to provide a greater degree of autonomy for councils, yet we are not prepared to give to local government the right to say when they will conduct their elections. A State Government, or a Federal Government, is not so circumscribed, and I see no reason why the Parliament of South Australia should determine when local government elections should be held.

The second point I wish to make is that local government elections in October seem to me to have certain difficulties. As I think you said in a speech on the matter, Mr. Acting President, there is no guarantee that the election will be held after the budget. I do not see any reason why a budget should not come down until after October, and an amendment may be required to ensure that that happens. The intent is, of course, that local government elections will come immediately after a budget session, which also presents a number of difficulties.

Will councillors already serving be prepared to face their financial responsibilities in a commonsense way, knowing that in a few weeks, maybe days, they will have to face the ratepayers? Local government elections under this system will be held almost at the same time as ratepayers receive their rate notices.

My preference would be to apply to local government a similar position to that which exists in the State Constitution Act, namely that elections should be held between specified dates, 28 February to 30 May, and, for the reasons given, I prefer the autumn period to October. We should allow local government the privilege of setting its own election dates.

I also make the point that in several districts (particularly rural) October is a time that places great difficulties on people getting to the polls. I ask the Council to examine this suggestion, as it unties local government from the apron strings of State Government in relation to election dates, a process we should be favouring, and would also allow different districts to arrange their election dates to the most suitable period.

Furthermore, my research, in telephoning around local government and asking about this question, shows that local government does not favour October as its first choice. I believe that the history was that the previous Government was looking at the question and the whole of local government favoured the autumn period but, because of a likely clash with State Government elections, the October option was put to local government.

I believe that this Government has followed the same process and, for the same reasoning, has decided that October is the right time for local government elections. I believe that local government throughout South Australia, by a substantial majority, after giving the matter substantial thought, favours the autumn period. I think there are difficulties that this Council should be made aware of in making a decision on when council elections should be held.

I do not see why we should be so dogmatic as to say that council elections shall be held on any one particular day. For example, if it suits the South-East to have elections in early March and if it suits the Mid-North to have them in May or October, I do not see why Parliament should be so rigid as to lay down one day for the whole of South Australia's local government elections.

I do not see any problem in offering some alternatives to local government. It is time that some changes took place in local government voting to allow more flexibility but within the confines of the accepted democratic voting principles of the Electoral Act. While I am on this question, I am surprised that the Government has not taken action to bring the voting system in local government into line with accepted procedures in State and Federal elections. It is quite ridiculous that voting in local government elections should be by a cross, whereas voting in all other elections is by numbering the candidates. This is confusing to electors in Federal, State and local government elections.

Further, the vote-by-a-cross system allows plumping in voting procedures where more than one candidate is required. This imposes on local government a system that deserves condemnation. I think most members understand what I mean by plumping: where more than one candidate is required, a vote for one candidate by a cross is a formal vote. It allows the plumping process which has, in many cases, seen people elected who would not have been elected if voters had been forced to vote for the number of candidates required. One again, the Electoral Act as it applies to State elections should apply to local government. I believe that we offer local government no choice whatsoever. We lay down the worst possible system and say, "That is what it is going to be." We think that

people in local government know less about voting systems than we know as members of Parliament. I assure honourable members that there are many people in local government who know just about as much about voting systems as we do.

The Hon. Frank Blevins: In the interests of uniformity, would you then logically support compulsory voting for local government?

The Hon. R. C. DeGARIS: I have never supported compulsory voting. We do not have compulsory voting for this Council, and I have always opposed it, even though technically we have compulsory voting because Assembly elections and Council elections are held on the same day, and voters are handed a ballot-paper. By law, nobody can be fined for not voting in Council elections.

The Hon. Frank Blevins: You must agree that for the House of Assembly there is compulsory voting. Surely for uniformity it would be logical.

The Hon. R. C. DeGARIS: I am putting the point of uniformity in regard to overcoming difficulties that arise in relation to voting procedures. That is an entirely different question from the one that the Hon. Mr. Blevins raises. Anyone who has acted as a scrutineer has seen many people vote by a cross at State and Federal elections. We have also seen informal voting where people have voted "1" and "2" in local government elections. My suggestion would add to the ease with which people can vote. There is no reason why a council, if it so chooses, should not adopt a voting system over the whole local government area by proportional representation.

The Hon. Frank Blevins: Should it be able to bring in compulsory voting? Should it have that option?

The Hon. R. C. DeGARIS: On the line I have taken on local government, I am a person who does not believe in paternalistic attitudes. If what I have said is reasonable, I would have to agree that, if a local government organisation itself wanted to impose compulsory voting, it should have the right to do so. However, I point out that in local government we have a great deal of difficulty in connection with people who are interstate or well away from the district. It is very difficult for the local government organisation itself to inflict a penalty on someone who is not in the district and who does not vote. There are a number of difficulties in carrying that out. I take the point, and agree that where possible we should give as much decision-making power to local government as possible in these matters.

The Hon. Frank Blevins: Will you be moving amendments to give effect to what you say?

The Hon. R. C. DeGARIS: In that regard, no, because I think it is too complex, for the reasons I have given. The general theme that I am on is that we should be allowing local government to make more decisions on these matters than it has under the existing Local Government Act. I hold to that point. I do not know whether many local government organisations have elections over the whole of their area, but Kimba has, and there is probably another.

The Hon. M. B. Dawkins: Warooka.

The Hon. R. C. DeGARIS: Yes, Warooka. Any local government organisation that elects people over the whole of the district on a vote-by-a-cross system with allowable plumping is leaving itself wide open to electing people who are not generally approved by the whole district. That is what is happening. There is only one real way by which one can choose people over a large district where voters are electing five or more people, and that is by proportional representation. It is the only way that it can be done satisfactorily. For this reason I suggest that we should give local government the option to choose the system that suits it in relation to that district.

I know, for example, that the people of Kimba (as the President would know) are very keen advocates of proportional representation. I know from what they have said to me that, if given the option, they would adopt proportional representation over the whole district to elect their council. I see no reason why this Parliament should say to them in regard to such a system, "No, you cannot use it." On democratic grounds one cannot question proportional representation. There is no way that anyone can argue against it. It is the correct system to use if one wants to elect five or six people over a whole area. I see no reason why we should inflict upon local government the existing system in those circumstances, as it can be very roundly condemned as being most undemocratic and producing the wrong result.

The Hon. Frank Blevins: It can be manipulated.

The Hon. R. C. DeGARIS: Yes.

The Hon. Frank Blevins: Quite easily.

The Hon. R. C. DeGARIS: That is so. As far as local government is concerned, we should give every possible assistance to abolish the ward system. The ward system has probably held back the advancement of local government more than has any other system. In many areas of the State the ward system has done a great deal to harm the image of local government. If we make some move along these lines, I believe we will find in many districts that wards will tend to go, and people will use a voting system that many of them understand better than we do, to achieve greater autonomy in local government.

I am not saying that local government should be able to choose anything outside the allowable voting systems in the Electoral Act. However, we should allow them a choice if they desire to use it. Parliament has really placed local government in a voting straitjacket with a system that deserves condemnation and allows no flexibility to individual councils.

Clause 12 requires a council to appoint its returning officer and such deputy or deputies as may be required at its first meeting. This departs from the present procedure where the returning officer appoints the deputy or deputies that he or she may require. It seems to me to be rather strange that a returning officer must be appointed at the first meeting after an election, when there is still 11 months to go to the next election.

At present, a returning officer appoints those people that he thinks can assist him at the poll. I should like to know why it has been necessary to alter the present arrangements, which I believe have operated successfully. There may have been problems of which I am not aware. However, I should like to know why under the Bill a returning officer can appoint any other officers who may be required. It seems to be unnecessary and restrictive that all poll officers must be elected 11 months before an election is held. If a returning officer takes ill and cannot be available, does one of the appointed deputies take over? Can further deputies be appointed by the deputy returning officer if he must take over? I should like to know the answer to that question.

My last comment concerns not what is in the Bill but a part of the Act generally. I express my opposition to the powers that are given to the Adelaide City Council under section 855(b) to acquire, once a development plan has been approved, and with Ministerial approval, by compulsion any land for a scheme and, having acquired that land, the council can develop it itself or lease for 99 years to any other private organisation or person the land or property so acquired.

I realise that this section was included in the Act to achieve a certain purpose at a certain time. However, I object to the power that is given to the Adelaide City

Council under this section, even though this can be done only with the Minister's approval. Parliament should act as the protector of the ordinary rights of the citizen, and those rights should not be subject to the whims of any local government organisation or, for that matter, the Minister. There are cases where a council should enter the market to assist a development plan, but the protection that Parliament should provide in such cases needs more than just Ministerial approval.

I express my opposition to this provision because I believe that pressure will be brought to bear for other areas of local government to be given the same power as that which presently exists in relation to the Adelaide City Council. It is very difficult for this Council to say to the Adelaide City Council, "Yes, you are upright and honest citizens. You have this tremendous power to acquire buildings and to hand them to another private organisation if you so desire," and to say to the rest of local government, "No, you cannot have that power."

I would not like to see this power extended to other local government organisations, even though a development plan has been approved. If this power is to be maintained on our Statute Book, Parliament must ensure that it takes control of whether or not this type of development should proceed. Where a person's property is removed from him and the council wants to hand that property to another private person, Parliament should make a close examination and report on the matter.

With those few remarks, I support the second reading. I have expressed some doubts regarding the holding of local government elections in October. I am informed that most local government organisations would prefer the elections to be held in autumn; I have done a fairly large survey to be able to make that assessment. I suggest that the Minister have a close look at this matter, as I do not believe that October is the right time to hold elections. Certainly, as many of us have found, September is not the right time, either.

The Hon. N. K. FOSTER: I support the Bill, although with some serious reservations, of which, as time passes, members will become aware. One of the things that concerns me is the sniping by some Government members, with needless repetition, in relation to the attitude that the former Government took on some matters. One of the principal matters that seems to have emerged continually since the fateful day in September last year is, "Our Federal fellows did more for local government than did your colleagues. Whitlam did not do much, but Fraser did a great deal." They are not statements of fact. However, every Government speaker has dealt with some form of percentage terms or some portion of the taxation cake.

That is not the proper way in which to look at this matter, which should be examined in real, hard terms. One needs to examine whether or not the overall percentage involved is in keeping with the previous grants that were made and the areas to which grants were made. One must look closely at the Federal Constitution, as it has applied after Fraserism and as it could possibly have applied before Fraserism.

I will rest my foot on Murdoch's newspaper, but not on the leather seat, Sir, because I have a crook arm and want to rest it.

The PRESIDENT: I will accept that explanation.

The Hon. N. K. FOSTER: Thank you, Sir. I am dealing with the Australasian Federal grants system and its impact on relationships between State Governments and the Federal Government. I refer to a considerable document, the contents of which should be recorded. It was presented in Sydney on 30 August 1980 at the annual conference of the American Bar Association by none other than Justice Rae Else-Mitchell, C.M.G., Chairman of the Commonwealth Grants Commission. I know that Justice Else-Mitchell is not one of the Hon. Mr. Hill's favourite justices. I do not know whether the Minister is aware that some of his colleagues were wide of the mark in their praise of Fraserism and were getting mixed up with Federalism or the Whitlam years. It is important that these remarks go on the record, and I quote:

CONSTITUTIONAL BACKGROUND

The Federal Constitution of the Commonwealth of Australia was largely modelled on the United States Constitution, not only in the basic structure, which assigned specific powers to the central Government and left the residue of powers to the States, but also in the text of a number of major provisions.

The Commonwealth (or Federal) Parliament consists of a House of Representatives, elected on a universal franchise by all adult citizens of Australia on a basis of individual electoral areas of approximately equal populations, and a Senate, consisting principally of an equal number of senators from each State. Under the Constitution, which became effective in 1901, the Commonwealth Parliament was given basic financial powers similar to those of Congress: its power to levy taxes, but so as not to discriminate between States or parts of States, was similar to the power of Congress in Article 1, Section 8, "to lay and collect Taxes, Duties, Imposts and Excises . . ."; the limitation on discrimination was reinforced by a declaration, also similar to that of the United States Constitution, that "the Commonwealth shall not, by any law or regulation of trade, commerce or revenue, give preference to one State or any part thereof over another State or any part thereof".

The Australian Constitution, like that of the United States, gave the central Government the power of "borrowing money on the public credit of the Commonwealth" and provided a corresponding control over revenues and other Federal funds by the following provisions, namely ss. 81 and 83, first paragraph:

"81. All revenues or moneys raised or received by the Executive Government of the Commonwealth shall form one Consolidated Revenue Fund, to be appropriated for the purposes of the Commonwealth in the manner and subject to the charges and liabilities imposed by this Constitution.

83. No money shall be drawn from the Treasury of the Commonwealth except under appropriation made by law."

There were, however, some important differences. First, the Australian Parliament's power to levy customs and excise duties was made exclusive, so that the States were deprived of the power to impose any such taxes or duties. This resulted in a substantial diminution of the capacity of the States to raise revenue from taxes on the production or sale of goods. Second, because it was thought that the Commonwealth would not be required to spend all of the customs and excise revenues it collected, the Constitution provided that, for the first ten years and thereafter until provision was made to the contrary, only one-fourth of the net revenue from those sources should be applied annually by the Commonwealth toward its own expenditure, and the balance should be paid to or applied for the benefit of the States.

The Hon. R. C. DeGaris: That never happened.

The Hon. N. K. FOSTER: It was much like the Interstate Commission. That did not happen, either.

The Hon. R. C. DeGaris: Do you know how they got around it?

The Hon. N. K. FOSTER: They did not really get around it to my satisfaction. The last person to try to get around it in the Parliamentary sense was a former President of the Senate.

The Hon. R. C. DeGaris: It was George McLeay.

The Hon. N. K. FOSTER: Yes, and he had some differences with the then equivalent of the Liberal Party structure federally in about the mid-1930's in regard to the commission. Governments of both political persuasion dealt with the commission in terms that suited each Party when in power. I do not think any great credit can be reflected on any major political Party in Australia in regard to the commission. The paper continues:

> Third, while there is no power in the Commonwealth Parliament similar to that of Congress to "provide for the common Defence and General Welfare of the United States", s. 96 of the Australian Constitution endowed the Parliament with express power to "grant financial assistance to any State on such terms and conditions as the Parliament thinks fit".
>
> The development of a Commonwealth (or Federal) grants policy in Australia was not possible until the High Court had clarified some aspects of the appropriation power (s. 81) and the nature and extent of the power to grant financial assistance to a State (S. 96). The Founders and early commentators of the Constitution held differing views upon major aspects of these powers and the relevance to them of the constitutional requirements that taxes should not discriminate between States and that laws of trade, commerce, or revenue should not give preference to any one State over another.
>
> It was accepted, however, that the power to appropriate funds for "the purposes of the Commonwealth" extended to the making of grants to the States because the Constitution expressly provided for the distribution of surplus revenue to the States under s. 94, which provided that "after five years from the imposition of uniform duties or customs, the Parliament may provide on such basis as it deems fair, for the monthly payment to the several States of all surplus revenue of the Commonwealth". Nevertheless there was—and, in spite of two major decisions of the High Court, still is—doubt as to whether the phrase "the purposes of the Commonwealth" is limited to those matters in respect of which the Commonwealth Parliament has legislative or executive power under the Constitution, or whether the phrase has a wider connotation.
>
> A majority of the High Court in 1946—

that is not so far away in constitutional terms—

> decided that the power given by s. 81 to appropriate Commonwealth moneys did not authorise their expenditure for the provision of pharmaceutical benefits for members of the public otherwise than through the States. When a similar question arose in 1975 in relation to funds voted by Parliament to regional councils for social development not created under State law, the High Court was divided:

That was in 1975, and I only wish the Hon. Mr. Dawkins and the honourable member who sits to his right were present in the Chamber to hear this, because of the nonsense with which they carried on about the Whitlam years and the things that were not done. The High Court was divided on this issue and the paper continues:

> . . . three justices upheld the legislation authorising the expenditure and associated regulatory measures; two justices thought that both the expenditure and associated regulatory measures were invalid; one justice took the view that the expenditure was authorised but that the regulatory measures were *ultra vires;* the remaining justice said that the action was not justiciable because the plaintiff had no legal standing. In the result the challenge to the legislation failed, but the decision can hardly be taken as finally determining the scope of the power.
>
> The limitations on the scope of the appropriation power illustrated or implied by these decisions have not in practice represented a major obstacle to the expansion of the Commonwealth Parliament's grants and expenditure policies, mainly because of the amplitude of the grants power contained in s. 96. But those limitations have entailed most grants being made through the State Governments rather than directly to the bodies, or for the purposes envisaged by Commonwealth policies.

It is important to remember that. There are certain sections of this Bill upon which the Hon. Mr. Hill will have to act and make a decision. I suggest that advice upon that particular matter should be obtained friom a very reliable source.

The Hon. R. C. DeGaris: You are on the Local Government Act.

The Hon. N. K. FOSTER: It is the whole Act. As I see it, the only reason why this matter has not been challenged through the courts is the inability of local councils to gather sufficient funds or run the risk of losing office. I will deal with this matter more closely later on, and I will refer to those things that the Local Government Association spends most of its revenue on, that is, appeals to conciliation and industrial courts to deny wage structure and benefit increases to employees. I suggest that it would be a very bold person who would run such a risk by putting a challenge through the High Court. If councils were to take a particular stance it could become a matter for some public debate and conjecture, and they could well find the security of their terms of office in some doubt.

The Victorian Parliament has been a contester before the High Court for the rights of the people of Victoria to receive pharmaceutical benefits—benefits to be applied broadly to all Victorians. What sort of constitutional hang-up and selfish attitude could possibly have been possessed by those who sought to raise that matter! The document continues:

> In particular, grants of financial assistance to local government bodies were effected by payments being made to each State on condition that the moneys so paid were distributed in a prescribed manner to the numerous local authorities in that State.

Here again, the intent of the Commonwealth Parliament must have been based on what the Victorian Parliament considered to be State rights over Commonwealth rights, or what the State had considered to be an expansion of Commonwealth rights into the State area. The document continues:

> EARLY RESORT TO THE GRANTS POWER
>
> It was generally agreed by the Founders of the Constitution and early commentators that the power to grant financial assistance to a State was in the nature of a safety valve; it would enable financial assistance to be given to a State to preserve it from "financial shipwreck" or other circumstances of emergency. Its potential use as a means of furthering national policies devised by the Commonwealth Parliament was beyond the contemplation of all but an isolated minority of the Founders of the Constitution.
>
> It was upon this generally accepted basis that from 1910 onward grants were made to one or more of the less populous and financially weaker States—Western Australia, Tasmania, and South Australia. Before Federation these States had derived the major part of their revenue from the levy of customs and excise duties which subsequently came within the exclusive power of the Commonwealth Parliament. These States also complained that the industrial and tariff policies of the Commonwealth Government had affected their economies and made it difficult for them to maintain public services without financial assistance from the Commonwealth. These grants were made regularly on an *ad hoc* basis, but in 1933, largely as a result of State discontent, the Commonwealth Grants Commission was established to provide machinery for the consideration of applications for

financial assistance from States in need and for the making of recommendations to the Government.

In 1923 the Commonwealth Government took the first major step toward exploiting the grants power by passing two legislative measures authorising grants to the States upon conditions which had to be complied with by them. The first was the Main Roads Development Act, which provided for moneys being paid to the States for the purpose of building and maintaining main roads in accordance with a programme approved by the relevant Commonwealth minister. The second was the Advances to Settlers Act, which appropriated funds to the States to enable them to purchase wire netting in bulk and to supply it to settlers in rural areas of the States at cost.

That seems to be quite a small matter of simply providing wire-netting under a particular Act of the Commonwealth to settlers in the State at cost, but it raised their heckles once again. The document continues:

The latter measure was subjected to criticism in the House of Representatives by Mr. J. G. Latham (later to become Attorney-General and Chief Justice of the High Court) on the ground that it intruded into fields of State legislative power and was unconstitutional. Latham took the view, which he developed in a later debate, that, while there was power in the Commonwealth Parliament to grant financial assistance to a State, such a grant could be made, in effect, only if the State required assistance. There was a prophetic element in his speech on the Advances to Settlers Bill when, in order to reinforce his claim that the legislation was *ultra vires*, he said: "If the mere voting of money is to bring a matter within the jurisdiction of the Commonwealth, any matter may be dealt with in this Parliament . . . It is obvious . . . that by a liberal grant of money the Commonwealth Government could obtain control of the whole education system of Australia."

JUDICIAL INTERPRETATION OF THIS GRANTS POWER

When legislation under the title of the Federal Aid Roads Act was passed by the Commonwealth Parliament in 1926 to make more permanent provision on a 10-year basis for grants to the States for road construction and maintenance, its validity was at once challenged by three States in the High Court. The grounds of the challenge were *(a)* that the Act related to road making, a matter which fell within the powers of the States, and was not, in substance, a grant of financial assistance; *(b)* that the Commonwealth could only impose conditions on a grant of financial assistance which were of a financial nature or were within its legislative power; and *(c)* that, if any one State did not take advantage of the grant, the legislation would represent a preference to one State over another in a matter of revenue in contravention of s. 99 of the Constitution.

The High Court, consisting of all seven Justices, dismissed the action without taking time to consider its reasons and pronounced the following judgment: "The court is of the opinion that the Federal Aid Roads Act No. 46 of 1926 is a valid enactment. It is plainly warranted by the provisions of s. 96 of the Constitution, and not affected by those of s. 99 or any other provisions of the Constitution, so that exposition is unnecessary."

Few important decisions of a constitutional nature have ever been given in such brief terms. This prompted Professor Sawer, a leading Australian constitutional lawyer, to observe: "In view of the extensive debates which had taken place both within and without Parliament, and the number of opinions given by senior constitutional counsel that the legislation was at least of doubtful validity, this was very cavalier treatment of the problem, and left many problems concerning the application of s. 96 unsolved, as to which a little more judicial reasoning could have been helpful.

More than a decade was to elapse before any attempt was made to develop the potentialities of the grants power which this decision had revealed.

The Hon. C. M. Hill: Could you have that incorporated in *Hansard*?

The Hon. N. K. FOSTER: I was wondering whether anyone was going to make that suggestion. Let me finish this. I did not want to test the Minister in relation to inserting it in *Hansard*, because of an irksome attitude taken towards me previously regarding this matter and the powers of the Chair.

The Hon. C. M. Hill: Is it related to the Bill?

The Hon. N. K. FOSTER: Yes, to the Bill and the powers. It is related to the debate previously on this matter by the Hon. Mr. Dawkins and others regarding financial aspects. Since you have been a Minister you have been harping on what a great thing has been done for local government under your Government compared to what was done under other Governments. You are wrong, because there is doubt about how they can act constitutionally, and this makes a direct reflection on the granting of money from the Commonwealth to the States. The document continues:

During that period which included the economic recession of the 1930's, grants were made to the States for assistance of primary industry and for the relief of unemployment as well as for the construction and maintenance of roads. However, in 1938, in order to cope with some of the consequences of the depression in the wheat industry, a legislative scheme was devised based on the grants power. The scheme proposed to ensure a stable return to wheat growers through the imposition by the Commonwealth of a series of taxes on flour millers and merchants, the proceeds of which were to be paid to wheat growers through a Wheat Stabilisation Fund as a supplement to the market price which the growers received from millers. A substantial obstacle to the scheme lay in the fact that there was practically no wheat grown in the State of Tasmania.

The Hon. C. M. Hill: The Bill has nothing to do with wheat stabilisation.

The Hon. N. K. FOSTER: It may not have. That goes to show how weak the Minister is in not grasping the significance. I suggest that he get someone competent in his department to show why this is being read to the Council. I do not know whether the Minister is aware that wheat is grown in Tasmania. He reckons they grow hops, because he is not bad at having his ale, I suppose. The document continues:

The practical consequence was that the tax operated differentially in the State of Tasmania from the other States.

If one had read a rural journal last week, one would have found direct reference to the wheat stabilisation scheme being the subject of a High Court challenge under section 91 or 92 of the Constitution. A wheatgrower in northern New South Wales was flogging his wheat across the border to Queensland to stockfeed merchants.

The PRESIDENT: I think the honourable member is straying away.

The Hon. N. K. FOSTER: It appears that way at the moment, but the wheat stabilisation scheme had to have the approval of all States. It is interesting to look at South Australia's attitude. The wheat stabilisation scheme has been the subject of a High Court challenge. This may be of interest to you, Mr. President. It has nothing to do with the Bill but it has relevance to what we were talking about the other night when you were put in an awkward position. A Parliament in the Commonwealth has been allowed to alter a legislative enactment while that matter has been the subject of a High Court challenge.

The Hon. J. C. Burdett: It has nothing to do with the Bill.

The Hon. N. K. FOSTER: The crux was coming later but if you do not want to hear it, I ask that it be inserted in *Hansard* without my reading it.

The PRESIDENT: Knowing the ruling dealing with insertion in *Hansard* and as much as I would like to see the material in *Hansard*, I cannot permit it unless it is purely statistical.

The Hon. N. K. FOSTER: I thank you. I thought my task would be as wearying as ever. The document continues:

> The attack on this scheme, based on its involving discrimination between States in the levy of taxes contrary to s. 51, pl. (ii) of the Constitution, failed. The major contention in support of invalidity was that the Acts imposing the tax and making the grant to the State of Tasmania should be read together as a single legislative scheme so as to produce the result of a differential taxing scheme in breach of the requirements of the Constitution.

The Hon. C. M. Hill: What has this got to do with the Bill?

The Hon. N. K. FOSTER: If you want to take a point of order that it is irrelevant and not in accordance with the Bill, I suggest that you take the matter up with the President. I am quoting the Federal grants system and the fiscal relationship of the Federal Government, State Government and local government. I will not read only part of a document. That would not give a clear and concise explanation of the situation.

The Hon. C. M. Hill: Local government has its own grants system.

The Hon. N. K. FOSTER: Yes, and what is inherent in that grants system is based on this. I will cease talking—

The Hon. C. M. Hill interjecting:

The Hon. N. K. FOSTER: Honourable members opposite do not want to hear it, as it is going to be long and tedious.

The PRESIDENT: I ask the Hon. Mr. Foster to get a bit closer to the subject of the Bill. I believe that it is necessary to make appropriate points. The honourable member has referred to a document and given a number of quotes that are quite interesting but are not relevant to the subject matter before us.

The Hon. N. K. FOSTER: I am disappointed that I cannot refer to the matter. I was going to read from the document of the Labor Government's policy in 1972, but it was thwarted by the Liberals and made to be unworkable and not put into practice. When that factor was put aside by the change of Government in 1975, they got up in this Council and started boasting and ranting and raving about how good Fraser had been and how bad the Labor Government was in 1972. There is another matter coming up in this Council which touches more on local government and to which this document would be more relevant. It will all get in sooner or later. I point out that we are not at the third reading stage of the Bill, but rather at the second reading.

The PRESIDENT: It is a matter of relevance and that applies to all debates.

The Hon. N. K. FOSTER: I am not pushing it to that extent, but make the point that members opposite do not want to hear what I have to say. The Bill has a provision in it that could well affect the employment of people engaged as daily paid workers (to use the phrase out of context as it relates to the Public Buildings Department and to that area). A great deal of concern is being expressed by the A.W.U. To my knowledge the Minister has not approached those people, as is obvious from the clauses of the Bill in respect of that matter. The *Australian Worker* is a publication by the official Australian Workers Union. I have a copy of the issue dated Friday 29 August 1980 in which the South Australian branch Secretary, Allan Begg, felt that a report made by an organiser of the A.W.U., Bob Mack, set out the present situation in local government and Government departments. He was dealing with a policy of the Liberal Government in its attitude to letting out work to contractors to bolster the private sector. He was making claims that the South Australian Government was successful in fulfilling its policy of introducing private contractors into Government departments, local government and various other Government authorities. He said that employees would eventually lose their jobs as a result of the policies. Referring to Bob Mack, he suggests in the article that they ought to follow up the statement made by the Minister of Local Government which was forwarded by way of a letter to all councils urging them to introduce contract labour. The article states:

> It is the firm policy of the Government that in its own operations it should employ the private sector as far as possible. This has the advantage of helping to develop a healthy private sector in the South Australian community, while at the same time ensuring that the contractor is professionally responsible and accountable for the standard of work that is done.
>
> As a development from this policy, not only do I urge councils to avoid becoming involved in private works that are outside of their specific powers, but also themselves consider using private contractors for council work. The same advantages which the State Government believe are accruing in its own operations through the use of private contractors still hold true for local government as well. It seems that the adoption of such a policy would permit councils to review the need to purchase some of the very large and expensive equipment now on the market, and enable the risk and the overheads to be shared by the private sector.
>
> In order to be consistent in the application of its own policy, the Government has decided that its own departments and agencies should no longer employ local councils to carry out work on their behalf. An instruction will be issued to all departments and statutory bodies that they should seek tenders from private contractors to do site and other works for them.

And so the article goes on. That is a contradiction if one looks at the private sector and regards the private sector as being a narrowly defined group of business people who want to get their money's worth from the Government which they backed and which unfortunately won. If I or you, Mr. President, want to include in the term "private sector" the livelihood of men, the insistence on a proper standard for their wives and children, the ability to remain in employment on a reasonable income on a basis of their own private needs, areas of enjoyment and recreation, they no longer have that right as private citizens. They are completely and entirely removed at the behest of the wealthy Minister who sits here this evening and denies any form or any share of the State or the national cake or income that he likes. The people are deprived of any share.

The Hon. C. M. Hill interjecting:

The PRESIDENT: Order! I appeal to the Hon. Mr. Foster to come back closer to the subject.

The Hon. N. K. FOSTER: I have. A question was asked of the Minister of Local Government by my colleague Mr. Bruce a few days ago. The information that Mr. Bruce used was given to him from a Ministerial office—the Minister of Transport—by way of a report. In the report from the Minister of Transport, reference was made to a responsibility that lay with Marion council in respect of the Oaklands Park Training Centre. One learns to ride motor

bikes and cars there. Jennifer Adamson nearly had an accident down there.

The Hon. C. M. Hill: I think she got top marks.

The Hon. N. K. FOSTER: Not the way I saw her driving she did not. I come back to the fact that the Marion council had the responsibility of the upkeep of lawns, gardens, and so on, as a result of a letter from Mr. Hill. They then gave it to a private contractor. The private contractor was a Mr. Tom McLaughlan. Of course he would not be a relation to the fellow from the South-East—a mate of Cameron's. Mr. McLaughlan is a supervisor of parks and gardens with the Housing Trust. When the Minister's letter came to the knowledge of this unscrupulous person, what does this bloke do in appreciation of the private sector?

The Hon. R. C. DeGaris: What?

The Hon. N. K. FOSTER: He did several terrible things. He talked about unemployment in local government, so that it has a direct relationship to this Bill. Also, he abused his position by setting up as a contractor and undertaking the work that was being done by Marion council. That was done in his capacity as a supervisor of parks and gardens with the South Australian Housing Trust. This person took over the contract that Marion council had with the Oaklands Driver Training Centre, and used Housing Trust facilities to operate his private business. Is it any wonder that I am making these accusations?

The Hon. C. M. Hill: Where are you getting this information from?

The Hon. N. K. FOSTER: People telephone me and tell me. The wife of one man had to say, unfortunately, "We do not want to get our names involved." One telephone call involved someone who was employed by this person but who would not give a name. Others, because they are fearful of their jobs in local government, refused to reveal their identity.

The Hon. C. M. Hill: I hope you can verify this.

The Hon. N. K. FOSTER: The Minister should not interrupt. These people have said, "I will not give names, because my husband's job will be in jeopardy."

The Hon. G. L. Bruce: And the Attorney-General has assured us that no-one is victimised.

The Hon. N. K. FOSTER: That is so. The Attorney-General said that nothing like this happens. The Hon. Mr. Davis said, "Say that outside," but that would merely result in these poor devils getting the sack. The person to whom I have referred is using Housing Trust facilities and equipment to operate his private business, and this is a grossly improper practice. He has been using lawnmowers, edging machines and other types of equipment that the trust owns. The employees are directed to get that equipment from this person's private property. This is all because of a letter from the Hon. Mr. Hill. The matter is now the subject of some knowledge of the General Manager of the South Australian Housing Trust, but has he sacked this individual?

The Hon. C. M. Hill: Has it been drawn to his notice?

The Hon. N. K. FOSTER: I understand that it was brought to his notice by a person who telephoned me and who said, "The Housing Trust General Manager is keeping the matter quiet. No appropriate action has been taken. The man has not been dismissed, and it is not anticipated that the trust will take any civil action against him." If that is the type of public sector that the Minister regards as being above board, it is time that the Minister got off his rear end and had a damn good look at the matter.

The PRESIDENT: Order! The honourable member can make his point successfully without having to use unparliamentary terms.

The Hon. N. K. FOSTER: Government members sit on the benches in their comfort, warmth and wealth, and have no compassion for the unfortunate people in our community and the deeds that they do in relation to them. They will drive away from this place in their big white cars this evening (or will go by taxi, because they will not pay Government drivers overtime) without thinking of the imposition being placed on many people, causing them to become destitute and to worry, and in some cases to contemplate suicide. Government members could not care less about those people.

I challenge the Hon. Mr. Hill to go back to Marion council with a copy of the letter that he wrote and to ascertain the number of people who have been disadvantaged as a result of Government or Cabinet advice, how many black marketeers, profiteers and unscrupulous people are holding down three or four jobs and running a number of businesses, and to see what those people are doing to their local communities.

The Bill will restrict that sort of practice. However, I have referred to one area only. I could deal with cases that have occurred at Elizabeth, for example, in relation to garbage disposal. Almost the whole local government area is becoming infested with Dean Brown's disease, which he introduced into the Public Buildings Department at Netley. Recently, on television, Mr. Brown said in relation to unemployment that 2 000 applications were received for each and every job vacancy in South Australia. Yet, in reply to a question that I had asked, Mr. Brown said that any person who became redundant would not be replaced by a young or unemployed person, as that would defeat the Government's policies. That is the same advice that is contained in the Hon. Mr. Hill's letter to all local government organisations, and it is an absolute disgrace.

The Hon. J. C. Burdett: What part of the Bill does that relate to?

The Hon. N. K. FOSTER: I will come to that. The Hon. Mr. Burdett should just clear off to where he came from a while ago and leave us in peace. He should get up to Darwin and talk to the computer.

The Hon. J. C. Burdett: I just want to listen to something that is relevant.

The Hon. N. K. FOSTER: In his second reading explanation, the Minister of Local Government said:

> The Bill proposes amendments to the Local Government Act that fall generally into three categories. First, there is a small number of amendments of a minor administrative nature. For example, amendments are proposed updating the penalty for fishing in the Torrens River—

Government members should fish amongst the business world—

> simplifying administrative arrangements concerning the granting or transfer of leases of Crown land.

The Hon. Frank Blevins: Have you seen what they're going to slug people for fishing in the Torrens River?

The Hon. N. K. FOSTER: Yes, I have. The Minister went on to state that the Bill would delegate to authorised officers of a council the power to sign certificates setting details of rates and other charges.

The Hon. Frank Blevins: The man's a monster.

The PRESIDENT: Order!

The Hon. N. K. FOSTER: I should like the Hon. Mr. Hill to define the "authorised officers" to whom he refers in his second reading explanation. Which people come into the category of "authorised officer" for the purpose of getting more money from certain areas instead of from those who deserve to pay the most tax. The Minister continued as follows:

> Secondly, there are amendments designed to correct some

minor errors in the Act. For example, amendments are proposed changing existing references from ratepayers to electors, providing that a memorial addressed to a council requesting particular works must be signed by a majority of the electors affected, and empowering councils to subscribe to life-saving clubs within their area.

In changing the word "ratepayers" to "electors", it seems that in some way, without defining it, at last we have grasped the nettle of democracy so that we will accord to democracy the right that should be there to allow a vote at local council elections but stopping short of making it compulsory. I have no great objections if the Act is to be changed in that way, but the Minister will have a situation that could involve a council wanting or seeking change and having to seek a majority of electors, not one of whom has voted in a council election in their life. Consideration should be given to changing that provision included in the amendments.

In regard to the number of electors involved, I believe the provision should provide for a percentage of the electors consistent with the percentage that voted in the most recent election. If only 12 per cent of electors voted in the poll, then there should be only a requirement for that percentage of electors, because who else has taken sufficient interest to vote on the matter? People may move into an area and push a proposal where they have never previously had rights. The Hon. Mr. Burdett can laugh.

The Hon. J. C. Burdett: I was not laughing—I was just asking what relevance this has to the Bill.

The Hon. N. K. FOSTER: I was referring to the Minister's second reading explanation. I will deal with other clauses later. The Minister further stated:

> Thirdly, there are amendments upgrading the provisions of the Act to meet present day requirements. In this category are some amendments which give effect to the local government policies of this Government as enumerated in the August 1979 statement of Liberal Party local government policy.

I would have thought that the Minister would have acquainted the House, in his explanation, with some of the more salient aspects of that policy. The Minister continued:

> The general upgrading proposals include—
>
> *(a)* amendments relating to postal voting procedures and the appointment of returning officers, deputy returning officers and presiding officers, designed to bring the Act into line with the provisions of the Electoral Act,

Further in the Bill, and I will deal with them later, are provisions for town clerks and other deputised officers to be returning officers. Let me say to the Minister that this is not in keeping with the Electoral Act; rather, it is taking portion of the Act for his own particular purposes.

Under any other Act, say, if a trade union is to have a court-controlled ballot, the ballot is undertaken by the State or the Federal Electoral Department. Such a provision would be an appropriate amendment to that clause and should be in accordance with the Electoral Act to the extent that the Electoral Department accepts nominations—and no-one else accepts them. The acceptance of nominations should not be in the hands of the local government body; certainly, it should not be by the Town Clerk of the council. Previous speakers, including the Hon. Mr. DeGaris in part of his speech, said that the Bill is strengthened by those proposals. It is not. The Hon. Mr. DeGaris, the Hon. Mr. Hill, other honourable members and I know of the scramble that takes place at five minutes before nominations close, particularly in a suburban council where several nomination papers are kept at the ready and signed in case a council member is likely to be opposed. If there are other nominations, then five minutes before the close of nominations these nominations are submitted to ensure that, for example, Norm Foster will be re-elected, especially if three or four people stand for election.

In addition, a town clerk would then not have to ring up Norm Foster or, say, Mr. DeGaris, and say that we are opposed in the election and that we had better do something about it. Such a situation could not arise if this provision is taken further and the Electoral Department, which is capable of undertaking such a task and which has the manpower to do it, received the nominations. If the department was the only body to accept nominations, which would be kept secret, there would then be no trading of names of people who have submitted nominations to the town clerk, acting in the capacity of a returning officer, as provided in the Bill, and his bandying names about to selected friends and others. All honourable members know that this happens. If it happened in the trade union movement, members opposite would be up in arms.

It is wrong for the Minister to say that the provision is in line with the Electoral Act. The provision goes far, but not far enough. Indeed, it is like putting up a fence to keep the horse in the paddock but not putting in the gates. The provision should be taken a step further to place the matter entirely with the Electoral Department. This would protect the town clerk from allegations that I so correctly make. The second reading explanation further states:

> *(c)* an amendment enabling councils entering into schemes for the establishment of aged cottage homes to have some flexibility in the use of reserve funds to cover any future needs;

The Minister has not explained that matter. Does it mean that if a council is engaged in such activity it can exploit revenue designed for other grant areas? Councils already have some power in regard to this matter. Has this provision been provided for the benefit of a council which will remain nameless but which has run into some difficulties because it has overspent and under-estimated its costs in regard to aged pensioner homes?

If it is, I do not think that the provision should be on that basis. It should be done properly. I will not disclose which council is involved because, under other Acts, Homes for the Aged Incorporated has had some bad odour for some time. I do not think that these matters should be exploited by Federal, State or local governments. The Minister further states:

> *(d)* an amendment making it quite clear that a council may expend its revenue on provision of a community bus service;
>
> *(e)* an amendment empowering a council to contribute from its revenue to the operation of a community school library;

The Minister goes on to refer to permitting a council which supplies electricity to charge a security deposit, and I have no objection if a council is selling electricity to sporting bodies and the like, but I am concerned about paragraph *(e)* and the words "an amendment empowering a council to contribute". Does it mean that the responsibility of grants, be it from the Federal or State Government, will be diminished so that councils will be put in a position of having to increase their rates further and further to meet the requirements of libraries, which still continue to be the subject of specific grants? Is it going to take away from the community's effort in regard to community buses? Such a situation would be scandalous and should be looked at closely. Campbelltown council has one or more community buses which are voluntarily funded to some extent.

The Hon. R. C. DeGaris: This does not prevent that community activity from still happening.

The Hon. N. K. FOSTER: No, it does not prevent it but presently those community undertakings have been funded by grants for specific councils, and it now means that the council may have to strike a higher rate to provide for those services, which is the point I am making.

The Hon. R. C. DeGaris: That is the other way of looking at it.

The Hon. N. K. FOSTER: I realise that is the other way of looking at it, but that is the way the Hon. Mr. DeGaris and the Hon. Mr. Hill are looking at it.

The Hon. R. C. DeGaris: That is not letting them have a go.

The Hon. N. K. FOSTER: I am not suggesting that they cannot have a go. Does this mean that it is in the Government's power to say whether it will continue to fund them? Once this Bill is passed, will the Government tell the councils that there are no grants available from the Government? The former Premier, Mr. Corcoran, allowed the Campbelltown council a grant to assist it in establishing many community projects. If it is the Government's intention to stop funding councils and encourage community funding, whilst there might be a certain amount of community activity, it can go only so far.

Meals on Wheels began with no funding from anywhere and it eventually would have died and would not have expanded to provide the magnificent service it now provides if it had not been given the assistance it required. When Doris Taylor first approached trade unions for donations, during Meals on Wheels' formative years, to set up kitchens at Port Adelaide, the Liberals did not want to know her. The Government did not want to know her either, and it was a Liberal Government. Is it this Government's intention to tell councils in the future that it will not continue supplying grants because of the amending legislation empowering councils to operate school libraries, community bus services, and so on, from their revenue?

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

The Hon. N. K. FOSTER: There is nothing wrong with it. I am asking the Minister to respond later in a proper manner in accordance with the Standing Orders of this Council as to the Government's intention. If the Government cuts off funding to the councils they will have to go elsewhere for those funds.

The Hon. J. C. Burdett: No-one said that their funds had been cut off.

The Hon. N. K. FOSTER: The Minister should not get off his bike. The Hon. Mr. Burdett thinks he has the God-given right to speak in this place and that no-one else has that right. Knock it off!

The Hon. J. C. Burdett: You have spoken more than anyone else in the place and you have spoken more rubbish and more piffle than anyone else.

The Hon. N. K. FOSTER: I have not finished yet, either.

Members interjecting:

The PRESIDENT: Order! The next member who speaks when I call "Order" will be warned. The Hon. Mr. Foster has the call and he has just started to discuss the Bill, so I ask members not to interrupt him at this stage.

The Hon. N. K. FOSTER: Paragraph *(g)* states:

> An amendment removing the obligation for a council to collect all types of refuse from within its municipality, when, according to the nature of the refuse, specialist firms may be better suited for the purpose;

What does the Minister have in mind there? The Government already has that power, but it wants to extend that power. That will create a position similar to a situation in Melbourne where municipal workers had rights to belong to the council, to be employed by the council, to work for the council and to be paid by the council, but that was denied them by a council in Victoria and the whole operation was given to private enterprise.

The Hon. J. E. Dunford: And the ratepayers, too.

The Hon. N. K. FOSTER: And the ratepayers also meet the bill, as the Hon. Mr. Dunford said. He would know because he represented employees of the Australian Workers Union before he entered this Chamber. We all know what happened in Melbourne, and—

The PRESIDENT: Order! I am sure the Hon. Mr. Foster cannot find anything in the Bill dealing with Melbourne or Trades Hall.

The Hon. N. K. FOSTER: Can't I? Paragraph *(g)* states:

> An amendment removing the obligation for a council to collect all types of refuse from within its municipality, when, according to the nature of the refuse, specialist firms may be better suited for the purpose.

I cannot get closer to the problem than the non-collection of garbage.

The Hon. C. M. Hill: You are certainly on the subject of garbage.

The Hon. N. K. FOSTER: My word! I have asked the Minister about the Government's intention in this clause in relation to the rights of individuals and the people who work in the industry, bearing in mind the advice he gave to local government through a letter at the behest of Cabinet. If the Minister provides for private contractors to specialise in picking up certain types of refuse in the community, I will gladly allow the Minister to introduce a Bill declaring them illegal, prosecute them or give them legality. In his second reading explanation the Minister stated:

> The Bill proposes amendments designed to clearly provide for portability of sick leave entitlements for council employees in the same way as applies in the case of long service leave and loading entitlements, thereby further enhancing the mobility of employees between councils.

I think that all annual leave matters should be dealt with in the Bill, including annual leave loadings. I read recently a document from the Local Government Association where it stated that it had spent in the vicinity of 60 per cent of its total revenue on appeals on matters of wage increases for workers to the various industrial tribunals. I believe that is a lousy way for the Local Government Association to act when it only pays lip service to appeals in relation to the Municipal Officers Association.

The Hon. R. C. DeGaris: You said 60 per cent of their revenue.

The Hon. N. K. FOSTER: Well, a high percentage.

The Hon. R. C. DeGaris: You said 60 per cent.

The Hon. N. K. FOSTER: I did, but I could be erring on the wrong side. It could be 70 per cent or it could be 50 per cent. I will correct myself by saying a high percentage. The Minister's second reading explanation continues:

> Clause 2 provides that the measure is to come into operation on a day to be fixed by proclamation. Subclause (4) provides that the operation of any specified provision may be suspended.

Before we reach the third reading stage, I point out that too often we find in this place that there has been a grave limitation of time placed upon the Council, as occurred the other night, and we do not have time to go through a Bill properly at the third reading stage. I am giving the Minister ample opportunity to get his act together before we reach that stage.

Members interjecting:

The Hon. N. K. FOSTER: They have played ducks and

drakes. As you well know, the third reading is perhaps the most important stage of debate.

The Hon. R. C. DeGaris: I think you may mean the Committee stage.

The Hon. N. K. FOSTER: Yes. Clause 3 amends the definition section of the principal Act, section 5. The Minister has said that at present the position of returning officer under the Local Government Act corresponds to the position of presiding officer under the Electoral Act. That ought to be declared clearly and all nominations ought to be for the Electoral Department, not only under the Electoral Act. The presiding officer should be not only under the Electoral Act but also an officer of the Electoral Department.

The Minister says that the new definitions reflect a rearrangement of the titles and functions of local government electoral officers proposed by subsequent clauses. The existing practice leads me to believe that it does not do justice to the Electoral Act. It does not mean that all the intentions of the Act are carried out, because wider powers are given to abuse existing ones.

The Minister should look closely at clause 4, regarding the percentage of people who have voted at recent elections. Then the Minister says that clause 5 amends section 57 of the principal Act, which provides that a supplementary election is not necessary to fill a vacancy in the office of a member of the council where the vacancy occurs within three months before the first Saturday in July in the year in which his term of office would expire by the effluxion of time. It is not necessary, and I think it has weight if we disagree with the Hon. Mr. DeGaris and agree that spring elections ought to take place instead of winter ones. The Hon. Mr. DeGaris has suggested that we ought to have autumn elections.

The second reading explanation states that the amendment made by clause 5 is consequential on the amendments under which annual elections are to be held on the first Saturday in October. The first Saturday in October could involve a public holiday and I would like the assistance of colleagues on that matter. There would be problems with elections on a long weekend because of inconvenience to electors. Clause 11 raises a number of questions. The Minister states that that clause inserts a new section 87 designed to ensure that an auditor may complete an annual audit although he has failed to complete it before the expiration of his term of office. I should like an explanation of that.

The Hon. R. C. DeGaris: The second Monday in October could fall after the first Saturday.

The Hon. N. K. FOSTER: We could have Labor Day and a long weekend in the first eight days. The second reading explanation continues:

> Clause 12 amends section 102 of the principle Act, which relates to the appointment of returning officers. The clause amends this section so that each council is required to appoint a returning officer at the first meeting of the council after each annual election. The council is also, under this clause, required to appoint one or more deputy returning officers at the same time.

This should be amended so as to meet the requirements of the Electoral Act in accordance with the understanding.

The Hon. C. M. Hill: There are 73 clauses in the Bill.

The Hon. N. K. FOSTER: Get that painful Arabic expression off your face.

The ACTING PRESIDENT (Hon. J. A. Carnie): I suggest that the honourable member ignore interjections.

The Hon. N. K. FOSTER: The Minister states that clause 13 substitutes a new section 103, providing that a deputy returning officer may exercise any of the powers or functions of the returning officer but that, in doing so, he is to be subject to the general direction of the returning officer. There ought to be some explanation of the reason for which the deputy returning officer would want to be under the general direction of the returning officer, if a previous clause gives the right to delegate authority. If we amend that provision within the strict and proper terms of the Electoral Act, we will remove any doubt about that. A similar position applies to clause 15.

Clause 16 does not seem to raise questions. Clauses 17 and 18 are consequential on clause 13, and I seek the Minister's guidance on unavailability, and so on, if he has not accepted the sound advice given to him. Much can be said of clauses 20 to 31, all of which are relevant to the Electoral Act and involve the allocation of powers, functions, candidates, returning officers, qualifications, the holding of elections, and so on.

Clause 33 amends section 157 of the principle Act in relation to the qualifications and leave entitlements of council officers. The clause inserts a new subsection empowering the Minister, at his discretion, to waive the requirements as to educational and professional qualification for appointment to any council office. The provision refers to sick leave, other entitlements, and portability. I think the Minister ought to consult the Australian Workers Union and other organisations, including the Municipal Officers Association.

I should like clarity in respect of the sorts of requirements or educational or professional qualifications for appointment. I understand that, in some areas of professional unemployment, there are hundreds of applications for a particular job in local government. These people are well qualified to meet the council's requirements, and the Minister is given power to waive those qualifications and could bring in a dill who could be related to the Town Clerk. Although this is not a desirable situation, I do not think that such people should be denied their rights. I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

STATUTES AMENDMENT (CHANGE OF NAME) BILL

Returned from the House of Assembly without amendment.

LIQUEFIED PETROLEUM GAS SUBSIDY BILL

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

SELECT COMMITTEE ON UNSWORN STATEMENT AND RELATED MATTERS

The Hon. FRANK BLEVINS: I move:

> That the time for bringing up the report of the Select Committee be extended to 26 November 1980.

Motion carried.

ADJOURNMENT

At 6.23 p.m. the Council adjourned to Wednesday 5 November at 2.15 p.m.