LEGISLATIVE COUNCIL

Wednesday 5 November 1980

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

PORT AUGUSTA GAOL

The PRESIDENT laid on the table the report by the Parliamentary Standing Committee on Public Works, together with minutes of evidence, on Port Augusta Gaol—New Remand Wing and Inmate Accommodation.

PAPER TABLED

The following paper was laid on the table:

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

Pursuant to Statute—

South Australian Meat Corporation—Report, 1979-80.

QUESTIONS

KANGAROO ISLAND LAND

The Hon. B. A. CHATTERTON: I seek leave to make a short explanation before asking the Minister of Community Welfare, representing the Minister of Agriculture, a question about Crown land on Kangaroo Island.

Leave granted.

The Hon. B. A. CHATTERTON: On Sunday last, a number of members of Parliament took part in a trip to Kangaroo Island that was organised by the Conservation Council of South Australia, and we had an opportunity to look at the land that the Government is considering opening up for farming. It became obvious during our visit to the island that the question whether this land should be used for farming has a number of problems associated with it. It was obvious also that there have been a number of soil surveys of the area, some of which I believe are conflicting, and it seems to me that members of Parliament, who are involved in this—

The PRESIDENT: Order! I should like to remind the honourable member that the Hon. Dr. Cornwall has a motion on the Notice Paper dealing with this matter, and it may be as well that the honourable member is aware of that so that he does not contravene Standing Orders by asking a question on a matter that is already referred to on the Notice Paper.

The Hon. B. A. CHATTERTON: I was not going to ask a question on the matter. I was going to ask whether the Government would provide more information to members so that they would be better informed as to whether or not the land should be opened up.

The PRESIDENT: I accept that.

The Hon. B. A. CHATTERTON: That is the information that I was seeking. As I have said, there were two soil surveys that were conflicting, and I was going to ask the Minister whether he could make copies of those survey reports available. Also, because farming is very much an economic question, I was going to ask whether the Minister of Agriculture has conducted any economic studies and, if he has done so, whether he could make the details of these studies available to members of Parliament. I ask those questions of the Minister.

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

PETROL

The Hon. C. J. SUMNER: I seek leave to make a brief explanation prior to asking the Minister of Consumer Affairs a question about petrol pricing.

Leave granted.

The Hon. C. J. SUMNER: Yesterday, in answer to a question from me and also a question that I asked last week on this topic, the Minister said that the Government was rubber-stamping increases in petrol prices awarded by the Prices Justification Tribunal and that this was the policy adopted by the previous Government. It is true that the previous Government did approve the increases in petrol prices that were awarded by the Prices Justification Tribunal, but each increase by the P.J.T. was considered, and a decision made as to whether or not that increase should be passed on in each separate instance. I understand that the present Government's policy is a general directive that P.J.T. increases will be automatically passed on. Also, in reply to my question, the Minister said that he considered the base used by the P.J.T. in fixing a maximum wholesale price was inadequate and deficient. He was very happy to claim credit for the fact that his Government had presented a submission—

The Hon. J. C. Burdett: I didn't claim credit, I only stated a fact.

The Hon. C. J. SUMNER: The Minister should not claim credit for it. He caused a submission to be put before the P.J.T. about the inadequacy of the base on which the P.J.T. operates. If the Government is unhappy with the base and by implication believes that the price is too high because the P.J.T. has acted on wrong assumptions, it is clearly within the State Government's power under the Prices Act to reduce the price of petrol in South Australia, as has been requested by the South Australian Automobile Chamber of Commerce.

Does the Minister agree that the South Australian Government, through the Prices Act, has the power to fix a lower maximum wholesale price of petrol in this State? If the South Australian Government believes that the base from which P.J.T. fixes petrol prices is not sound and, indeed, is inadequate and deficient and that therefore petrol prices in South Australia are too high, why will the Government not use its powers to reduce the price of petrol?

The Hon. J. C. BURDETT: I said, and the Leader agreed, that the previous Government had in fact rubber-stamped the decisions of the P.J.T. in regard to a maximum wholesale price of petrol, and that this Government had done the same thing. The Leader said that each decision was looked at, and so it still is. The present Government still looks at each decision of the P.J.T. Maximum petrol pricing has been removed from formal control to justification—

The Hon. C. J. Sumner: Ah!

The Hon. J. C. BURDETT: It still is justification, and each different matter is looked at. I suggested (and I maintain this) that what we have done is simply formalise what was actually done by the previous Government.

The Hon. C. J. Sumner: It's a different system.

The Hon. J. C. BURDETT: It is only a marginally different system because, while it was under formal price control when the Labor Government was in office, it is now under justification, which means that it must be justified.

The Hon. C. J. Sumner: You've weakened it.

The Hon. J. C. BURDETT: We have not weakened it at all. It has been precisely the same thing and, particularly in relation to petrol, I maintain that all we did was to set out honestly and formally what the previous Government was doing, anyway.

The Hon. C. J. Sumner: You can't blame us. That was 13 months ago.

The PRESIDENT: Order!

The Hon. J. C. BURDETT: Regarding the Leader's specific question as to whether the Government has the power, the answer, as the Leader well knows, is that it does have that power. I suppose that it is fairly good policy for one not to ask a question unless one knows the answer to it.

I now refer to the Leader's second question. We made the submission because the Prices Justification Tribunal has far better resources to establish a correct cost-based price than we have. The Leader will know, from the time that he was a Minister, about the resources of the Prices Branch. He will know, too, that to go back at this stage to establish a formula and to set a correct base would be very difficult. However, I did say yesterday (and this is why we made the submission to an organisation that has the resources, namely, the Prices Justification Tribunal) that time is becoming a problem. I acknowledged the urgency of the resellers' problem and said that, to wait until March in order to see whether the answer was sound, would certainly be hard on the resellers. I also said yesterday that I was considering the submission made by the resellers and that I was expecting to receive a report very shortly. I can say now that I am undertaking further negotiations with the parties concerned, and that I am actively considering whether or not a lower maximum wholesale price should be fixed.

LAND VALUE

The Hon. J. R. CORNWALL: Will the Minister of Local Government, representing the Minister of Lands, say what percentage of unimproved value the Government is currently asking to freehold perpetual lease land? Also has this been changed recently, or is any change proposed?

The Hon. C. M. HILL: I will refer the honourable member's question to the Minister of Lands.

TEACHER TRANSFERS

The Hon. G. L. BRUCE: Will the Minister of Local Government, representing the Minister of Education, advise the Council on the truth or otherwise of recent reports that pressure is being brought to bear on teachers to apply for transfers?

The Hon. C. M. HILL: I will refer that question to the Minister of Education.

CAR SALES

The Hon. J. E. DUNFORD: I seek leave to make a statement before asking the Minister of Consumer Affairs a question regarding car sales.

Leave granted.

The Hon. J. E. DUNFORD: I read with some concern in the 3 November issue of the *News* a statement by Mr. Rowe, the head of the Professional Car Dealers Association, that many people were being conned by private car salesmen. That gentleman referred to a person named Mr. Walsh, who lost $9 400 after buying a bright red Alfetta coupe. He bought the car from a private individual who had not paid for it, as a result of which the purchaser was taken to court by the finance company. As a result of the court hearing, the person concerned lost the car. I am pleased to see that professional car dealers are concerned about this matter, as this sort of practice seems to be affecting them. I know of plenty of cases where car dealers have bought cars from private individuals believing that they were free of any encumbrances.

The car dealer does not get caught, but the private individual does. What impressed me more about the article was that it points out that Mr. Walsh is paying, that that is not good enough and that the State Government should do something about it. I agree, because if people in the community are being ripped off to that extent, I point out that a sum like $9 000 could possibly be a working man's life savings or a mortgage on his future wages. I have thought about this matter previously. I bought cars on hire-purchase in my early days. A purchaser gets a registration paper, which is usually thought to be proof of ownership, but he gets that paper even if he has not paid for the vehicle. I believe that the Motor Registration Division ought to have a different type of registration for those vehicles currently under hire-purchase or bearing some other encumbrance.

There should also be a service whereby the hire-purchase companies are committed to advising the Registrar of Motor Vehicles of cars which are registered and which are under hire-purchase. These are only a couple of suggestions I have. This matter has been highlighted because Mr. Walsh went to court over this matter, but I know that this sort of thing happens fairly regularly. It is all right to get the person from whom you are buying a car to sign a document stating that there is no encumbrance on the vehicle and to have that document witnessed, etc., but that does not help if the seller moves to another State or even remains in the State but has no money that one can recover for the value of the car after one loses it. Will the Minister of Consumer Affairs tell the Council what action, if any, he or the Government intends taking to safeguard the general public from being defrauded by unscrupulous people who sell vehicles without informing buyers that money is still owing on them?

The Hon. J. C. BURDETT: The previous Government took action in this matter, for which I commend it, by implementing the Consumer Credit Act, which generally speaking has been found to be effective. There is a section in that Act which provides that, where any person other than a dealer buys anything subject to a consumer mortgage, lease, etc., *bona fide* for value without notice, he gets a good title. I will come to Mr. Walsh's case in a moment. In general, because of the provision in the Consumer Credit Act, the problem does not exist. If a consumer buys something *bona fide* without notice of encumbrance, he takes a good title free of encumbrance. That is the position, a position that this Government accepts and does not propose to change.

Mr. Walsh received a judgment against him but, as the reasons for that judgment have not been given, I do not know what they were. Some of the conditions precedent may not have been complied with, or an interstate element may have been involved which motivated the judge or magistrate in the way he gave his judgment, but I do not know. In general, the section makes the matter clear and apparent. It is a strong, clearly worded and well drafted section providing that if a person takes goods subject to a consumer mortage or lease *bona fide* for value without notice, that person gets a good title. The registering of

encumbrances has been carefully considered and taken up with the Minister of Transport and the Registrar of Motor Vehicles. It involves an enormously expensive procedure, but it is still being looked at.

INSTANT MONEY

The Hon. N. K. FOSTER: I seek leave to make a brief statement before asking the Attorney-General, representing the Premier, a question about the instant money game.

Leave granted.

The Hon. N. K. FOSTER: On 24 October I wrote to the Premier, Mr. Tonkin, correctly addressing such correspondence, in the following terms:

> Since raising the matter of the duplication of lottery tickets, which has received some publicity, I have, in addition to the report in the *Advertiser* of 24 October, claims from two other members of the public that they, too, have been issued duplicate tickets. As this matter seems to be widespread, I respectfully ask you to consider making in-depth investigations into the Lotteries Commission and all of its activities.

At the bottom of that letter appears the notation, "Dictated by Mr. Foster and signed in his absence", because it was necessary for me to travel to Melbourne later that day, and I was not available to sign the letter. Since that time I have waited with my customary patience for a reply, which I have not yet received. Yesterday I was forced in this Council to make a personal explanation in respect of certain press reports, although I did not deal with all of them, published about a fortnight ago. It so happened that I saw the Premier yesterday at the rear of this Chamber. I made a respectful request to him on this matter and was told I would not receive a reply and why the hell had I not read *Hansard* in the House of Assembly.

The House of Assembly *Hansard* does not, in fact, give a reply to the question that I asked in this Chamber over which you preside, Mr. President, and which accepted that question. The only reply I have received to the question in this Chamber was the Attorney-General's statement that the matter would be referred to the Premier. The Premier may like to go whistling along the corridors of this building like a schoolboy who has been proclaimed captain of his team, but I suggest he would not even make the team if—

The PRESIDENT: Order! I think the Hon. Mr. Foster should explain his question.

The Hon. N. K. FOSTER: It is part of the question, because I am referring to the Premier's attitude in neglecting to carry out a function that is part and parcel of his position. First, will the Attorney-General ascertain from the Premier whether there has been any investigation of the South Australian Lotteries Commission's Instant Money Game? Secondly, if there has been, what is the extent of that investigation? Thirdly, when can I expect a reply to my letter of 24 October? Fourthly, will the Premier confirm whether or not the printing of such tickets on behalf of the Lotteries Commission in South Australia is carried out in Atlanta, Georgia, in the United States? Fifthly, is an audit of the tickets (a ticket, not a financial, audit) conducted by Arthur Young and Associates, also of Atlanta, Georgia? Finally, were any tenders called for the printing of such tickets and, if there were, was a submission received from a South Australian printer? If so, was that submission considered by the Lotteries Commission, and upon what grounds was that submission refused, if it was refused? I respectfully await a reply.

The Hon. K. T. GRIFFIN: I will refer the honourable member's question to the Premier and bring down a reply. I point out that the letter referred to by the honourable member is dated 24 October, which is just 12 days ago. I have no doubt that the letter is being processed by the Premier's office.

The Hon. N. K. FOSTER: I desire to ask a supplementary question. Why has the Premier not seen fit to reply to my letter of 24 October when he has made public announcements on the matter, as has the Lotteries Commission?

The Hon. K. T. GRIFFIN: I have no doubt that the Premier is giving attention to that correspondence, along with every other piece of correspondence that he receives.

FOSTER PARENTS

The Hon. FRANK BLEVINS: I seek leave to make an explanation prior to asking the Minister of Community Welfare a question about staffing levels at his departments Whyalla office.

Leave granted.

The Hon. FRANK BLEVINS: My attention was drawn to an article in the *Whyalla News* of Monday 27 October in relation to a very serious problem regarding the manning of the Department for Community Welfare office at Whyalla. The particular article was written around the problems that a foster parent was having in gaining advice from officers of the Minister's department in Whyalla. I will not read all of the article but, to give the Minister an outline of what the problem appears to be, I will quote some of it, as follows:

> Staff shortages at Whyalla's community welfare centre could have drastic effects on current programmes, a Whyalla foster parent claimed on Friday. Until recently there were ten community welfare workers in Whyalla but now, because of staff movements, there are only eight . . . and another is leaving soon. And there are no replacements in sight.

The Hon. C. J. Sumner: Is that because of the staff ceilings that have been imposed?

The Hon. FRANK BLEVINS: We will find out when the Minister responds. The article went on to quote a mother of four and foster parent of two years who said that she had no-one to turn to when she had a problem with the foster child, and that, if she had a problem, she probably would have to give fostering away.

The Hon. J. C. Burdett: She didn't say that she did have a problem.

The Hon. FRANK BLEVINS: No, she said "if". The article continues:

> Referrring to the welfare workers, she said: They are really good. If I have to speak to them about a problem they are genuinely concerned in helping me solve it. And that takes time.

The article then goes on to detail some of the problems that this particular mother was having in fostering children. I will not detail all of that to the Council, but the article states:

> The acting district officer of the Community Welfare Department in Whyalla, Mr. B. Wall, said he did not know when staff replacements would come.
>
> There has always been difficulty in attracting staff to Whyalla, as is the case in all country centres. The shortage has meant that some programmes are under review, he said.
>
> The Director of the Northern Country Region of the department, Mr. D. Busbridge, said from Port Augusta the number of welfare workers in the region would not change. We are endeavouring to fill the vacancy in Whyalla, he said. However, priority in another part of the region may mean that the second vacancy could be filled somewhere else.

I think that is enough of the article to outline what is seen by some people as a problem in Whyalla. I know that the Minister and everyone else is concerned to see that foster

parents have the maximum amount of assistance available to them when they are confronted with difficulties in fostering children. Whilst not all children who are fostered are a problem, some, because of their environment and background, do require special attention. I am sure the Minister would agree that there should be absolutely no skimping at all in this area of assisting foster parents to maintain a foster child in the best possible way.

Is the Minister aware of the newspaper report to which I have referred, and could he advise the Council regarding the steps being taken to fill staff vacancies in his department's Whyalla office? Further, can the Minister reassure foster parents in Whyalla that the support that they need from his department will continue to be available?

The Hon. J. C. BURDETT: The honourable member, I may say, was courteous enough to draw the press report to my notice previously, and I thank him for that. I think that the report and the statement by the foster parent were somewhat exaggerated because, if we read the report, we see that she does not allege that she has not been getting support. She is just frightened about what may happen. There is no suggestion anywhere in the report that there is not sufficient support in Whyalla for foster parents. I certainly can give the member the assurance that he has sought, namely, that foster parents in Whyalla will not be disadvantaged. The honourable member quoted the district officer as having said that there has always been difficulty in attracting staff to Whyalla, as is the case in all country centres. That, as we all know, is unfortunately true, and it has nothing to do with the department or the department's staffing methods. It is unfortunately the case that the Department for Community Welfare, as with the Education Department and other departments, find it difficult to get professional staff to go to those places. It has nothing to do with our particular department or its policies.

The Department for Community Welfare staff in the northern country region is, at the moment, at the best level it has been at for many years. The staffing level is four better than it was at this time last year. In relation to the Whyalla district office, there are two vacancies at present, one of which will be filled in the near future. The staff at the Whyalla district office is one district officer, two senior community welfare workers, eight community welfare workers, one neighbourhood youth worker, one group worker, and two family day care consultants. I can certainly assure the member that the department will take every step to see that foster parents are not disadvantaged, and I note again that in the article there has been no suggestion that they have been disadvantaged so far.

ZOO VISITS

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

Leave granted.

The Hon. ANNE LEVY: There have been a number of reports in the press regarding the insufficient resources available at Adelaide Zoo to enable school parties to visit the zoo and receive the great educational benefits from such visits. It is fairly obvious that, in any urbanised environment, many young children, unless they visit a zoo, will have little opportunity to see any samples of fauna other than dogs and cats, and the benefits of such a visit will be far greater if they take place in a proper educational atmosphere and children are shown around the zoo by the education officers employed at the zoo for this purpose.

Currently, I gather, the zoo has only three such people, who are seconded by the Education Department, and next year there are to be only two such people, under present plans, but, even with the three who are there now, the zoo cannot cope with the number of requests that it receives, and a large number of children are missing out on this very valuable education experience. I understand that the Minister of Education has called for a report on this matter but he has given no indication of how long it will be before such a report is obtained or of what action he intends to take to prevent this unfortunate situation from arising. At Melbourne Zoo 15 education officers are employed to carry out the same functions and, on a *pro rata* basis, one might expect to have five employed at the Adelaide Zoo to provide the same service as is provided in our sister State.

Will the Minister make available to me and members of Parliament the report on the zoo situation when he receives it and will he, as a matter of urgency, favourably consider increasing the number of education officers at the zoo to a level sufficient to give the service such as occurs in Victoria so that the children of this State will not miss out on this valuable educational experience?

The Hon. C. M. HILL: As the honourable member said, the Minister of Education has already announced that he is looking into this matter and has called for a report as a result of the initial publicity given to the matter. I shall ask the Minister whether he is prepared to make that report available to the honourable member, and I shall also ask him to take into account the latter matter which the honourable member raised regarding the possibility of further staff to assist in this matter.

MR. TOM McLAUGHLAN

The Hon. N. K. FOSTER: I seek leave to make a brief explanation prior to asking the Minister of Local Government a question on the use of private contractors in respect of local government areas.

Leave granted.

The Hon. N. K. FOSTER: Yesterday I raised the matter of Mr. McLaughlan who is a supervisor with the parks and gardens section of the South Australian Housing Trust. I alleged that he was taking unfair and unscrupulous advantage of a situation in connection with a letter which the Minister of Local Government had directed to local councils in which he set out what he considered to be changes that ought to be carried out by local government. He suggested that they make use of the private sector rather than use their own equipment. I pointed out yesterday that the Oaklands Park Driving School was maintained by the Marion council until the Minister's letter altered that situation. Marion council then gave the contract to Mr. McLaughlan who was a supervisor with the South Australian Housing Trust. That person has unscrupulously and fraudulently used the Housing Trust's equipment, machinery, facilities, and so on. The Minister interjected a number of times yesterday wanting to know where my information came from. It came from a number of sources, one of which was through the Minister of Transport by way of his bi-monthly publication on departmental activities through the Safety Council of South Australia.

Has the Minister become aware of such malpractice, and has he directed that an investigation be made in the Housing Trust as to allegations of misuse of equipment by Mr. McLaughlan? If so, to what extent is the Minister prepared to deal with such gross malpractice? Will he

report the matter to the Fraud Squad, to ensure that the fraudulent use of such equipment does not go unpunished?

The Hon. C. M. HILL: The principal reason for my interjections yesterday was to try to ensure that the honourable member was certain of the facts that he was giving the Council in regard to this matter, as they were very serious accusations which he made. He has also made very serious accusations in the last few minutes. The matter concerned me after the honourable member raised it yesterday, and this morning I asked my officers to have the matter fully investigated. The officers had to wait for the *Hansard* pulls to be received, and I have been involved in meetings in Parliament House since 10 a.m. and therefore have not had any time to discuss the matter at length with my officers. However, in the last few minutes I have been handed a report that has come from the General Manager of the Housing Trust. That report refers to the gentleman who has been named by the Hon. Mr. Foster (Mr. Tom McLaughlan), whose office is that of Officer-in-Charge, Parks and Gardens, South Australian Housing Trust.

The General Manager of the trust has advised me that, as soon as his attention was drawn to an allegation that an officer of the Housing Trust had won a tender for work previously carried out by the Marion council, he arranged for an investigation to commence. Immediately the General Manager was informed that Mr. Tom McLaughlan was the successful tenderer, he called him to his office and asked him for a verbal explanation. Mr. McLaughlan informed the General Manager that he (Mr. McLaughlan) had set up a company in his wife's name to act as a consultant in parks and gardens and landscaping work and arranging for subcontractors to carry out the work. Mr. McLaughlan assured the General Manager of the Housing Trust that he was to carry out the work in his own time and using his own vehicle and equipment and would not in any way make use of his position as an officer of the trust.

The General Manager made it clear to Mr. McLaughlan that the position that he had described was totally unacceptable to him as chief executive of the trust and that Mr. McLaughlan had two options: first, to disassociate himself from this activity, as there was a clear conflict of interest and a severe risk of misunderstanding and misrepresentation which would reflect adversely on the trust; or, secondly, to resign from the trust.

Mr. McLaughlan indicated immediately that he would take the necessary steps to withdraw from the contract and any other similar contractual arrangements. He has since provided the General Manager with a written statement to that effect. The Department of Transport on Saturday 1 November readvertised the tender for the lawn and grass cutting and garden maintenance at the Road Safety Instruction Centre. It has advised Mr. McLaughlan that he is legally responsible until the new contract is let. He is not, however, in any way involved with the work at the centre now. The General Manager of the trust has assured me that Mr. McLaughlan has been most severely reprimanded.

The Hon. N. K. FOSTER: By way of supplementary question, on what date was such information given to the General Manager of the Housing Trust? Did an officer of the Housing Trust have an audit carried out of the equipment used in parks and gardens without the knowledge of Mr. Tom McLaughlan? What profit or gain accrued to Mr. McLaughlan and his wife and/or family as a result of what I consider to be a gross malpractice? Further, will the Minister undertake through the whole of his department an absolutely searching investigation as to what other practices are present of a similar nature to the gross misuse and miscarriage of property as exhibited by a senior person in the Housing Trust? Why does the Housing Trust consider that the person referred to (Mr. McLaughlan) is still worthy of being retained by the department?

The Hon. C. M. HILL: I will treat the matter as very urgent and I will obtain a further report from the Housing Trust and, as far as it is possible for the General Manager to provide those answers, I shall bring them down to the Council tomorrow.

CITRUS INDUSTRY

The Hon. B. A. CHATTERTON: Has the Minister of Community Welfare, representing the Minister of Agriculture, a reply to the question I asked on 22 October regarding the Citrus Organization Committee?

The Hon. J. C. BURDETT: I have been advised by my colleague the Minister of Agriculture that there appears to have been no clear direction or agreement from within the citrus industry as to what course citrus marketing reforms should take in South Australia and, in accordance with the Government's undertaking to consult with industry on matters affecting it, the Minister of Agriculture is awaiting recommendations from the soon to be elected Citrus Board. It is intended that the new board report to the Minister on the McCaskill proposals following appropriate consultations with industry and Government. The Minister expects any reforms and associated enabling legislation to be introduced progressively according to priority.

FORESTRY ACT

The Hon. B. A. CHATTERTON: Has the Minister of Community Welfare, representing the Minister of Forests, a reply to the question that I asked on 29 October regarding the Forestry Act?

The Hon. J. C. BURDETT: I am advised by my colleague, the Minister of Forests, that he acknowledges that an undertaking was given to amend the Forestry Act, and this will be honoured. However, there have been difficulties in defining the breadth of powers for forest wardens. The honourable member can be assured that the level of protection envisaged for native forest stands will meet with his approval.

INSTITUTE OF MEDICAL AND VETERINARY SCIENCE

The Hon. R. J. RITSON: I seek leave to make an explanatory statement before asking the Minister of Community Welfare, representing the Minister of Health, a question regarding the Institute of Medical and Veterinary Science.

Leave granted.

The Hon. R. J. RITSON: I watched the *Nationwide* programme last night and was appalled at the bias displayed in that production. In the first place, the juxtaposition of some footage showing Sir Dennis Paterson viewing X-rays, with pictures of very lovable little dogs, followed by some arguably inaccurate, statements by a technician, was liable to leave people with the impression that Sir Dennis is some sort of fiend, when, in fact, his studies on bone growth have saved many South Australian children from having their legs amputated.

The programme became worse when the member for Mitcham, the Leader of the only Australian Democrat in

another place, came on camera and attributed all sorts of evil qualities to the Minister of Health in a way which I feel was virtually defamatory. A final insult was the inclusion on the programme of a film clip by Dr. John Coulter, who was introduced as an expert on the mutagenicity of chemicals and the dangers of uranium mining.

This introduction of one of the left wing's favourite doctrines seems to demonstrate the way in which a political lobby will use other lobbyists such as anti-vivisectionists as fellow travellers to pursue a cause. In view of the excellence and the extensive post-graduate qualifications that are characteristic of research workers at the institute, will the Minister detail all of the post-graduate degrees held by Dr. Coulter?

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

SENTENCE REMISSIONS

The Hon. C. J. SUMNER: Will the Attorney-General say whether the decision relating to the Government's intentions in relation to the gazettal of Executive Council remissions of sentences was made by Cabinet, and does that decision represent Government policy on the matter? Also, does the Attorney-General believe that there are any grounds for a further review of the policy and, if so, will he instruct that a review of the policy be carried out?

The Hon. K. T. GRIFFIN: The answer that I gave to the question yesterday did reflect Government policy. Regarding the Leader's second question, no evidence has been indicated to me that would suggest the justification for any review.

URBAN RENEWAL

The Hon. J. R. CORNWALL: I seek leave to make a short statement before asking the Minister of Housing a question about urban renewal.

Leave granted.

The Hon. J. R. CORNWALL: I note that the Minister has made announcements in recent months revealing that the Government has provided amounts of $13 000 000 and $6 000 000 for the housing of low-income persons. However, this does not seem to solve many problems in inner-suburban areas. I refer to an advertisement in the real estate section of last weekend's *Sunday Mail*, in which there was advertised at Norwood a bluestone villa in a prominent position, partly restored, zoned light industrial, subject to council consent, and subject to a housing improvement order. So, presumably, it is not in very good condition at all. The price asked for the property is $65 000.

I understand that this is one of the Woodroofe Estate houses, which have, not surprisingly, been the subject of recent controversy. It is one of 24 houses on the Woodroofe Estate. Most of these houses originally housed low-income families. It is very likely that the house in question, because of the market forces operating now, will be used as offices or professional rooms. This is a story that is being repeated time and time again in the inner suburban areas of Adelaide.

The South Australian Housing Trust has declined to buy any of the houses in the Woodroofe Estate because the houses did not fall within the existing guidelines. Obviously, if those guidelines are not altered, residential housing like this will continue to be lost. Market forces guidelines will clearly fail to provide low-rental housing in any similar inner-suburban areas. Will the Minister tell the Council what priority the Government is giving to the purchase by the Housing Trust of older inner suburban houses?

The Hon. C. M. HILL: The Government is supporting the Housing Trust's plan to treat as urgent the acquisition of houses wherever possible at market values, or particularly in the vicinity of market values, so that those houses in the inner suburbs can be renewed, restored and made available for letting.

The Hon. J. R. Cornwall: If they aren't zoned residential, there's no hope of that.

The Hon. C. M. HILL: Many areas in which houses are being purchased by the Housing Trust are zoned as residential. The trust is setting up this programme right now. It has had difficulty in acquiring land close to the city on which to build houses for rental purposes, mainly because of the limited supply of such land. Rather than be forced to accommodate welfare tenants in the new fringe suburbs, the trust has the alternative to purchase further old houses and to use that accommodation to satisfy its long, and indeed growing, list of tenants. Indeed, only this morning, a memorandum came across my desk in which the Premier had consented to the trust's increasing its semi-government borrowing by a further $5 000 000 for this very purpose. So, the Government is quite proud of its record of supplying money to the trust for this purpose. The actual sum already given this year is $52 995 000, compared to an actual figure in the past financial year of $47 381 000. Also, the State Bank has for housing purposes been given $36 600 000 this current financial year.

The Hon. J. R. Cornwall: That has nothing to do with low rentals.

The Hon. C. M. HILL: I ask the honourable member to wait for just a moment. The State Bank has been given $36 600 000 in the current financial year compared to $24 440 000 that it was given last year. The grand total of those statistics, for Housing Trust finance purposes, is $89 595 000, which has actually been approved this year, compared with $75 821 000 for last year. I turn now to the specific concern expressed by the member that a housing advertisement he noted indicated, in his opinion, a very high price for a certain house: well, so be it. The market is such that some houses are overpriced and some are not. The trust, as a prudent purchaser (bearing in mind its needs and all other considerations) is, in fact, anxious to pursue (and is indeed pursuing) its programme of purchasing these established homes and placing some of its welfare tenants or prospective tenants in that accommodation. The Government fully supports that plan. It fully supports it because, apart from satisfying the demands of such people who need help from the State, it also houses the people in suburbs most convenient to their social needs.

The Hon. J. R. Cornwall: It does not.

The Hon. C. M. HILL: It does. If the honourable member wants me to place at Noarlunga women, for example, who are unmarried with babies, rather than trying to put them in areas such as Norwood, North Unley or other suburbs close to the city, then I do not think much of his attitude to this matter. That is the hard fact of life. We intent to go on and on with this programme and are straining at every possible opportunity to add further finance to the scheme to help the trust and these tenants.

NON-GOVERNMENT SCHOOLS

The Hon. ANNE LEVY: I seek leave to make a brief statement before directing a question to the Minister of

Local Government, representing the Minister of Education, about grants to non-government schools.

Leave granted.

The Hon. ANNE LEVY: On 22 October, during the debate on the motion to note the Budget papers, I devoted considerable attention to the question of grants to non-government schools, their size *in toto,* their distribution among the different schools, and the different categories of schools established by the Advisory Committee into non-government schools. I suggested strongly in that speech that the differential between the most needy and the least needy schools for the per capita grants on a needs basis should be examined by the Government, and that it should advise the Advisory Committee in to non-government schools that it would like the differentials or the relativities altered between the most needy and the least needy grants on a needs basis. For further details, I refer the Minister to that speech I made on 22 October. Has the Minister given consideration to changing these relativities, and does he intend to give such a direction to the Advisory Committee on non-government schools in determining grants for 1980?

The Hon. C. M. HILL: I will refer this matter to the Minister of Education, ask him to refer to the speech made by the honourable member, and bring back a reply.

REGENCY ROAD OVERPASS

The Hon. N. K. FOSTER: Has the Attorney-General a reply to my question of 21 October about the Regency Road overpass? As we have half a minute to go, I reserve my right to ask a supplementary question, if you will allow me to do so, Mr. President.

The Hon. K. T. GRIFFIN: The Highways Department has let a contract to Tokic Constructions Pty. Ltd. for construction of the railway overpass on Regency Road. A condition of the contract states that "prior to engaging labour to carry out all or part of the work, the contractor shall first ascertain from the commissioner whether use can be made of Government employees on such terms and conditions as may be mutually agreed upon between the contractor and the commissioner. In the event of no Government employees being available, or the commissioner conceding that the circumstances so warrant, the contractor shall be free to engage other labour. Should the contractor sub-let any part of this contract the contractor shall include the requirements of this clause as a term of sub-letting".

AMERICAN BASES

The Hon. BARBARA WIESE (on notice) asked the Attorney-General: In view of the fact that the new American nuclear strategic doctrine makes American bases in Australia nuclear targets, and in view of the fact that Nurrungar within the Woomera Restricted Area in the north of South Australia is such a base and one which plays a key role in American monitoring of Soviet missile tests, will the Attorney-General inform the Council:

1. Whether he is aware that this base is considered a potential nuclear target?

2. What the functions are of this base?

3. What the effects would be of fall-out from a 0·5:1 megaton nuclear strike, either air burst or ground burst on this station?

4. In particular, what is the probability of wind speed and direction being such that nuclear fall-out would reach Adelaide in the event of such a nuclear strike?

The Hon. K. T. GRIFFIN: I have not yet been provided with an answer to that question. I ask the honourable member, therefore, to put that question on notice for Wednesday 19 November.

The Hon. BARBARA WIESE: I hope there will be a reply then, because this is such an important matter.

NATURAL DEATH BILL

Adjourned debate on second reading.

(Continued from 29 October. Page 1563.)

The Hon. L. H. DAVIS: The Hon. Frank Blevins, M.L.C., first raised the matter of a Natural Death Act for South Australia in July 1978. The response to his request for comments was apparently favourable overall and this encouraged him to introduce the Natural Death Bill, which, on his motion, was referred to a Select Committee. It is the amended Bill resulting from that Committee's findings that is now before this Council. In his second reading speech on 5 March to the original Bill the Hon. Mr. Blevins stated:

> The Bill, if passed, would allow any person to have his wishes respected.

He argues in support of this proposition that people, particularly old people, have "an absolute horror of the artificial life that medical technology would give to them during the late stages of a terminal illness". More recently, in his second reading speech on the amended Bill at page 1279, he argues:

> This would also have the effect of relieving the doctor and relatives of terminally-ill patients of the responsibility of deciding what treatment should or should not be applied.

That, I think, fairly states the main thrust of this legislation. I commend him for his initiative, for his enthusiasm and the report of the Select Committee. Here is a matter which should be examined in a bi-partisan fashion. Indeed, one would presume that this being a matter of conscience that members of all Parties are free to vote on the Bill beyond the dictates of the Party machine. Therefore, in some ways I am sorry that I cannot support the Bill. However, there is one aspect of the Bill that I do support, and that is the definition of death, which includes "brain death" in addition to the more traditional definition of death; namely, the irreversible cessation of circulation of blood in the body.

However, I believe the definition of brain death more appropriately attaches to a Bill which covers the subject of tissue transplants. That subject, as honourable members are aware, was examined in a detailed report published in 1977 by the Law Reform Commission under the Chairmanship of the Hon. Mr. Justice Kirby. This report included draft legislation on transplantation which the Chairman thought may be suitable as a model for uniform legislation. That is a matter which Attorneys-General and State Ministers of Health have undoubtedly discussed. The concept of brain death has already been accepted legally in Queensland, the Northern Territory and the A.C.T. and the South Australian Health Minister, Hon. Mrs. Adamson, has indicated that the State Government is pursuing this matter. I would take some convincing that one State should proceed unilaterally on transplantation legislation without serious attempts first being made to introduce uniform legislation. That certainly was the view of the Hon. Mr. Justice Kerby.

I have read the evidence taken by the Committee. A wide range of views were expressed on many contentious points. However, it seems clear that the medical specialists

most closely involved in the dying process were opposed to the Bill. Dr. Gilligan, Director of Intensive Care at the Royal Adelaide Hospital, in a written submission, supported by an appearance before the Committee, sees no merit in the introduction of the Bill. He has re-affirmed that stance in recent discussions following the introduction of the revised Bill.

Dr. Phillips of Flinders Intensive Care, Dr. Matthew, Director of the Renal Unit, Queen Elizabeth, and the Director of the Queen Elizabeth Intensive Care Unit see no merit in the introduction of the Bill. These are the specialists whose views deserve to be examined carefully. I have no doubt that some of these same people would support the general principle of legislating for human tissue transplantation because they accept the need for a more adequate definition of death, as well as providing a more formal framework for effecting transplants of human tissue.

There is general agreement that a person now has the right to refuse any medical treatment, either by opting not to have treatment as suggested by his medical adviser or by requesting the withdrawal of existing treatment. The Hon. Mr. DeGaris referred to the fact that the Law Reform Commission made some reference to the possibility that "in withdrawing extraordinary measures a doctor may be laying himself open to serious criminal charges. So, it can be seen that a more appropriate definition of death was necessary in the Bill."

As I have previously stated, my view is that the definition of brain death would better reside in human tissue transplant legislation. The Hon. Mr. DeGaris based much of his argument on the dangers of increasing litigation—and yet one of the more notable aspects of the Select Committee's evidence was the almost total lack of litigation against doctors in this area. There was a case in Tennant Creek, no-one appears to be really sure about; there was an English case; a case in Sydney; and some anecdotal evidence which added very little.

Besides, there seemed to be a general agreement by committee members that under the terms of the Bill it would be unlikely that, for example, next of kin could take legal action for failure by the doctor to observe a patient's declaration. In any event, admitting that was the case, a relative would have to show that the condition was terminal and the doctor had ignored the patient's declaration. Of course, if the patient does not die, then in fact the condition can hardly be said to be terminal. But I would submit there are possible legal consequences which may flow from the Bill. The Hon. Mr. DeGaris observed quite rightly on page 7 of the Committee's evidence:

> Once something like this is written into the Statutes, other issues immediately arise which are not raised by the Bill.

And again on page 24 he notes:

> Once you move into Statute law you place yourself in a position of not knowing exactly what the effect will be.

The evidence of the Australian Medical Association, presented by Dr. Gilligan, and Dr. Linn, President of the S.A. branch, quoted Mr. Horan, lecturer in law of the University of Chicago law school, who put it succinctly when he said:

> One of the legal dilemmas of our electronic age is too much unnecessary legislation enacted too soon, and in response to too many non-problems. Natural death legislation is a typical example of that phenomena. It gives nothing to persons which they do not already possess under law . . . my view is that the legislation is not beneficial and is indeed counter-productive . . . because . . . the solution is lying in the area of patient-physician (medical officer) relationship.

The United States is litigious to the point of absurdity in matters medical. One hears, for example, of lawyers waiting in foyers of hospitals to inquire of patients being discharged as to whether they wish to initiate legal action for inadequate or improper treatment. We are not a litigious country in the medico-legal area, and that is confirmed by the Select Committee's almost total lack of evidence of legal cases which have a bearing on the subject matter of the Bill. My real fear is that this Bill if enacted could change the existing law, notwithstanding the assurances by the proponents of the Bill that nothing will change. I refer specifically to clause 3, which provides:

> An adult person who desires not to be subjected to extraordinary measures in the event of his suffering from a terminal illness may make a direction in the form of the schedule.

The three speeches in support of this Bill have not canvassed, as far as I am aware, where this schedule is to be kept—presumably it would be a central register to which all hospitals would have ready access. Should not a date of birth be included? Is the declaration to be open-ended to enforceability in the absence of revocation? A direction given at age 28 years may be forgotten at age 35 years, when the person's view may have changed. A direction signed by peer group pressure or by pressure from relatives may not be properly understood or later regretted. *Prima facie,* there is no problem with a conscious patient who has signed a direction, as clause 3(4) requires the medical practitioners to inform him "of all the various forms of treatment that may be available in his particular case so that the patient may make an informed judgment as to whether a particular form of treatment should or should not be undertaken."

The Hon. J. E. Dunford: Did you read your speech in front of a mirror last night?

The Hon. L. H. DAVIS: I prefer to read my speech than respond to the Hon. Mr. Dunford. Clause 3(4) not surprisingly states that this conscious patient must be "capable of exercising a rational judgment". The fact is that people under stress have a limited perception of what they are told—and evidence has been led to say that it would take 20 to 40 minutes to explain to a sensible adult person the range of treatment available.

In the few cases where, for example, intensive care patients are conscious, in addition to the stress of the situation, I am told they are often euphoric—in another world—and it may be difficult to make a judgment as to whether they are capable of exercising a rational judgment.

So, under clause 3(4) there is a clear duty created to inform the conscious patient—there is a judgment to be made on their mental state. The fact is that, as I understand it, this procedure is followed already. The point I simply make is that it is most unlikely there will be many cases where one can truthfully say that the conscious patient in an intensive care situation will be in a position to make an informed judgment. However, clause 3 (3) raises rather more ground for concern. It states that the medical practitioner has a duty as follows:

> To act in accordance with the direction unless there is a reasonable ground to believe—
>
> *(a)* That the patient has revoked, or intended to revoke the direction.
>
> or
>
> *(b)* That the patient was not at the time of giving a direction, capable of understanding the nature and consequences of the direction.

Quite specifically, clause 3(1) and 3(3) which I have just referred to make it clear that we are only concerned with "a person who is suffering from a terminal illness". And yet almost certainly the bulk of cases which would fall under the umbrella of clause 3 (3) will be patients in

intensive care units—where the life-support systems which provide the most obvious "extraordinary measures" are most commonly located. And yet the majority of patients in intensive care are suffering from an acute rather than a terminal illness—severe injury from a car accident, attempted suicide, renal failure, cardiac arrest—as distinct from a terminal illness such as a cancer or an elderly person presenting a range of irreversible symptoms.

The diagnosis of terminal illness is not akin to peeling an apple. It is often difficult to diagnose whether a patient with an acute illness can be said to be terminally ill. And yet much of the evidence seems to proceed on the assumption that a severe acute illness and terminal illness are one and the same. Therefore, a doctor in intensive care has to make judgments about whether an acute illness is terminal for the purpose of clause 3 (3).

At this point I wish to refer to the article "Deaths in Intensive Care—Analysis and Prediction", published in the Medical Journal of Australia in May 1980. Of particular interest is the fact that the authors are Doctors Phillips, Runciman and Vedig and Mr. Austin from the Flinders Medical Centre.

This article reviewed data relating to the most critically ill patients admitted to Flinders Medical Centre in 1977 and 1978. These were styled Grade IV patients as distinct from patients who were post-operative, under observation or in intensive care. These critically ill patients totalled 184 and, the authors state, required frequent medical assessment and intervention as well as complex nursing care. A patient with a ruptured aortic aneurysm who develops respiratory failure requiring ventilation; renal failure, requiring dialysis; and septicaemic shock requiring pulmonary artery catheterisation and catecholamine infusion (drugs) would fall into this grade.

The aim of this analysis was to establish whether they could predict the outcome at an early stage, determine why patients die, and establish criteria for withdrawal of treatment in patients with a hopeless prognosis who did not meet established criteria for brain death. Of the 180 grade IV patients, 61 died in the unit and 34 within three months of being discharged from the unit, 63 were fully recovered or progressing in that direction, and 10 had a significant disability.

Autopsies carried out in 55 of the 61 patients who died revealed the cause of death on a system failure basis, as follows: cardiovascular 51 per cent; cerebral 28 per cent; respiratory 14 per cent; renal 3 per cent; and others 4 per cent. Of the deaths, 28 followed withdrawal of life support care, 13 were by brain death, and 15 by cessation of circulation. The author's comment is:

> Withdrawal of life support is a difficult area. Patients and their relatives must be confident that every effort will be made to treat them. On the other hand, it would be far better to establish criteria for withdrawal of life support within the framework of the doctor-patient relationship than to have legislation introduced which would unnecessarily complicate the issue.

In their conclusion they state:

> We have found no absolute predictors of outcome in critically ill patients. Many patients with a poor prognosis should be admitted.

This conclusion highlights a major defect of the Bill, namely, that it presumes that a doctor can accurately diagnose a terminal illness. Sometimes, as can be seen, he will diagnose a terminal illness, which in fact it is not. If he diagnoses a terminal illness, then under clause 3 he is obliged to take notice of any direction from the patient "unless there is reasonable ground to believe the patient revoked or intended to revoke the direction".

For example, the Hon. Mr. Blevins spent some time detailing the undoubtedly very sad experience of a friend who died of a terminal illness 20 years ago, and he died at home with dignity and in peace. The Hon. Mr. Blevins surmises:

> What would happen to such a person today? I suspect that the chances of his dying in that way today would be very much less. I suspect he would have died in hospital being attended to by strangers in a completely alien atmosphere.

These are nicely drawn word pictures on an emotive subject, but are they true? The Hon. Mr. Blevins brings forward no evidence for his assertion. What we can say is that it is much less likely that 20 years ago the patient was provided with as much information of his condition. It was also far less likely that he would have been told the truth 20 years ago. Secondly, the patient 20 years ago was not given options. The doctor spelled out what would happen, and his orders were invariably accepted without question.

Today there is a consultative process between doctor and patient, and that should be encouraged. Legislation of this nature will be of no assistance in building bridges between doctors and patients. Thirdly, medical care, with technological advances, has improved dramatically over the last few decades. In fact, an intensive care unit is a creature conceived within the past 25 years. Fourthly, there is much more acceptance of death and the grief process today.

People such as Dr. Elisabeth Kubler-Ross have made a contribution to better public understanding of this area with books such as *Questions and Answers on Death and Dying*. The recently published November edition of the *Medical Journal of Australia,* in fact, has an editorial on natural death legislation. It refers to the hospice movement to support the patient and family in terminal illness which has evolved in recent years, but this compassionate approach to the needs of the dying has been slow to be taken up by society.

The Hon. Anne Levy: It doesn't exist here.

The Hon. L. H. DAVIS: I will come to that later. There are now about 40 hospices in Britain. Whereas the hospital is primarily concerned with the diagnosis and treatment of disease, a hospice deals with a dying patient, to bring relief to the sufferer, to care for him as a person, body, mind and spirit, and to give support to his family both before and after they are bereaved. In Australia, although we do not have hospices as far as I am aware, it is not true to say people are more likely to die strapped to life support systems in the case of terminal illnesses.

The Hon. N. K. FOSTER: I rise on a point of order.

The ACTING PRESIDENT (Hon. M. B. Dawkins): What is the point of order?

The Hon. N. K. FOSTER: It is in regard to reading speeches in this Council. I want you to give a ruling similar to that given on this matter by Mr. Speaker Eastick in the House of Assembly.

The ACTING PRESIDENT: There is no point of order.

The Hon. L. H. DAVIS: I would have thought the honourable member would be interested in this matter. It is important, and I hope it will be treated accordingly. On inquiries I have made amongst members of the medical profession, both within and outside intensive care units, if one wishes to die in dignity at home, one can. I am sure that all members of this Chamber would be aware of people in such a situation and may have friends or acquaintances who have had that experience.

The Hon. N. K. FOSTER: I rise on a point of order again, Mr. Acting President. I draw your attention to Standing Order 170. You need not think I was so out of order as you implied when I raised the matter originally. Standing Order 170 is headed "Speeches not to be read", and it states:

A member must not read his speech . . .

Speeches should not be read.

The ACTING PRESIDENT: Order! I take it that the Hon. Mr. Davis is using copious notes.

The Hon. L. H. DAVIS: The Hon. Mr. Foster was obviously not in the Chamber when the member who introduced this private member's Bill was speaking.

The Hon. N. K. Foster: I would not take such a point of order. He was talking sense but you have been reading rubbish.

The Hon. L. H. DAVIS: That is the honourable member's opinion. He is not taken notice of by many people. If a person is diagnosed as having a terminal illness, it is highly unlikely that he will ever see a life support system in an intensive care unit except as a temporary measure for, say, a respiratory problem. In the Royal Adelaide Hospital, of approximately 35 000 admissions per annum, 850 only are in intensive care. Of that 850, approximately 130 die, and there are approximately 1 170 other deaths throughout the hospital. So, only just over 10 per cent of deaths occur in intensive care.

I mention these figures so that honourable members have some perspective of this matter. Whether the 1 170 patients who died in general wards were subject to "extraordinary measures" depends on how one defines it. The definition will mean different things to different doctors and different patients.

The Hon. R. C. DeGaris: I think it is already fairly well accepted what extraordinary measures are.

The Hon. L. H. DAVIS: That may be so, but I suggest that patients may have different ideas of what extraordinary measures entail, and I will come back to that and take one specific example.

Under clause 3(3), what are "reasonable grounds for believing"? If a relative claims that the patient told him he wished to revoke two weeks before entering a hospital, another relative may say he does not believe it. This clause imposes a demand to make every reasonable inquiry.

Although the Hon. Mr. Blevins claimed that the passage of the Bill would have the effect of relieving the doctors and relatives of terminally ill patients of the responsibility of deciding what treatment should or should not be applied, I think that clause 3 (3) would by itself ensure an active interest by relatives. We are dealing with the real world.

Who would deny a situation where relatives may pressure a person to sign a direction before entering hospital that may increase, not reduce, anxiety? Also, there is the fact that in some cases of terminal illness doctors are confronted with a dispute between relatives; for example, one relative may say that the declaration is still good and that aunt Clara has been senile for years and it will be a relief, but on investigation the doctor may find that aunt Clara has been the life of her bingo game and she has confided in her favourite niece that she is not so sure about the direction she gave.

Those are the sorts of things that happen in the real world, and I have been told this by doctors who operate in the Intensive Care Units. Therefore, pressure from relatives will not disappear if this Bill passes; in fact, it may well intensify. As the clause stands, the revocation or the intention to revoke can be expressed verbally, and so subjects the doctor to an additional pressure which does not now exist.

In addition to making medical judgment, he will be forced in every case of a terminal illness, where a direction is in existence, to determine whether or not it has been revoked. And how long does he have to ascertain to his satisfaction that a revocation has not taken place? In our mobile society the closest relatives may well be overseas.

In addition to that difficulty, the doctor can avoid following the direction if there are reasonable grounds to believe that the patient at the time of giving the direction was not capable of understanding the nature and consequences of the direction. If, for example, the direction had been given three years ago, just how easily and quickly can the doctor formulate a view on this aspect?

The Hon. R. C. DeGaris: Can't that happen now?

The Hon. L. H. DAVIS: It certainly can, but once we put it into legislation it brings it into focus. The very point that the Hon. Mr. DeGaris is alluding to was discussed in the Select Committee. Therefore, the Hon. Mr. DeGaris's prediction during the Committee hearings could well prove correct, namely, not knowing exactly what the effect of the legislation will be. The supporters of this Bill cannot argue dogmatically that clause 3 (3) may not be the subject of litigation, opening up an area which does not now exist.

Nor can they argue that it is there as a piece of window-dressing which should really not be worried about. The death of a person, whether loved or unloved, can provoke sharp reactions from relatives or friends. The numerous contests over the contents of a will, the validity of a will, or the question whether a will has been revoked, are testimony to that fact.

I am arguing that, by introducing legislation in an area now conspicuous by the absence of litigation, far from heading off possible litigation in the future, the Bill may be the very catalyst for litigation.

I wish now to address some of the practical problems posed by the Bill.

There has been one recent example of which I am aware where medical practitioners, because they are human and can like all of us make errors, would if this Bill had been law turned off the life support system of someone who had signed a declaration and subsequently recovered. "Terminal illness" is defined in a contradictory manner. To the lay person, if someone is diagnosed as having a terminal illness there is no prospect of recovery. That person is destined to die, although the time may be uncertain. And yet the definition of terminal illness includes the phrase "from which there is no reasonable prospect of a temporary or permanent recovery, even if extraordinary measures were undertaken".

The Hon. Anne Levy: And if it is imminent.

The Hon. L. H. DAVIS: Yes.

The Hon. Anne Levy: Not six months hence—imminent.

The Hon. L. H. DAVIS: We have the difficulty of determining what "imminent" means exactly. Clearly, when one talks about no reasonable prospect of a temporary or permanent recovery, that in itself does suggest, if one takes that section alone, that one can recover from a terminal illness.

The Hon. Anne Levy: But you can't—it is "and", not "or".

The Hon. L. H. DAVIS: I realise that it is "and". I am saying that, taking paragraph *(b)* by itself, it suggests that one can recover from a terminal illness.

The Hon. Anne Levy: It does not at all. You can't take it on its own.

The Hon. L. H. DAVIS: The point I am making is that, when it is defined that there is a reasonable prospect, there is no reasonable prospect of temporary or permanent recovery. By itself, it suggests that one can recover. There is a small chance that one could recover from a terminal illness. As the Bill now stands, there is at least one case in Adelaide this year where the patient, if a declaration had been signed, could now almost certainly be dead, because there was apparently no reasonable prospect of a

temporary or permanent recovery, and death was imminent.

Turning to some of the points raised by three speakers to the second reading of this Bill, I believe that it is important to isolate the fact from the emotion. The Hon. Dr. Ritson, as a general practitioner, obviously made a valuable contribution to the Select Committee. But I would take issue with him on several of the statements made in his second reading speech. First, he said:

> I hope that I can get into that intensive care unit and that it is not stuffed full of bodies that doctors are too afraid to abandon . . . The dangers and the deaths that will be consequent on this Parliament if it is moved by that *Advertiser* article [in relation to brain death] to go backwards are immense.

That is totally at odds with the real situation. None of the three intensive care units in Adelaide turns back patients. The level of admission to such units is stable and currently not increasing. Secondly, the Hon. Dr. Ritson alludes to the definition of brain death as being a possible problem. He stated:

> If this Parliament goes backwards and insists that the diagnosis of brain death is not sufficient grounds to withdraw treatment and requires the maximum technology to be applied to each patient virtually until the body rots . . .

That is at odds with what we are discussing. As Mr. T. A. R. Dinning, the recently retired Senior Neurosurgeon at the Royal Adelaide Hospital, said in a letter to the Editor on 7 October:

> The definition of brain death will give legal sanction for a concept which has been used in medical practice for 10 years or more.

That, incidentally, is the only aspect of the Bill that he supports. So, notwithstanding what the Hon. Dr. Ritson has stated, if Parliament fails to pass this Bill it will not lead to treatment virtually until the body rots or "intensive care units stuffed full of bodies". Such suggestions are at variance with the facts irrespective of the outcome of this Bill.

Thirdly, the Hon. Dr. Ritson alleged that the death rate at the Royal Adelaide Hospital in the last week of December may have been rather low and that it soared in January because on 1 January death duties were abolished. That suggests that his colleagues faced with this question would bow to pressure—I do not really think that my colleague seriously believes his own remarks. Nor do I believe that the statistics for December and January deaths at that hospital, if capable of interpretation, would reflect that allegation. The Select Committee evidence revealed no specific cases where over-aggressive medical care of the terminally ill has occurred. That is not to say that it does not occur. For example, doctors treating acute situations in an intensive care unit, as previously discussed, may not make a judgment that the case is terminal until everything has been tried. But the fact is that patients with brain death are not kept on ventilators for any definite period of time.

The Hon. Anne Levy: That does not matter if they have signed declarations.

The Hon. L. H. DAVIS: I believe that committee members accepted this proposition. At page 18 of the evidence, the Hon. Dr. Ritson states:

> In practice, extraordinary measures are not applied to unconscious patients where there is no hope of recovery.

The Chairman of the Select Committee, the Hon. Mr. Blevins, said on page 131 of the evidence:

> No doctor I have ever heard of has treated anybody against their wish.

But there are exceptions to every general rule. For example, there have been cases in Adelaide intensive care units where the next of kin lived overseas. A machine may be left on for two or three days to enable that person to return. If one examines the Bill that example may not be catered for. Where a direction exists and there is no revocation, the life support systems should be turned off. Therefore, the Bill would vary existing practice which provides for some common sense in what are admittedly isolated cases.

The Hon. R. J. Ritson: Where there is a two-day delay for a relative to return, in the absence of legal recognition of brain death and the term life insurance expires by one day, how do you explain the loss of $500 000? The problem is a legal one, not a medical one.

The Hon. L. H. DAVIS: In relation to the person overseas, I understand that if it is possible to get back in two or three days the machines may well be kept functioning until they return and are then withdrawn.

The Hon. R. C. DeGaris: When does death actually occur?

The Hon. L. H. DAVIS: In the case of brain death, the patient may technically be dead. It comes back to the doctor making the decision that death has occurred.

The Hon. R. C. DeGaris: How can you keep alive someone who's dead?

The Hon. L. H. DAVIS: The honourable member knows the answer to that question. The Flinders Medical Centre study by Drs. Phillips and Runciman and others over the two-year period 1977 and 1978 followed a set of criteria in deciding when to withdraw life support in the absence of brain death.

First, the nature of the illness was understood. Secondly, there had been optional care for an adequate time with, for example, ventilation, dialysis, and cardiovascular support based on haemodynamic monitoring for three weeks. Thirdly, the prognosis was regarded as hopeless. Fourthly, all attending medical staff members were in agreement. Fifthly, all attending nurses were in agreement. Sixthly, the patient's relatives, after being fully informed, concurred. Seventhly, there was no question of organ donation. This outline of criteria is useful in showing what really happens in an intensive care situation. I should restate the conclusion of that study, namely, that there was no absolute prediction of outcome in critically ill patients.

So, in conclusion, I argue against the Bill on the following grounds. First, the public does not and would not readily understand the legislation and what it really intends. That is exemplified by a television current affairs programme which discussed the Bill with tearful elderly ladies in a geriatric home. The Bill, in almost all cases, is not concerned with old people in nursing homes. Further misunderstanding is also evident by the comment of a senior nurse who supported the Bill because she believed that it would lead to fewer brain death patients surviving who otherwise would be institutionalised. Again, that is simply not true. Dr. Gilligan confirms this on page 88, when he says:

> I suspect there is a fairly widespread ignorance in the community of what the possibilities are and what "life support" means.

The women wearing the medic-alert bracelet, according to Dr. Gilligan, "illustrate the complexity of the issue of making a patient fully aware of what is possible and what is not possible". Secondly, the Bill, while purporting to restate in a declaratory fashion a situation that now exists, does, by its very definitions and requirements imposed on doctors, open up the possibility of legal actions in an area where virtually no litigation now exists. Thirdly, if existing practice is to be observed, on some occasions the provisions of the Bill would have to be disobeyed. I refer, for example, to next of kin living overseas.

The Hon. Frank Blevins: I have been silent so far, but would you explain that statement to us?

The Hon. L. H. DAVIS: On the one hand, there may be a situation where the Bill will alter the existing practice, yet the proponents of the Bill, in putting forward their argument, say that it would not alter existing practice. I will give an example of the next of kin overseas.

The Hon. Anne Levy: How does a next of kin overseas come into it?

The Hon. L. H. DAVIS: It may be a point of view that the next of kin may wish to be there before the machine is turned off. I know that there is room for argument that we are looking at the rights of the unconscious person on the machine, and I appreciate that argument.

The Hon. J. A. Carnie: The point of this declaration is that he will not be on the machine at all.

The Hon. L. H. DAVIS: Not necessarily. True, he may not go on the machine at all. However, if he is on the machine and the criteria come into operation, the machine would be turned off. I am trying to make the point that it will vary an existing practice.

The Hon. Anne Levy: You just told us that very few people who die in the Royal Adelaide Hospital are in intensive care. The majority are not. How will it alter the practice?

The Hon. L. H. DAVIS: The proponents of the Bill have said that it does not alter anything, but in that situation there would be an alteration of existing practice.

Fourthly, apart from the inclusion of "brain death", which I have already argued is more appropriately dealt with elsewhere, there has been little support for this legislation. The specialists in intensive care and dialysis treatment are opposed to the Bill, and the Australian Medical Association is opposed to it. The Law Society has not even bothered to make a submission on the Bill. Archbishop Gleeson is opposed to it.

The Hon. Anne Levy: That's not true.

The Hon. L. H. DAVIS: As I understood from a quick perusal of an article, he had some grave reservations about the Bill. Drs. Phillips and Runciman and others state that, "to most members of the medical and nursing professions, such a question would seem a non-issue in the Australian context". In March 1980, when referring to American law in the subject, Mr. Justice Kirby said that there appeared to be little present agitation for similar legislation in Australia, although he conceded that in time that it would have to be considered.

I am not satisfied that the Committee's evidence showed strong community support for, let alone understanding of, the proposed legislation. I perceive that the duty of a legislator does not extend to supporting legislation that at best is a palliative designed to assuage the alleged anxiety of the community. If that was to be the case, we could all think of legislative measures designed to reassure anxieties held, whether justified or otherwise.

Fifthly, patient-doctor relationships are not best dealt with by legislation of this nature, nor is understanding of death and the dying process resolved by Statute. If there is anxiety about being unreasonably maintained on life support systems in the event of a terminal illness, that anxiety will not be overcome by this legislation, which in itself may raise new areas for anxiety, such as the pressure to sign or not to sign a direction, allegations of revocation, and so on.

Sixthly, it has been argued by some that it could open the door to euthanasia legislation in the future. Alternatively, there are those who support the Bill, claiming it to be effective anti-euthanasia legislation. My view is that it is neither. Clause 5(2), which states that "nothing in this Act authorises an act that causes or accelerates death as distinct from an act that permits the dying process to take its natural course", is a restatement of the accepted situation, and so adds nothing. In conclusion, I oppose the Bill.

The Hon. ANNE LEVY: I support the second reading of this Bill and endorse many of the remarks made by the Hon. Mr. Blevins, the Hon. Mr. DeGaris and the Hon. Dr. Ritson, but certainly not the remarks just made by the Hon. Mr. Davis. That honourable member could not even read the schedule to the Bill, which clearly states that the date of birth of a person signing the schedule is to be included thereon. If the honourable member cares to look at it, he will see that that provision is there. I think that the rest of the honourable member's speech comes into much the same category of misinformation.

The three previous speakers have discussed in great detail the Bill and the issues arising from it, and I see no point in reiterating a great deal of what they have said. However, I have a few points to add, and I will perhaps expand on some other comments.

First, I think that it is generally accepted that the definition of "brain death" is welcomed by everyone. It follows the recommendations which have been made by the Australian Law Reform Commission and which have already been adopted by other States and Territories. It is hoped that they will soon form part of uniform legislation throughout the country.

This definition results from more modern views and a greater knowledge of physiological functions. The desirability of its being incorporated in the Statute certainly comes with achievements in medical technology which, these days, can keep heart and lungs functioning in a brain dead person. I now refer to the declaration, which forms part of clause 3.

Medical evidence to the Select Committee was that, these days, medical practitioners do not usually keep dying people on machines. I would agree. One cannot say that it never happens, but the vast majority of medical witnesses who appeared before the Select Committee felt that it was a most undesirable practice to do so and that, in general, it does not occur in this State. To that extent, following a declaration signed under clause 3 of the legislation, it would not mean that doctors would be doing anything different from what they are doing at the moment, so I cannot understand why doctors think they have anything to fear. If, as according to the medical evidence, people are not being kept unnecessarily on machines these days, then signing a declaration will not alter their practice and they will continue doing exactly as they are doing at the moment.

If that is true, on this ground it has been suggested by some people that the legislation is not necessary, but I strongly maintain that despite what the Hon. Mr. Davis has said the general view held by many members of the public is that this is not current practice. There are many genuine fears held by many people in our community about this. I am not making this statement off my own bat, and I quote from the evidence given to the Select Committee by a representative of the Uniting Church, as follows:

> An observer from outside tends to believe that people are kept alive for the benefit of the medical profession rather than for the benefit of the patient. A lot of people would be happy to sign such a schedule for their own peace of mind.

I am sure we could all think of many examples of people we know, particularly elderly people, who fear that they will be kept alive unnecessarily by means of modern medical technology and who do not wish this to happen. People want to die with dignity when they accept that their

death is inevitable. Other people in this debate have quoted cases with which they have been associated personally. I, too, can quote cases which were close to me. In recent years my husband, father, and mother-in-law have all died. All three very much feared unnecessary prolongation of their dying, and all three spoke to me about that in considerable detail and also spoke to their doctors about it.

I am quite sure that all three of those people would have signed a statutory declaration if it had been available and would have had comfort and ease from doing so in the weeks preceding their death. I know that in two of those cases their wishes were, in fact, respected by their doctors and acted upon. I cannot say the same for the third person as I was not present, but I suspect that it may not have been. Some people have said that this legislation is not necessary as it is only stating what happens now. I would certainly concur that medical practice is unlikely to be altered by it, but the lay public is not aware of what occurs in these situations and there certainly is this general fear in the community of death being unnecessarily prolonged.

So, with respect to the declaration as set out in the schedule, I feel that this Bill is very necessary and desirable, if only to remove fears and worries that many people have. I cannot agree with the Hon. Mr. Davis that that is not a function of Parliament. If we can by legislation remove grave and deep worries and anxieties that people have, then if that is within our power we should do so. If this legislation, by giving legal force to a declaration, can relieve these fears that many people have, even if they are relieved for only a few people, it will have served its purpose most adequately. Let no-one say that this part of the Bill is not necessary. I certainly maintain that it is most desirable.

I wish now to make a few comments on the morality behind this Bill. There was a good deal of evidence given to the Select Committee on this topic by religious groups and professional philosophers. I would again like to quote from the submission made by the Uniting Church representative, as follows:

> We do not believe that Christian morality is offended when a patient is terminally ill and facing imminent death from which there is no reasonable hope of recovery; that patient is permitted to die. We would agree with the statement made by Pope Pius XII at the International Congress of Anaesthetists, Rome, 24 April 1957. Replying to a question about the use of modern techniques of artificial respiration in unconscious patients with a hopeless outlook, he said:
>
> > Since these forms of treatment go beyond ordinary means to which one is bound, it cannot be held that there is an obligation to use them.

The Uniting Church added the following comment:

> We do not believe the command to love our neighbours requires us to prolong their dying.

Since the Uniting Church prepared that submission in early June, the present Pope has made further remarks which endorse and expand upon those made by his predecessor. Again, there has been concern on the part of some people that this Bill is in some way connected with euthanasia. It was certainly never intended to be, nor was it even in its original form, but the addition of clause 5 in the present Bill spells out quite clearly that there is no question of any form of euthanasia being condoned or permitted by this legislation. I think that people who talk about euthanasia in respect of this Bill are deliberately drawing red herrings across the trail. I should like to read a few quotes from the submission made by the Health Commission to the Select Committee. It made a long and detailed submission dealing with many points raised by the Bill. A witness appeared before the Select Committee and, subsequently, the commission sent a further letter to the Select Committee stating the commission's views. I think it is worth quoting several passages from that submission. The submission states:

> In supporting this legislation, the commission appreciates that it will have the appearance of encouraging euthanasia, and may well be criticised on this basis. While this view is, in the commission's opinion, unfounded, the Bill makes a profound change in the official attitudes towards the justifiability of terminating medical care. It will replace the view that persons ought to be kept alive wherever medical science can facilitate the process of life, and the social effects of this change should be considered carefully by the Select Committee.

I will refer back to several points made there later. The Health Commission submission dealt very largely with clause 2 *(a)*, the definition of death, and clause 2 *(b)*, the cause of death, where extraordinary measures are withdrawn in the case of terminal illness. I will not go into the details of that submission. In relation to clause 3 and the declaration set out in the schedule, the Health Commission stated:

> As a general principle, the commission accepts the view that adult persons who are aware of the nature of their problem and the options available to them should have the right to refuse treatment and to die with as much dignity as possible. The difficulty arises (as it will regardless of clause 3) that the medical staff must be aware of the choice, and be convinced that the patient understands its nature and consequences. The existence of a declaration of the type set out in the Bill will assist staff in concluding that the patient wishes to exercise his or her right to refuse treatment, but it has no more than an evidentiary value, as the rest of clause 3 itself indicates.

After several pages of detailed discussion, the Health Commission then concluded:

> The commission believes that the social effects of the proposed legislation will be far more significant than the actual changes it will bring about to the established legal principles relating to death. If the Bill is considered as three distinct parts, it can be seen that the substantive changes are not far-reaching.
>
> The definition of death: This new definition is the most significant change to the traditional common law in the Bill. However, as previously stressed, the latter is flexible, and a judge may be inclined to accept the revised statutory definition on the strength of expert evidence.
>
> The commission recommends that a statutory definition should, if adopted, be expressed in the same terms as the Australian Law Reform Commission's draft Bill.

The definition of "death" in the Bill now before us is in fact the one put forward by the Australian Law Reform Commission. The submission continues:

> The withdrawal of extraordinary measures.
>
> By stating that no causal liability for a resulting death applies to acts done pursuant to clause 2b, the draftsman infers that a person would normally be liable for such an act. On the established principles of causation and homicide, this seems unlikely, particularly if the act of withdrawal is done only to permit the dying process to take its natural course. The commission acknowledges that there may be some doubt, and that legislation will tend to remove it.
>
> The patient's right to refuse treatment.
>
> This has (with a very few exceptions) always existed; however, the commission realises that Part III of the Bill is an attempt to formalise this right in the case of terminal illnesses. Subject to the specific comments, this part of the Bill is accepted.

In a letter sent to the Select Committee by the Health

Commission witness, after having appeared before the committee, the Health Commission witness stated:

> The submission that I prepared supports the Bill and accepts that it will make a contribution to health care in so far as it recognises a patient's right to permit death to take its natural course.

There can be no question that the Health Commission supports this legislation. The commission has referred to the social effects of the legislation, which are obviously important to this Parliament. To me, they are two-fold: first, the reduction of fears in the community with respect to the dying process, to which I have already referred and which I am sure all members who have had anything to do with sick or dying people would realise are very real fears in the community; and, secondly, a clear statement of a patient's rights in this situation of terminal illness.

All witnesses who appeared before the Select Committee agreed that, under common law, an adult patient can refuse any treatment. Whilst that is not stated in any Statute, it is accepted by all that medical treatment can be provided only when a patient agrees to it. Many people may not know that that right exists. If we can publicise that right, so much the better.

The difficulties arise when a patient becomes unconscious and may not be able to give an informed consent to a particular procedure. Through the use of the declaration, set out in the legislation, the patient will be able to exercise that right by Statute and not just by common law, in the one situation of terminal illness. To me, that is the very great benefit of this Bill. It makes people aware of their rights and ensures that those rights are upheld, and that is obviously of social importance. I commend the Bill for its social importance.

I point out that the Hon. Mr. Davis, in his lengthy speech on the Bill, made not one reference to the rights of dying persons—the rights of the patients concerned. Not one word did he mention on that subject. He did not make one comment in relation to the feelings or rights of those individuals. That is a remarkable way of approaching this topic.

In conclusion, I, too, would like to compliment the Chairman of the Select Committee, the honourable member who introduced this Bill, for his painstaking, compassionate and sensible conduct of the Select Committee. I endorse his remarks regarding the valuable work that is done by Select Committees of this Council. This Select Committee, in particular, was interesting, important and satisfying to all concerned, perhaps because it dealt with such profound life and death issues. It was a pleasure to be involved in the intense, careful and very responsible consideration that this legislation has received. I urge all members of the Council to support the Bill.

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

P.E.T. BOTTLES

The Hon. J. R. CORNWALL: I move:

> That the regulations made on 31 July 1980 under the Beverage Container Act, 1975-1976, in respect of P.E.T. Bottles, and laid on the table of this Council on 5 August 1980, be disallowed.

There is no credible evidence that P.E.T. bottles have increased employment or done any positive good whatsoever for the people of South Australia. On the other hand, there is abundant evidence that they are a general environmental disaster. It has now been suggested that they may cause substantial air pollution and create a health hazard. I am unable to substantiate the allegations and I am not making them, but they have been made to me by many concerned constituents. It is clear that, incredibly, the Government accepted the manufacturer's claims concerning the "clean burn" qualities of P.E.T. without subjecting them to any laboratory testing.

The major selling point of the polyethylene terephthalate bottle at the time of its introduction was tht it would burn cleanly without adding any pollution to the airshed. Yet the first tests were carried out by the Beverage Container Unit of the Department for the Environment only after I raised questions about its burning characteristics last week. The responsibility for this amazing bureaucratic bungle rests with the Minister of Environment.

Last week I quoted extracts from a letter which a concerned constituent wrote to me. He inferred that there were attempts to suppress information on the end products produced when P.E.T. bottles are burned. He has since received some replies from the companies involved in vague, general terms. I have since received more correspondence and personal communications from constituents experiencing the same difficulties. I again quote from one of the letters, as follows:

> The consumer is advised that the P.E.T. plastic bottle is "safe to burn" but the inquiries of one of my friends at the University of Adelaide have revealed that plastic containers normally include a "filler" in their composition which sometimes gives toxic waste products on combustion. Just what happens when P.E.T. is burnt could only be determined by specific laboratory tests.

I have already told the Council that, until 30 October, none of those tests had been conducted in South Australia.

The Hon. J. A. Carnie: You didn't say anything about anywhere else.

The Hon. J. R. CORNWALL: I say that none of these tests had been conducted in South Australia. The Minister of Environment and Cabinet have simply taken the word of the manufacturers. Given that we have all the technical expertise necessary in the Department for the Environment and all the facilities for testing the bottle, it seems to me to be incredible that Cabinet would make a major decision that was a major step backwards without having evidence from the department.

The Hon. J. A. Carnie: You said they have not been tested anywhere.

The Hon. J. R. CORNWALL: No. I said they had not been tested in South Australia prior to 30 October. The Government has been prepared to take the manufacturer's word. The Government has no certified evidence. It has been told that these bottles will smoulder clean, melt down, or however one likes to put it. There is no evidence of tests done locally as to the temperatures in backyard incinerators.

The Hon. J. A. Carnie: Do you think the results locally would be different from those interstate?

The Hon. J. R. CORNWALL: I am simply saying that there is no way in which a responsible Government should have taken the word of a manufacturer who wanted to introduce the bottle into South Australia. That is not an unreasonable assertion to make. Surely, if someone with a totally vested interest, like A.C.I. or Coca-Cola Bottlers, says, "This is good, it does this, this and that", we do not make decisions based on that sort of assertion.

There are many unanswered questions. Let me list a few of them. When did the Beverage Container Unit of the Department for the Environment conduct its first laboratory-controlled tests on P.E.T.? By whom were they conducted? What were the results of those tests? Does the P.E.T. bottle contain other materials known as "fillers"? Why did the Minister and the Government allow the sale

of P.E.T. bottles without checking the manufacturer's claims? None of these questions was asked of witnesses by the Joint Committee on Subordinate Legislation. I challenge the Minister to table certified evidence and results of the laboratory tests carried out in South Australia and the dates on which they were carried out. It seems on the available evidence that the Government has been the gullible victim of the corporate hard sell. That is the charitable interpretation. The alternative explanation is that the Cabinet has been a willing partner with the packaging industry in degrading the environment.

At this stage, I should like to speak about Kesab. There was a letter from Colin Hill in the *Advertiser* this morning eulogising the quality of that organisation. There is no doubt that Kesab is a very smooth public relations operation and enjoys excellent relations with local government and community groups. Its "Put it in a bin" and "Tidy towns" campaigns have been very successful. However, it has some fairly dubious acquaintances for an organisation that should be committed to reducing waste overall and should not be encouraging people to generate as much waste as possible as long as they put it in a bin.

Its simplistic philosophy and its policies encourage the generation of litter and waste rather than discourage it. According to Kesab, people can generate as much packaging as they like, provided that they pick up the litter. I repeat that it is not the right body to be the Government's standard bearer in waste and litter control.

I cannot recall the last time (and I do not believe there has ever been a time) when Kesab was critical of the packaging industry for its ever-increasing contribution to the litter stream. I cannot recall any occasion on which Kesab has joined with local government to try to achieve a reduction of solid waste in the municipal garbage stream. I do recall that Kesab opposed the can legislation, which was the most significant litter and waste control measure ever introduced in South Australia. I certainly do recall Kesab's acceptance of the P.E.T. bottle. That organisation not only accepted it but also agreed that it would participate in surveys concerning its acceptability.

Of course, there are other reasons why I am opposed to P.E.T. bottles. I have been over those reasons previously but they are worth repeating. One of the reasons is on the grounds of expense. As I understand it, the P.E.T. bottle costs about 35c to produce. It is a one-off operation. The standard litre bottle, on the other hand, costs somewhere in the vicinity of 12c to 15c. That bottle makes more than 20 trips on average, whereas the P.E.T. bottle makes only one. So, if one takes into account the energy and labor used in recollecting those bottles, washing them and recycling them, clearly it is going to cost somewhere between 3c and 7c for every trip that the bottle makes. We have not only a clear money saving but also an energy saving. There is no doubt that, on the question of cost, the two-litre P.E.T. bottle simply cannot compete with the other type of bottle. On a cost basis, it is not on. Perhaps the most significant objection of all is the fact that the P.E.T. bottle breaks the traditional return system. It is non-returnable and non-reusable.

I think it is important today that we look at some of the evidence that has been tabled. Reasons were given to the committee by various people about the introduction of this packaging. It was said that it was introduced primarily to overcome marketing difficulties in western Victoria, the south-west of New South Wales, and also in the Northern Territory. It was also said at the time that it would be going into responsible household consumption. There seems to be some clear misunderstanding between the Department for the Environment and the marketers on those grounds. First, let me talk about the additional market, which was the reason for introducing the bottle. It is my understanding that the population involved in the area which has been canvassed is of the order of about 300 000 people. The South Australian operation on the other hand involved a population of 1 200 000. In order that Coca-Cola Bottlers would serve 20 per cent of the market, it has apparently inflicted the monster on the other 80 per cent of the population that it serves. It seems that that was not a valid reason for the introduction of the bottle. It should never have been considered a valid reason.

The cans that go to the Northern Territory, Victoria and the south-west of New South Wales are not deposit cans, nor could they be. The company does not seem to have great difficulty in supplying those markets with non-deposit cans. In the circumstances, if they were so keen to get back the share of the market that was being lost in other areas, then to supply 300 000 people they would have had sufficient throughput to be able to fill P.E.T. bottles here for that market if they wanted to do so badly enough.

There is also a contentious matter concerning marketing strategy which the company was going to involve itself in with the bottles. I mentioned that earlier. It seemed to make it clear that these would be bottles sold in circumstances where we would get responsible household consumption. Apparently there was a clear inference that this meant that they would be sold almost exclusively through supermarkets. The other reasons for the sale to supermarkets, which is the way it happens in Victoria, is that supermarkets would have been in a position to bulk buy and to discount. It is interesting to look at the evidence of Mr. Glazbrook questioning Mr. Inglis, the Acting Deputy Director of the Department for the Environment. Mr. Glazbrook asked, "They have P.E.T. bottles in small delicatessens?" Mr. Inglis' response was, "I am surprised to hear that, because we did not expect that to happen." The committee then called Mr. Ross Hall from Coca-Cola, who said:

> There is obviously a dreadful lack of understanding, because at no stage was the question of containers being restricted to any sector of the market discussed. I would hope it would have distribution in every possible corner.

Negotiations between the Department for the Environment and Diverse Products-Coca-Cola, had been going on for at least 12 months at various levels and on various planes. Coca-Cola originally approached the department during the period in which I was Minister. I do not think in the circumstances that people of the intelligence and the understanding of the industry of the Acting Deputy Director would have really misunderstood what Coca-Cola were about. I would have thought that over a period of almost 12 months he would certainly have been in a position to get a clear impression. I do not believe that there was a dreadful lack of understanding.

Regarding the energy and non-renewable resources objection that I put up previously, Mr. Hall said in evidence before the committee, "We would have to get five trips out of a glass bottle to make it equivalent in energy efficiency to the P.E.T. bottle". This was supposed to be the selling point. I have told the Council that the one-litre glass bottles make more than 20 trips. On the grounds of energy and wasteful use of non-renewable resources, obviously the P.E.T. bottle does not stand up against glass and should never have been introduced. We have also had evidence to the Joint Committee from A.C.I. which manufactures the bottle interstate and is currently processing it in South Australia.

Despite the fact that this is an alleged trial period of 12 months, A.C.I. is in the process of spending $350 000 to

install a P.E.T. processor at its Port Road premises. It also told the committee that it intended to spend up to $1 500 000 in addition, provided the Government gives it the green light to go ahead and continue marketing the bottle at the end of the 12 months. In those circumstances, with $350 000 already spent and almost $2 000 000 additional committed, it is a complete joke to suggest that this 12-month trial period is anything but a sham.

The Government, under pressure from the industry, has made a clear decision that it will allow P.E.T. bottles to be marketed in South Australia. No amount of circumlocution or skirting around the issue can disguise the fact that the Government has no intention of reviewing the position adequately at the end of the 12-month period. The fact that it has made Kesab its standard bearer, an industry-funded organisation on which A.C.I. and Coca-Cola are both represented—

The Hon. C. M. Hill: Did you read the letter in the paper?

The Hon. J. R . CORNWALL: I did. I have given them a big cheerio which the Minister can read about in *Hansard* tomorrow. Mr. Colin Hill is a good public relations man but is not the right man to run the waste management programme in South Australia. I am sure that Mr. Murray Hill is no relation. I believe that he does not associate too closely with the Minister going by some allegations that have been made.

The Hon. C. M. Hill: Do you know Mr. Colin Hill's second name?

The Hon. J. R. CORNWALL: Surely not. We have also been told that the number of employees at A.C.I. has been static since 1967. It is interesting to examine the employment situation at A.C.I. since 1967. Since that date, the production at Croydon has more than doubled, although during that period the workforce has remained static. Indeed, the latest figures show that employment is probably less than it was 13 years ago.

In this respect it is interesting again to refer to the evidence given by the State Manager of A.C.I., who said that the work of those who are left is much better and the conditions brighter. I am sure that that must be very pleasant for the people who are left there. However, I wonder about those who have become redundant over this 13-year period. Further in his evidence the State Manager, referring to the installation of more machinery (based on this statement, people should not be influenced by capital outlay) said, "We hope to get down to about 360 from 450, 12 months ago."

The position of the packaging industry was best summarised by Mr. Andy Christou, of the Glass Workers Union, who gave evidence to the committee and who commented on the burgeoning, almost uncontrolled, movement to one-way packaging and the declining membership of his union. Mr. Christou said:

> This is the trend that has taken over this country and the United States over the last 10 years. It is one that is continuing. They are all going back to one-trip containers.

I conclude by reiterating that, from an environmental point of view, the introduction of the P.E.T. bottle (although the Government allowed the introduction of the P.E.T. bottle, it had absolutely no need to do so) was an environmental disaster of great proportion. It has encouraged this rapid change to one-trip containers. I refer to the P.E.T. container, the Fruit Box and various other one-trip containers that have come on the market over the years. It has turned around by 180 degrees since the time of the previous Government, which had the courage of its convictions and which introduced can legislation when it was well warranted.

The Hon. M. B. Cameron: What effect did that have on A.C.I.'s employees?

The Hon. J. R. CORNWALL: It had a positive effect, because we were foolish enough to allow them to go to echo bottles. I am prepared to say that that was tactically an error.

The Hon. N. K. Foster: You should never have said that.

The Hon. J. R. CORNWALL: I am not concerned about being wise in hindsight. However, the echo bottle is not a one-trip container. It was very much better as a replacement than the can, which was designed to make only one trip. At least the echo bottle is a returnable container.

This is a serious break with the tradition of returnable and reusable beverage containers that has existed in this State for more than 80 years, and I should very much like to see the P.E.T. decision reversed. If it is not done quickly, it will be harder for any successive Government to make the move. I was asked by a television interviewer what the Labor Government would do if it was returned to Government. That is indeed a difficult question.

The Hon. L. H. Davis: And very hypothetical.

The Hon. J. R. CORNWALL: It is by no means hypothetical. I would certainly put to my colleagues that these people introduced this bottle knowing full well what the Labor Party's policy was and that they had been turned down by the previous Government and me when I was Minister. In the circumstances, they have done so at their own risk. On the other hand, we are very responsible.

The Hon. L. H. Davis: He not only has two faces, but he also has—

The Hon. J. R. CORNWALL: We have yet another interjection from the only member of the South Australian Parliament who moves his mouth when he reads. On the other hand, members would be aware that, once a decision has been taken, it is very difficult for successive Governments to repudiate existing contracts or arrangements. That is a tradition, and it would be very difficult in those circumstances (although I would certainly be prepared to try) to get this bottle off the market if we allowed it to be established over a number of years. We therefore have a duty to see that no more P.E.T. bottles are manufactured in this State.

The Hon. J. C. BURDETT (Minister of Consumer Affairs): I oppose the motion. The Hon. Mr. Cornwall has been talking about the Government's allowing the introduction of P.E.T. bottles. That is to twist the thing the wrong way around. In the past the use of these bottles has been prohibited. However, one wants to be careful about prohibiting things in the ordinary private enterprise system. Surely, the owners have proved it the other way around: there must be a good reason for prohibiting things. One does not have to prove that a thing can be used in the ordinary course of commercial enterprise. One does not have to prove, for instance, that cars, tyres and suits can be used. If one wants to ban or prohibit anything one must be able to put up a very good cause.

Until the present Government very sensibly introduced the regulations to allow these P.E.T. bottles, they were prohibited. The onus is quite the other way around from what the Hon. Mr. Cornwall has said. He must establish that there is some reason why the bottles should not be used.

First, it must be recognised that the objection to market 2-litre P.E.T. bottles in South Australia applies to all soft-drink manufacturers. It is incorrect to talk in terms of specific exemption. While these containers represent a break from the traditional bottle deposit and return system, P.E.T. has certain attributes that make it effective

material for beverage packaging. P.E.T. bottles are significantly lighter than glass bottles, for instance. However, most important, they are ideal for outdoor usage, especially at beaches, because the containers will not break or shatter like glass.

The Hon. J. R. Cornwall interjecting:

The Hon. J. C. BURDETT: It does not matter about that. I know that several members of this Council have had experience of children cutting their feet on broken glass on beaches and in other recreational areas. However, one will not cut one's feet on a P.E.T. bottle, and that is an important point.

P.E.T. is polyethylene terephthalate, commonly called polyester. According to page 47 of the *Plastics Design and Processing Journal,* August 1977, P.E.T. has a "balance of properties and economics that make it ideal for 32 oz. (1 litre) and 64 oz. (2 litre) soft-drink containers".

The physical properties of P.E.T. are such that bottles can be produced displaying the same clarity and gloss as glass. However, the strength of P.E.T. enables P.E.T. bottles to be designed with about one-fifteenth the weight of non-returnable glass and yet significantly stronger than glass. (An indication of its strength is its ability to be dropped, beverage-filled, from at least 6 ft. before breaking compared, so I am told, to 1½ ft. for glass bottles.

I would not like to drop a bottle of beer even 1½ ft. on to a concrete floor, but a P.E.T. bottle will survive a 6 ft. drop. This fact has been used in advertising material, and I think that that quality is important. The polyester also possesses high gas permeation resistant properties. This means that carbonated soft drink's liquid carbon dioxide content is retained and the taste is not impaired during the normal shelf life of the product. Like glass, P.E.T. bottles are resistant to bleaches, most common solvents and oils.

The PRESIDENT: Order! I draw the attention of the gentlemen in the gallery to the fact that it is bad enough trying to hear when conversation is taking place within the Chamber. I ask them to keep their tone down, so that they do not prevent *Hansard* from hearing the member who is speaking. The honourable Minister.

The Hon. J. C. BURDETT: The Coca-Cola Export Corporation introduced the two-litre P.E.T. bottle in Sydney earlier this year. The P.E.T. bottle technology was brought to Australia by Coca-Cola and Glass Containers-Rheem Australia. However, it is understood that another bottle manufacturer has since bought the technology from Dupont in the United States and, if this is so, a greater range of P.E.T. bottles and wider usage could be anticipated. P.E.T. bottles are, of course, not refillable. They are very durable. A filled 2-litre P.E.T. bottle will not break or explode on impact, so it must be considered a very safe product in which to bottle carbonated soft drinks.

Soft drink manufacturers have for some time expressed concern in regard to the explosion on impact of large bottles in supermarkets, car parks and in the home, especially in extremely hot weather. It is claimed that a filled P.E.T. bottle will withstand a drop of 6ft., or even 10ft. has been suggested, before cracking. For outdoor use, the P.E.T. bottle is ideal in that it does not create a broken glass problem, and that is very important. The thoughtless discard of this bottle in picnic areas and beaches will not cause a health hazard. The P.E.T. bottle is significantly lighter than an equivalent glass bottle when empty, and three filled P.E.T. bottles weigh about the same as two filled glass bottles. In terms of energy use, P.E.T. bottles have merit in the transportation of beverages.

It is likely that the product will be promoted actively and will receive wide acceptance. It is a safe bottle. It will be popular for use at parties and barbecues, and so on, and the Coca-Cola Corporation expects that its greatest demand will be for use in the home.

The Hon. J. R. Cornwall: You're arguing against yourself there.

The Hon. J. C. BURDETT: I am not arguing against myself.

The Hon. J. R. Cornwall: You're trying to have it both ways.

The Hon. J. C. BURDETT: I am not trying to have it both ways. I am simply pointing out that the Coca-Cola Corporation has been arguing, mainly, for its use in the home. I have, at the same time, been pointing out its great advantage in outdoor use, because with any kind of beverage container there will be outdoor use. That is how the Beverage Container Act came into being in the first place, because of bottles, cans and other containers being littered on roads and beaches. With any kind of container one cannot ignore this. One of the greatest drawbacks to glass containers is the fact that if they are used outside they can and will break and cause damage.

The Hon. J. R. Cornwall: How many soft drink bottles are found to be a factor in litter surveys?

The Hon. J. C. BURDETT: I am not talking about litter surveys, but I have known children who have cut their feet on broken glass.

The Hon. J. R. Cornwall: On broken beer bottles.

The Hon. J. C. BURDETT: None of them will cut their feet on broken P.E.T. bottles.

The Hon. J. R. Cornwall: If you want to talk broken glass, talk beer bottles.

The Hon. J. C. BURDETT: The Liberal Party, when in Opposition, approved deposits on beer bottles, which the Government of the day would not effect. I am asking why P.E.T. bottles should be prohibited. That is what I have been talking about all along. My socialist colleagues are trying to say that we have to explain why they should be permitted. It is only to justify the use of an ordinary commercial product. There is a reason why it should not be prohibited, and there is no reason why a P.E.T. bottle should be prohibited. It is the first of a new generation of one-way beverage packages, although its technology at present restricts its use to non-alcoholic beverages. Coca-Cola argues that its economies restrict its use to one litre and above applications. If this is the case, then its introduction may not necessarily lead to a new round of development of one-way containers.

Despite the reservations that the Hon. Mr. Cornwall expresses about Kesab, it is a reputable and useful organisation. The use of P.E.T. bottles will be monitored by Kesab, and the industry will provide sales figures. I cannot see any reason why the use of P.E.T. bottles should be prohibited any more than the use of glasses to drink from, cups, tea bags, or anything else. Why on earth should they be prohibited? I oppose the motion.

The Hon. N. K. FOSTER: I am interested in this matter to the extent that the ramblings of the Minister behind his index finger—

The PRESIDENT: Order! We are not interested in the honourable Minister's finger. The Hon. Mr. Foster will speak to the motion.

The Hon. N. K. FOSTER: In respect of the statement made that P.E.T. bottles are not dangerous when the Minister was talking about broken glass, evidence was given by those who appeared before the Select Committee that P.E.T. bottles do not self-destruct and probably have a lifetime of some hundreds of years. An expert informed the committee that P.E.T. bottle splinters could remain

sharp for a long time, and that they could, in fact, represent a danger, although perhaps not to the extent of glass. If the Minister is such a great anti-prohibitionist, if I may coin that term in reference to the learned gentleman, perhaps he should re-examine his attitude to pornography as it applies to free enterprise. The Minister said that there ought not be any prohibition in respect of P.E.T. bottles. I want to know whether or not he is prepared, through his department, to observe during the course of surveys how many P.E.T. bottles that are not burnt are left by the roadside. Will he have the authorities examine the melt-down rate of P.E.T. bottles compared to the burning of plastic and similar types of container and establish whether or not it is a pollutant? I made a comparison last weekend by burning a plastic container of the clear type that had held a wellknown brand of detergent and found that, by holding a match to it, it destructed pretty quickly with little or no evidence of black smoke.

When I tried to burn the P.E.T. bottle, I had great difficulty igniting it, and I discovered that the melt-down of the plastic detergent container was measured in a matter of seconds, not minutes. In fact, it burnt from the moment it was lit, with a very faint blaze, and then melted. However, that was not so with the P.E.T. bottle and it was about 15 minutes after I placed it in an incinerator before it really caught alight. The P.E.T. bottle's melt-down rate was extremely low, and I believe that is important.

Whilst a great deal has been said about the chemical composition of the P.E.T. bottle, let us not be fooled by it, because there are two types of plastic, I understand, in the composition of this bottle. The bottle itself is not the black base. When the bottle is removed from that black base it is quite oval and is not capable of standing on its own. The bottle is riveted into the black base and advertisements for this product state that the housewife can use that base for flowerpots, and so on. The black base has a different burning characteristic altogether from the clear plastic-type bottle. Will the Minister ensure that the matters I have raised are investigated? I hope that he does not accept some of the evidence given by the manufacturers of this bottle (Coca-Cola Bottlers) as readily as I did as a member of the committee last Thursday.

The Minister should not try to lull everyone into a feeling of false security that Kesab is the be-all and end-all in relation to litter control and that it plays an important part in that function. Kesab was snowed by the manufacturers, and there is no doubt about that.

The Hon. L. H. DAVIS: I oppose the motion. Members on this side of the Chamber are becoming rather used to the Hon. Dr. Cornwall in his best endeavours to make pessimism a cottage industry. I understand that the honourable member was Minister for the Environment for only three days, but as a front bench member of the Opposition, he should have taken the trouble to discuss the P.E.T. bottle with his colleagues in New South Wales who, after all, are in Government and under whose Government the P.E.T. bottle has been in operation for 16 months. I took the trouble to contact the Litter Project Co-ordinator from the State Pollution Control Commission in New South Wales.

The Hon. J. R. Cornwall: That body is a sham in New South Wales.

The PRESIDENT: Order! The Hon. Dr. Cornwall has already spoken.

The Hon. L. H. DAVIS: I am sure honourable members will be interested to know of that gentleman's observations in relation to the P.E.T. bottle. In fact, he confirmed what the Hon. Mr. Burdett has just said: that P.E.T. bottles are primarily used for home consumption or for picnics. The P.E.T. bottle does not rank particularly highly in the incidence of litter distribution. He said that his organisation regards the P.E.T. bottle as being very satisfactory in the litter stream. He also said that there is a litter index in New South Wales covering 156 sites from Sydney to Bathurst, and he would argue that that coverage is more comprehensive than anywhere else in Australia. I am sure that as a matter of habit the Hon. Dr. Cornwall would disagree with that.

In that litter index are included P.E.T. bottles, aluminium cans, general bottles, plastic items, and paper-based products. The argument put forward by this gentleman from New South Wales was that there had been a reduction in the litter problem through education in schools, households and at council level, and through the enforcement of the right type of litter laws. He stated that his organisation had been well satisfied with the introduction of the P.E.T. bottle. It is also relevant to note that the New South Wales Labor Government introduced the P.E.T. bottle, or if you want to put it another way, did not prohibit the P.E.T. bottle, as the Hon. Dr. Cornwall is seeking to do.

The New South Wales Government examined the matter thoroughly and introduced the P.E.T. bottle 16 months ago, first through Coca-Cola Bottlers, and later Schweppes introduced its version. The Hon. Dr. Cornwall suggested that there is no evidence about its safety and that the Department of the Environment has not done its job. The fact is that in this shrinking world the job is often done for us elsewhere. The P.E.T. bottle, comprising as it does special ingredients, was first introduced as a major soft drink package in America in early 1977 following eight years of research, development, planning and detailed investigation by the U.S. Food and Drink Administration. That view was confirmed in evidence given to the Joint Committee on Subordinate Legislation by Dr. Inglis, who stated:

> It is a type of plastic that does not involve any chlorine, which is the normal dangerous constituent so it burns to carbon monoxide, carbon dioxide and water, even at low temperatures.

Dr. Inglis argued that the P.E.T. bottle is safe. However, the Hon. Dr. Cornwall does not accept Dr. Inglis's advice. In fact, the Hon. Dr. Cornwall is very reluctant to accept anyone's advice except his own because, in his view, he is the only one who is right.

P.E.T. bottles can be safely disposed of through conventional incineration, and that has not been shown to be otherwise. The incineration of P.E.T. bottles does not produce hazardous gases. P.E.T. bottles are completely combustible and leave no residue in incinerators. I would have thought that all these arguments by themselves would have been sufficient evidence against the proposition put forward by the Hon. Dr. Cornwall. In addition to that, he raised the matter of the energy involved in P.E.T. bottles. The honourable member chose to ignore evidence given to the Subordinate Legislation Committee. Howard D. Roberts, Director of Foods in the Food and Drugs Administration Department of Health, Education, and Welfare, was quoted as follows:

> Because refillable glass bottles are much heavier, their energy requirements are much greater than plastic containers of comparable size and, therefore, any energy savings are totally dependent upon their return and re-use. Larger-size plastic non-returnables have a much greater advantage over glass in ration of volume of container to container material, making them comparable in energy requirements to returnables providing five trips or less.

In addition to that, we have seen that there is a cost saving in transport, from the evidence that the

Subordinate Legislation Committee received, and that three P.E.T. bottles are the equivalent of only two glass bottles of 2-litre size. The other economic evidence that seems to be beyond dispute is that, if the 12-month trial is passed, it will lead to further investment of $1 500 000, plus 10 more additional staff in A.C.I. That is how the company sees the situation at this stage.

Finally, there was the economic evidence that it will help a South Australian company, Coca-Cola Bottlers, to regain lost markets in Victoria and Western New South Wales.

On one side, we have a formidable array of argument in favour of P.E.T. bottles and, on the other side, some spurious allegations by the Hon. Dr. Cornwall that are totally without foundation and without any authority having been quoted for them.

Those allegations say that we should prohibit this bottle and, in so doing, disadvantage industry, potential employment opportunities, and the public by limiting the range of choice, when there has been shown to be a clear world-wide trend towards this sort of container. Finally, it would also have the effect of ignoring the evidence regarding litter, which has been well demonstrated by New South Wales in monitoring the P.E.T. bottle. It has been in existence in that State for 16 months. On all those counts, there is a strong case for dismissing this motion.

The Hon. M. B. CAMERON: I wish to speak against this motion very strongly. I congratulate the Government, and not lightly, on allowing the introduction of a test period for this container. My background to this matter is well known to the Hon. Dr. Cornwall and other members of the previous Parliament, because, when the deposit legislation was introduced, I tried to have a deposit placed on beer bottles on an equal basis to that placed on cans.

My reason was that I believed that it was far better to have in use a container that was self-destructing in the environment, even though it would take a long time to self destruct, when, with beer bottles, such is not the case. If the Hon. Dr. Cornwall expects me to take his Party seriously after what occurred then, he has another think coming. When we were trying to take what I considered to be a responsible attitude to ensure that glass was kept at a low rate in the litter of the State, the Minister for the Environment in the Labor Government was opening a new echo line of no-deposit bottle, at the same time putting deposits on cans. It was the most extraordinary set of circumstances that I have seen. I think the Government was having a shot at someone.

The Hon. J. R. Cornwall: It was a returnable bottle.

The Hon. M. B. CAMERON: I challenge the Hon. Dr. Cornwall to come to the area from which I come and see how returnable it is. We have those bottles from one end of the South-East to the other, lying along the road. People say what a great thing it was to get rid of cans but I would have preferred to get rid of the far more dangerous bottles. I think the Government's move will prove to be excellent and that it will reduce the glass litter volume, which is what I want to do.

I went to the site of an old hotel, on the way to the South-East. The hotel had been closed in about 1870 and surrounding the old rubbish tip were broken bottles of exactly the same cutting quality as when they were broken in 1870. There had been no change to their characteristics. Sooner or later we must take a more responsible attitude toward litter, particularly glass litter, which I believe, in this day and age, is totally unacceptable and something that we have accepted for far too long.

Doubtless, we will continue to use glass but, if there is a better medium for the transport of beverages, we should use it. If we believe that plastic containers should not be used, let us cut out their use for sauce, vinegar, detergents, cooking oil, and other items. We are not doing that, because we believe that they are excellent containers. Anyone who thinks that glass is a good container should talk to the people who have to collect garbage, on daily runs, from people who throw glass into their rubbish containers. Will they agree that glass is an acceptable packaging material to those people who have to handle it?

I urge the South Australian Brewing Company to examine the use of these containers as beer containers, because it will be a good thing if we can persuade people who go to recreation areas to use a plastic container. Then we will be able to pick up the containers, instead of picking up the remains of the bit of fun that people have. I can take people to recreation areas and show them the net result of these fun picnics. Perhaps the South Australian Brewing Company can indicate whether it will look at the container to find out whether it would be an advantage. I would be disappointed if the container could not be used for beer.

I do not believe that, in the initial stage, these containers need a deposit requirement. We should wait and see the result. I believe they will be used particularly in the home, but I have no objection to their being used on the beach. Some would be left on the beach but people could not shatter them. They would be obvious and could be collected. I reject totally the concept put forward by the Hon. Dr. Cornwall that it was an environmental disaster of enormous proportions. I say the opposite and that it could be totally acceptable for the environment of the State.

The Hon. J. R. CORNWALL: Some years ago we had a New Zealand farm adviser in the South-East who had been frightened by a bull when he was a little boy. He went around advising every farmer and grazier he could contact that they should get out of cattle and get into sheep. He was quite paranoid about the matter. When the market turned around and sheep got down to $1 a head and the price of cattle went through the roof, it was disastrous for many people in the South-East who had listened to him. The Hon. Mr. Cameron reminds me of this man, because I think that at some time he has cut his foot on glass and that has taken away any judgment he may have on the matter. He is totally unable to be objective and is always completely emotional.

Indeed, it is very sad all round to hear members on the other side speaking on this matter, because it is clear that they are almost totally ignorant of the subject they are attempting to debate. It is also very sad to note that this motion seems to be doomed to failure, because the Hon. Mr. Milne belongs to a generation that has little regard for the environment. I suppose that we cannot expect him at his stage in life to be able to catch up with the realities of today. He has indicated to me that he is definitely supporting the Government in this matter, and that saddens me considerably.

The Hon. J. C. Burdett interjecting:

The Hon. J. R. CORNWALL: Let us turn to the Minister who sits interjecting on the front bench. He says that there is a tremendous lot going for this bottle, because it can be used extensively in the great outdoors and will not break. I refer to the evidence given to the Select Committee by Mr. Ross Hall of Diverse Products Limited, 617 Port Road, Thebarton, as follows:

> What was said was that we would expect that it would primarily be a home-market package . . . We would be anticipating it to be a premise-consumption package. Even for beer it would be too much for one drink. We have

assumed that it would be taken home and measured out by the glass.

I suggest that the Minister has not done his homework in this respect because his selling point for the bottle was that it would not break in the great outdoors. The Minister also implied that we would all have access to survey figures from Kesab and that Cola-Cola would be able to give us figures also. He should know Kesab never makes its figures public. Kesab is quite prepared on occasions, if it suits it, to make survey figures available to limited groups of individuals or companies but, as a matter of policy, it never makes survey figures public. So, we are never going to know what the result of that survey is. I have to repeat that, in the circumstances, to suggest that the Kesab survey is going to be available to the public to enable it to make some sort of objective summary of the first 12 months is simply not on.

The Hon. Mr. Davis had a few things to say about the Pollution Control Council in New South Wales. His ignorance on this whole subject absolutely amazes me. It would appear that he has been completely swayed by his Minister. He did not tell us, for example, that New South Wales is in an extremely difficult position versus Victoria.

The Hon. M. B. Cameron: Why?

The Hon. J. R. CORNWALL: If the honourable member will listen he may learn something. The two greatest markets in Australia are in Sydney and Melbourne. I have had the occasion to go to Ministers' conferences and listen to the chiacking that goes on between the Victorian Minister for Conservation and the New South Wales Minister for Environment. The story is that there is a reasonably progressive Liberal Government on the one hand (which bears no resemblance to the reactionary mob in Government here), and there is a Labor Government on the other hand. There are two very big markets, and the companies play them off against each other marvellously, because Coca-Cola and all the other packaging people in Sydney threaten the Government by saying, "If you introduce any beverage container legislation in New South Wales, we will shift our operations to Melbourne."

In Victoria, they threaten Dick Hamer with exactly the same thing, saying "Look out, Dick, if it crosses your mind to introduce any form of beverage container legislation here we will shift our operations to New South Wales." At the moment we have a full deposit system on soft drink bottles in this State, and the return rate for soft drink bottles is consistently around 84 per cent, and has been for some years. We do not have a deposit system on beer bottles.

The Hon. M. B. Cameron: We do—it's voluntary—3c.

The Hon. J. R. CORNWALL: We do not, in fact, have a deposit system on beer bottles. They are worth 30c a dozen, but it is not a deposit system. It is certainly not the 10c system that the Local Government Association is looking at. We have never had a deposit on beer bottles, but we have had a return system for more than 80 years. The figures for beer bottles are that 80 per cent of them come back. It is very dubious whether putting a 10c deposit on beer bottles will increase that return rate at all because a small percentage of beer bottles—

The Hon. L. H. Davis: So you're in favour—

The Hon. J. R. CORNWALL: Shut up you lightweight. They are not consumed under responsible circumstances: they are consumed at beach parties, sporting functions, and so on in circumstances where people tend to get intoxicated and these bottles certainly get broken. The return rate differential between deposit soft drink bottles and non-soft-drink bottles is 4 per cent.

The Hon. M. B. Cameron: Whose figures are these?

The Hon. J. R. CORNWALL: They are industry figures that have been confirmed by the Department for the Environment, and they have been well documented over a number of years, unlike the statement concerning P.E.T. bottles. There is no evidence of anything being done to test P.E.T. bottles in South Australia.

The Hon. L. H. Davis: The P.E.T. bottles here—

The Hon. J. R. CORNWALL: Shut up, for goodness sake. The fact is that these figures are well documented, they are subject to audit, and there is no doubt that they are accurate. It seems unlikely that one would get any increase at all in the return of beer bottles, so why put a deposit on them (I am talking about 740 mililitre bottles)? At the moment the echo bottle has not got up to that return rate. There was a deliberate marketing strategy adopted by the brewery at the time of the introduction of the can legislation. It fought the legislation tooth and nail and with the full support of the packaging industry throughout Australia, because at the time the whole industry was scared out of its wits by the fact that we were trail blazers—

The Hon. L. H. Davis interjecting:

The PRESIDENT: Order!

The Hon. J. R. CORNWALL: We were the first Government in the history of Australia to move to introduce can legislation and to provide for a deposit. The industry generally was scared out of its wits. It was implacably opposed to the can legislation, not because of the situation in poor little old South Australia with about 9 per cent of the population but because of the ramifications it could have in the big States like Victoria and New South Wales. A very big battle is still going on (I have been involved in it from time to time) with the packaging industry, which certainly wants to repeal the beverage container legislation, and it will never rest until it sees that happen.

One of the things that concerns me with the present Government, having given in on P.E.T. bottles and having said that it will have no deposit on a non-returnable non-reusable container, is that it could easily take that next step down the road and say, "We will repeal the beverage container legislation for a 12-month trial period." That is a real possibility, and that would be an even greater tragedy than the introduction of the P.E.T. bottle. I will now talk to the boy across the way.

The PRESIDENT: Order!

The Hon. J. R. CORNWALL: The honourable member said that he went to New South Wales. However, he did not say that there is no deposit on any container in New South Wales at all, whether it be glass, aluminium or plastic. So, it certainly was not a very big step for the New South Wales Government to say, "You can introduce your P.E.T. bottle, which is better than a non-returnable glass bottle." It may well be better in a non-return situation. There are no deposits in New South Wales. The bottles are non-returnable and non-reusable, the same as the can and P.E.T. bottles are non-returnable. In those circumstances, it is ridiculous for anyone to make comparisons. I am sure that in his ignorance the Hon. Mr. Davis did not know that; otherwise, he would not have been stupid enough to raise the matter.

The fact is that New South Wales has an enormous litter problem. The industry is funding that Government to the tune of $1 000 000 a year because it is scared that the Government may otherwise move towards a deposit system of some form. It is true that the industry has the New South Wales Government snowed to some extent. However, where the snowing cuts out the blackmail takes over, because the threat is on that, if the Government does not do the right thing, the company will move their

operation to Melbourne. The same thing is said to Dick Hamer: the threat is made that the operation could be moved from Melbourne to Sydney. So, let us not make spurious comparisons.

The Hon. Mr. Davis also talked about energy saving. As I said previously, the honourable member is probably the only member of the South Australian Parliament who moves his mouth when he reads. The fact is that the glass bottle makes at least 20 trips. Even when one takes into account the energy used in transport to take the bottle back and washing the bottle, there is still a marked energy saving, as that bottle makes more than 20 trips. The P.E.T. bottle, which is expensive, costs the consumer 35c, and can make only one trip: it is absolutely a one-trip container. So, it is nonsensical to talk about energy savings.

There is no question that the glass container can in certain limited circumstances be hazardous and can break. However, it is still very much the most economical, and is certainly the best, container available.

The Hon. Mr. Davis talked about A.C.I.'s capital investment to handle this bottle. It is very sad. I do not know whether the honourable member was in the Chamber when I referred to A.C.I., but the fact is that, when there is a further capital investment at A.C.I., more people lose their jobs. It is all very well for the company to say that it will spend so much and that, as a result, 10 people will be employed on the P.E.T. line. However, although 10 people will be employed on that line, another 15 or 20 people elsewhere will be put off.

I referred earlier to the State Manager who said that there had certainly been some attrition and that quite a number of people had lost their jobs. He said that, although the number of employees had reduced from 450 to 360, the people who were left were happy in their work. That is a poor consolation for the other people.

If we consider this matter on environmental or social grounds, or on any other parameters that members want to apply, this is a major leap backwards. If Government members defeat this motion, they will ensure that we take this great leap backwards environmentally, and I believe that they will live ultimately to regret it.

The Council divided on the motion:

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

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

Majority of 1 for the Noes.

Motion thus negatived.

[Sitting suspended from 5.40 to 7.45 p.m.]

LIQUEFIED PETROLEUM GAS SUBSIDY BILL

Second reading.

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

That this Bill be now read a second time.

In April 1980, as part of its revised policy with respect to liquefied petroleum gas pricing and utilisation, the Commonwealth Government announced that it would subsidise the cost of domestic liquefied petroleum gas for a three-year period from 28 March 1980. This Bill is required to allow the payment of the Commonwealth subsidy to South Australian distributors of liquefied petroleum gas for passing on to consumers. In this three-year period, the use of liquefied petroleum gas by householders and by certain hospitals, nursing homes and schools that are non-profit making will be subsidised to allow them time to adjust to the rising prices of liquefied petroleum gas and, where possible, to convert from liquefied petroleum gas to more readily available alternative fuels.

Commercial and industrial liquefied petroleum gas users will be encouraged to convert out of liquefied petroleum gas by extension of the taxation concessions and allowances which apply to conversion of oil-fired equipment. The Commonwealth Act provided for grants to be made to the States to enable the States to pay to registered distributors of liquefied petroleum gas the subsidy of $80 per tonne on liquefied petroleum gas sold to consumers. The subsidy will also apply to distributors of reticulated gas derived from liquefied petroleum gas or naphtha, as currently applies with the South Australian Gas Company at Whyalla and Mount Gambier.

Liquefied petroleum gas has played an important role as a source of heat in country areas not connected to the natural gas pipeline system. Increases in the price of liquefied petroleum gas associated with significant demand from overseas, parity price relationships and motor spirit prices have caused some hardship to domestic users of liquefied petroleum gas committed to this fuel. Most of these users have few alternatives in the short term to the use of liquefied petroleum gas for heating purposes, and it is therefore important that a short-term subsidy be given whilst alternative energy forms are developed.

The subsidy is likely to amount to over $1 000 000 per annum in South Australia, and arrangements are already in operation to allow payment to distributors from the commencement date of 28 March 1980. Commonwealth officers of the Department of Consumer Affairs will be vested with powers in relation to administration of the scheme. These powers will be similar to those which apply to the Petroleum Products Subsidy legislation, and will ensure smooth and efficient operation of the subsidy scheme. Whilst liquefied petroleum gas is an important source of energy for heating purposes in country areas, it is also an important fuel for automobiles, and this Government recognises the need for positive action both to encourage the rational use of our energy resources and to assist the development of new energy supplies.

The Government's actions with respect to the development of the Cooper Basin liquids and liquefied petroleum gas resources are designed to assist in the supply of additional liquid fuels in the immediate future. Extensive studies are being undertaken in conjunction with the Cooper Basin producers on processing options for crude oil and condensate and for the introduction of Cooper Basin liquefied petroleum gas into the South Australian market. One particular concern of the Government is the maximisation of the use of Cooper Basin liquefied petroleum gas within the State, particularly with respect to automotive use as a replacement for motor spirit. The Government is taking the necessary steps to ensure that the liquefied petroleum gas market is developed in an orderly manner with special consideration to the setting of adequate safety standards and procedures. This Bill will ensure that the benefits of the Commonwealth subsidy are passed on to South Australian consumers, and that the liquefied petroleum gas market is stabilised and developed in an efficient manner making use of our significant indigenous resources. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 makes the Act retrospective to the commencement of the Commonwealth Act on the twenty-eighth day of March, 1980. Clause 3 provides all necessary definitions. The definitions of "eligible use" and "residential premises" are as found in the Commonwealth Act, thus doing away with the need to amend this Act should the Commonwealth Act be amended at any time. "Eligible use" means domestic use in residential premises, use in hospitals, nursing homes and health care institutions not conducted for the profit of a person, and use in schools that are not conducted for the profit of a person. "Residential premises" means a dwelling house and any place in which at least one person resides, but does not include a hotel, motel, boarding house, hospital, nursing home, boarding school or any premises excluded by the Commonwealth Minister by notice in the Commonwealth *Gazette*.

Clause 4 provides that subsidies are payable to registered distributors of eligible gas, and that those subsidies are payable in accordance with the Act and the scheme. Clause 5 empowers the Minister to authorise advances to be paid to registered distributors on account of any subsidy. Clause 6 provides for the appointment of authorised officers by the Minister. The Minister will appoint authorised officers from a list of Commonwealth officers who have been approved by the Commonwealth Minister.

Clause 7 directs a registered distributor to make a claim for a subsidy to an authorised officer. The claim forms and the manner in which claims must be made will be determined by the Minister.

Clause 8 provides for the examination by authorised officers of all claims made under the Act. Authorised officers will then give certificates as to the amounts of eligible gas sold for eligible use by registered distributors. Where an overpayment has occurred, an authorised officer will certify accordingly. Clause 9 directs the Minister to cause payments of subsidies to be made in accordance with certificates given under clause 8. Clause 10 provides for the recovery by the Minister of the amount of any overpayment. A registered distributor to whom an overpayment has been made is given a month in which to pay the amount concerned. Clause 11 empowers an authorised officer to require a registered distributor to give security before he receives any moneys under this Act.

Clause 12 requires registered distributors of Liquefied Petroleum Gas to keep for 12 months all accounts relating to any sale in respect of which a claim is made under the Act. Registered distributors of eligible reticulation gas are required to keep all accounts relating to gas in respect of which a claim is made for two years. Clause 13 empowers an authorised officer to enter at any reasonable time the premises or vehicle of any registered distributor or interstate registered distributor. Upon so entering, he may inspect all relevant papers and make copies of them. An authorised officer is also empowered by subclause (3) to enter any premises to which eligible gas has been supplied for eligible use, and to inspect those premises. Clause 14 empowers an authorised officer to require persons to attend before him for the purpose of answering questions or producing papers in relation to any claim made under this Act or a corresponding interstate Act.

Clause 15 empowers an authorised officer to examine on oath any person he has summoned before him. Clause 16 provides a penalty of $1 000 for failure to attend before an authorised officer, or failure to answer questions or produce papers. Any person who falsely obtains a payment under the Act or makes a false or misleading statement for the purpose of obtaining such a payment incurs a penalty of $2 000 or 12 months' imprisonment. A penalty of $1 000 is provided in respect of other false or misleading statements. Where a payment has been falsely obtained, the trial court may order that the money be refunded to the Minister.

Clause 17 provides that proceedings for offences under the Act must be commenced within a year, and are to be disposed of summarily. Clause 18 gives the Minister the power to delegate any of his powers or duties under the Act. Clause 19 provides for the keeping of a separate account at Treasury into which must be paid all moneys received from the Commonwealth and all other moneys received under the Act. The Treasurer is authorised to pay out all subsidies from that account. The Treasurer may advance moneys to the account pending receipt of the Commonwealth grant moneys, but the total amount so advanced must not at any time exceed $50 000.

Clause 20 provides for the making of such regulations as may be necessary. Offences under the regulations may incur penalties not exceeding $200. The schedule contains the scheme formulated by the Commonwealth Minister pursuant to the Commonwealth Act for the purposes of this State. If the Commonwealth Minister amends the scheme at any time, or substitutes another one, the schedule will not require amendment, as the definition of "scheme" in clause 3 provides for this eventuality.

The Hon. N. K. FOSTER secured the adjournment of the debate.

SOUTH AUSTRALIAN HERITAGE ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

The aim of this Bill is to provide a mechanism that will enable significant aspects of the privately-owned cultural and natural environment to be conserved by means other than acquisition or planning controls. Honourable members will be aware that one of the objectives of the Department for the Environment is to conserve significant aspects of the cultural and natural environment. Traditionally, important items or areas have been acquired and managed by the Government or subjected to controls which restrict development in some way.

As a means by which conservation objectives may be achieved these methods suffer certain disadvantages. Acquisition is likely to be prohibitively expensive, both in terms of initial cost and subsequent management expenses, and must therefore be very selective and apply only to the most significant areas. Control measures may be cheaper than outright acquisition but experience has shown that their use can be counter productive because they may create antagonism amongst affected landholders. Moreover, controls are negative by nature and cannot compel a landholder to manage his land in a particular way.

Dissatisfaction with the above methods has led to the development of an alternative approach. This involved the management of significant features by landholders in accordance with an agreement negotiated between the Government and landholder. The offer of incentives, such as rate relief or management assistance may, in

appropriate cases, be used to encourage landholders to enter such agreements. While it is, and always has been, possible for the Government to reach agreement with a landholder that his land will be managed in a particular way, such an agreement will only bind that landholder and not his successors in title. However, where the Government, in accordance with the terms of an agreement and in order to secure certain conservation or land management objectives, has provided a landholder with finance, development approval or other assistance, it will wish to ensure that any successor in title to that landholder will comply with the terms of the agreement. Similarly, a landholder who has striven to conserve or maintain an aspect of his land will not wish to see his efforts undone by the actions of a future landholder.

At present, the law provides only limited opportunities for long term management of items or areas by agreement with landholders. The use of covenants, a land management mechanism based upon agreement between landholders, is superficially the most appropriate of existing mechanisms. However, a covenant will only bind successors in title if it satisfies certain requirements. The covenant may only contain conditions of a negative nature and it must relate to two properties, one which bears the burden of the covenant and one which enjoys the benefit. Generally the two properties must be adjoining.

These requirements militate against the use of covenants for conservation or land management purposes. Rarely will the Government own land adjoining that of a landholder with whom it may wish to reach agreement and, equally important, either party may wish to include in any agreement conditions requiring positive actions, such as maintenance of a building or the care and regeneration of native vegetation. It is the purpose of this Bill to overcome these difficulties by introducing into the State's legislation a new mechanism called a heritage agreement. The heritage agreement mechanism will enable landholders to ensure the long-term conservation of significant aspects of the cultural and/or natural environment present on their property.

The landholder will be able to agree with a designated authority that an aspect of the landholder's property will be conserved and managed in a certain way. The agreement may be expressed to run for a fixed term of years or to last in perpetuity, but in any event would bind the landholder's successors in titles as long as it was in existence. The Agreement would not require a dominant property as in covenants and could include both negative and positive provisions. The Minister, in his capacity as the corporation, the Trustee of the State Heritage, is to be the authority that will enter into heritage agreements with landholders. However, provision is also made for local government or non-government bodies, with the approval of the Minister, to enter into a heritage agreement instead of the Minister as the authority under the agreement.

Since the terms of individual agreements may vary according to the needs of particular situations, heritage agreements may be used for a variety of conservation and land management purposes, from the preservation and management of native habitat to the restoration and maintenance of historic buildings. Their use departs from the traditional belief that the Government has the sole responsibility to protect natural and cultural resources, and, by involving individuals directly with protective measures on their own lands, can build on and help foster community support for conservation measures. I seek leave to incorporate the detailed explanation of the clauses of the Bill in *Hansard* without 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 3 of the principal Act which sets out the arrangement of the Act. The clause inserts a heading for a new Part IIIA relating to heritage agreements. Clause 4 amends section 4 of the principal Act, the definition section, by inserting definitions required for the provisions relating to heritage agreements. Clause 5 amends section 8 of the principal Act which sets out the functions of the South Australian Heritage Committee. The clause adds a further function of advising the Minister on any matter relating to a heritage agreement or proposed heritage agreement. Clause 6 changes the heading to Part III of the principal Act.

Clause 7 provides for the enactment of a new Part IIIA relating to heritage agreements. Proposed new section 16a provides that an authority, the Minister in his capacity as the corporation, the Trustee of the State Heritage, or with the approval of the Minister, any other body corporate, may enter into heritage agreements. The authority may enter into a heritage agreement with the owner of any land or building that is or is proposed to be registered as a State Heritage Item under Part III of the principal Act or is in respect of any land or building that the Minister does not propose to register as a State Heritage Item but that he considers should be preserved or enhanced having regard to its aesthetic, scientific, architectural, historical or cultural value or interest, to its relationship to a registered item or to its effect on the environment. The South Australian Heritage Act, 1978-1979, was essentially designed to preserve those items that are of considerable significance to the heritage of the State. Many items, however, while having importance, may not be appropriate for listing. For example, the conservation of native habitat on private land is seen as an essential complement to the State's Parks and Reserves system, providing a means for genetic exchange between the larger parks, but individual areas may not be considered of sufficient significance to warrant listing. Proposed new section 16a also provides that the Minister consult with the Heritage Committee before entering into a Heritage Agreement.

Proposed new section 16b sets out the terms that may be agreed to under a heritage agreement and provides for the legal effect of such an agreement. These terms are all directed towards securing the preservation or enhancement of the land or building in question and are deemed to be binding on the corporation and the owner of the land or building who enters into the agreement. Where the operation of a heritage agreement is registered by the Registrar-General, the agreement is deemed to bind the successors in title of that owner. In general terms, the effect of this provision is that an agreement when so registered will have priority over any competing rights or interests in respect of the land or building other than prior registered rights or interests. Proposed new section 16b also makes provision for financial and other assistance to landholders who enter into heritage agreements. This is considered necessary in view of the fact that in many cases the market value of land subject to such agreement will be reduced as a result of its reduced development potential. It is clear that landholders will more readily co-operate if there is some sharing of the costs and burdens involved. Proposed new section 16b provides that heritage agreements will be enforceable by the ordinary civil remedies that apply to contracts, but with the additional power for the authority to obtain an award of damages against any owner who intentionally or recklessly damages the land or building in breach of the heritage agreement.

The section provides for variation or termination of a heritage agreement by agreement between the authority and the current owner or in a manner or in circumstances provided for in the agreement.

Proposed new section 16c provides for a case where the land or building subject to a heritage agreement is registered as a State Heritage Item. The new section is designed to resolve any conflict or inconsistency between the restrictions that may have been agreed to under the heritage agreement and the restriction imposed by Part VAA of the Planning and Development Act. This is done by providing that the heritage agreement may specify that Part VAA is not to apply to the Registered Items. Any such provision in a heritage agrement would have effect according to its terms while the heritage agreement is in force.

Proposed new section 16d is designed to facilitate proof of any heritage agreement in any legal proceedings. Proposed new section 16e requires the Minister to establish a register of heritage agreements which is to be made available for public inspection. Clause 8 provides for the enactment of a new section 26a requiring the Registrar-General to make appropriate entries in the records kept at the Lands Titles Office or the General Registry Office in respect of any land that is registered as a State Heritage Item or subject to a heritage agreement. As a result, any person searching the title would immediately be apprised of the existence of a heritage agreement and could then under proposed new section 16e obtain a copy of that agreement.

The Hon J. R. CORNWALL secured the adjournment of the debate.

REAL PROPERTY ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

PRICES ACT AMENDMENT BILL (No. 2)

Returned from the House of Assembly without amendment.

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

HOLIDAYS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 4 November. Page 1694.)

The Hon. FRANK BLEVINS: I will not delay the Council much past 8 p.m. this evening, never mind 8 a.m. tomorrow morning, as was done with this Bill in another place. This is a simple Bill that basically seeks to do two things: first, it changes the Commemoration Day or Proclamation Day holiday, whichever one prefers to call it; and, secondly, it enables the Government to alter a proclamation once that proclamation is made. In his second reading explanation the Minister outlined why that was necessary, and I see no particular reason to argue with that.

The Queen's Birthday holiday has been fixed at a specific date, which is something that we should all applaud, because people can now organise their holidays, if they are going away, well in advance because they will know on what date the Queen's Birthday holiday will fall each year. A proclamation has already been made fixing another date for the Queen's Birthday holiday, which now does not fall into line with the new system of fixing the Queen's Birthday holiday. If one can work all that out, one would find that that date is not the Queen's birthday anyway. However, I appreciate the necessity for doing it that way. Someone has fouled up along the line, which happens on occasions even to the best of Governments, let alone to a Government which at times is as scruffy as this one.

While talking about fixing programmes, it seems to me that this Government cannot even fix the programme of this Council with any efficiency. It keeps on chopping and changing the time we are to have off and the time we are to come back. However, it appears that the Government has at last got its act together regarding the Queen's Birthday holiday. The Opposition supports that part of the Bill. However, the Opposition is not happy with the first part of the Bill and will seek to amend it.

The Government is endeavouring to delete Proclamation Day as a public holiday in South Australia and transfer that holiday for workers and others to Boxing Day on 26 December. While on the surface that has some appeal, I will point out some of the things that the Opposition does not agree with and will seek to alter later.

Members interjecting:

The PRESIDENT: Order! Let the Hon. Mr. Blevins continue with his explanation.

The Hon. FRANK BLEVINS: Thank you for your protection once again, Mr. President. Basically, there are two reasons why the Opposition opposes the first part of this Bill. First, Proclamation Day in South Australia has a very long history. In 1840, not long after the colony of South Australia was founded, a holiday was declared to commemorate that date. It may appear trivial to members of the Government that we should celebrate the founding of this colony, but it is certainly not trivial to the Opposition. The Opposition believes that this is a very serious and important matter, particularly in relation to the rest of Australia. Australia has only a very limited culture and history since the white man has been in this country. The Opposition believes that it is a terrible shame to allow the observance of a unique part of South Australia's history, the foundation of this colony, to be done away with in such a cavalier fashion. I have read about the first ceremony at Glenelg and, frankly, it is quite touching.

If we read the *Gazette* showing the people who were present, we see that there are some famous names. I know that there were also many British master mariners present. It strikes me that dismissing a holiday of such historical importance in this colony is acting in a cavalier fashion. That part of the Bill should be tossed out on that fact alone.

Look at the hypocrisy of the Government! It is sponsoring all types of things in the community and saying how great the State is. It is making a great deal of its alleged patriotism, and every male member will remember that, only last week I think, the Government sent us a tie to advertise South Australia. I do not know what arrangements the Government made for the female members.

It is a great pity to see this holiday going. I should also like to comment on three members of the House of Assembly, being the members for Glenelg, Morphett and Hanson. If they had been representing their districts properly, they would have opposed the taking away of Proclamation Day as a public holiday in South Australia. I say that because of the areas and people those members

represent. Proclamation Day is for all South Australians. Certainly, in the Bay area, the people have a special interest in it, and to me it is appalling that those members did not protect the people who have a special affinity with the day and the foundation of our State. I am proud to live in this State, to fly the flag of the State, and to wear the tie of the State.

The Hon. J. E. Dunford: People are getting less proud of the State, with these blokes in.

The Hon. FRANK BLEVINS: It may be that they are ashamed of what South Australia is becoming; I do not know. Those patriotic reasons certainly warrant this part of the Bill being opposed, and that stands alone. Apart from that, there is the problem of employees in this State who already enjoy the Boxing Day holiday on 26 December and the Proclamation Day, or Commemoration Day, holiday. There are approximately 50 000 employees in the State who enjoy both holidays. The Trades and Labor Council is totally opposed to the move. The decision of the council taken a fortnight ago was unanimous. I can vouch for that, because I was at the meeting. The council has written to the Government, and I want to read that letter into *Hansard*. It is a clear indication of the council's feeling and what could happen if this Council is foolish enough to allow this very provocative move. The letter, addressed to the Chief Secretary, is as follows:

Dear Sir,

re public holidays, 28 December, Commemoration Day.

The United Trades and Labor Council, at its meeting held on Friday 1 August 1980, considered a report from the Executive Committee which endorsed a decision of a meeting of unions affiliated to the United Trades and Labor Council, which was convened to consider press reports of a proposal by the Government of South Australia to amend the Holidays Act so that Commemoration Day, which is usually celebrated on 28 December each year, will be celebrated on 26 December.

The council expressed its opposition to these proposals to change the Holidays Act so that Commemoration Day, which is normally celebrated on 28 December each year, will now be celebrated on 26 December each year. Our council took this decision because currently approximately 50 000 people are able to celebrate the holiday on 26 December as well as 28 December. If your Government was to amend the Holidays Act as suggested, those workers would be deprived of the public holiday which they now celebrate on 28 December, as they already have 26 December as a public holiday.

It is the United Trades and Labor Council view that this change in the Holidays Act will enable the employers to make the appropriate approaches to the Arbitration Commission, which would then agree to the employers' application for deleting Commemoration Day from those awards. Accordingly, we request that your Government does not amend the Holidays Act by transferring the celebration of Commemoration Day to 26 December each year.

Thanking you for your co-operation and assistance,

Yours faithfully,

R. J. Gregory

I do not know whether Mr. Gregory was being facetious in saying, "Thank you for your co-operation and assistance," because there has been no co-operation and assistance from this Government for the Trades and Labor Council on this issue. The letter was written to the Chief Secretary and, certainly, up until last Thursday he did not even have the courtesy to reply. That is the attitude of this Government to the Trades and Labor Council. If the Government continues with that attitude over the next couple of years, it will have some real problems.

The Hon. R. J. Ritson: We are having them already.

The Hon. FRANK BLEVINS: If the Government you support continues in this way, you have not seen anything yet. Regarding the figure of 50 000 employees who would lose a holiday, I want to read the names of some organisations and employees concerned. These figures have been supplied by the Trades and Labor Council, and anyone who wishes to dispute them can enter the debate.

In the Australian Insurance Employees Union, about 30 per cent of the members, or 1 000 members, would lose by this legislation. In the Australian Workers Union, at B.H.A.S. at Port Pirie, 1 900 workers would lose. In CAGEO, the Commonwealth and statutory authorities, including the Australian Railways, 34 000 people would be affected. Of South Australian teachers in the D.F.E. section, 1 300 will be affected by the legislation. In the Federated Storemen and Packers Union, 3 471 members will be affected. Under the Transport Workers Union general award, 300 will be affected, while 2 000 members will be affected under the State award, so not only Federal awards are involved.

The Hon. J. C. Burdett: You want holidays all the time.

The Hon. FRANK BLEVINS: The Opposition is not claiming, in this debate, an extra holiday for anyone. The Hon. Mr. Burdett and his Government are trying to take a holiday from 50 000 workers in this State. I am happy with the present position, except for a small point that I will make later.

I suggest that, when a member of this Council starts complaining about the number of holidays the workers get, he is treading on very thin ice. I would think that the Australian Workers Union members in Broken Hill Associated Smelters at Port Pirie would quite happily exchange their holidays for the holidays that the Hon. Mr. Burdett and other members are able to enjoy. I have a detailed list of Australian Government employees and also of the Federated Storemen and Packers Union showing the various classifications that will lose the holidays. I will not read them out, as I believe they were read out in the House of Assembly.

The PRESIDENT: Order! The Hon. Mr. Foster has not stopped talking since he has come into the Chamber.

The Hon. FRANK BLEVINS: I seek leave to have the tables inserted in *Hansard* without my reading them.

Leave granted.

GOVERNMENT EMPLOYEES

The following staff are, to the best of our knowledge, the approximate total of Commonwealth Government employees in South Australia. The figures as to Government department employment are those provided by the Public Service Board. The figures of employment in statutory authorities are only approximate, but we believe substantially correct.

Australian Government Department Employment

Departments:	
Aboriginal Affairs	35
Administration Services	564
Electoral Department	55
AGPS	4
Attorney-General's Department	118
Business and Consumer Affairs	360
Trade Practices	10
Defence Department	3 658
Education	74
Schools Commission	10
Employment and Youth Affairs	558
Finance	30
Foreign Affairs	19

ADAB	10
Department of Health	260
Archives	22
Housing and Construction	644
Immigration	79
Industrial Relations	14
Industrial Relations Bureau	17
Industry and Commerce	1
Post and Telecommunications	64
Australian Broadcasting Tribunal	5
Primary Industry	273
Auditor-General	31
Ombudsman	2
Public Service Board	30
Productivity	80
Patents Office	3
Science and Environment	32
Bureau of Meteorology	126
Social Security	1 234
Trade and Resources	25
Transport	995
Stats	245
Tax	1 139
Veterans Affairs	1 077
Total	11 903
Statutory Authorities:	
ANR	10 000
ATC	9 000
APC	3 300
	22 300

STOREMEN AND PACKERS

The Federated Storemen and Packers Union indicated that it had about 3 471 members affected by this legislation, and the union spells out the whole area where its members are affected, as follows:

Award:	No. of Employees
Steel Distribution	100
Bulk Liquid Terminal Storemen and Packers Agreement	3
S & P Container Depots Award	60
S & P General Stores Federal	1 000
State	1 000
S & P Grain Stores Award	40
S & P Kodak Australia	5
S & P Material Handling (Brambles) Award	30
S & P Oil Companies Award	100
S & P Oil Etc. Stores Award	10
S & P Oil Refinery Award	120
S & P Philip Morris Agreement	3
S & P State Retail Warehousing Agreement	100
Associated Co-operatives Agreement	300
S & P Skin and Hide Wool Stores Award	100-200
S & P Wool Selling Brokers and Repackers	300-400
Total	3 471

The Hon. FRANK BLEVINS: If we attempt to take away from 50 000 workers something that they already enjoy, there is obviously going to be a reaction to that. I am not making threats but, rather, facing reality. I assure the Council that the reaction will be extremely hostile and will inevitably result in industrial action. When we attempt to reduce workers' standards that is the reaction that we will get. I would support them wholeheartedly in any action they may take to protect their conditions. The Opposition makes perfectly clear that we are not hear to reduce workers' living standards. We are here to protect workers' standards and protect the social heritage of this State.

Members interjecting:

The PRESIDENT: Order!

The Hon. FRANK BLEVINS: There is an answer to the problem which obviously has arisen this year and which apparently arises every 10 or 12 years.

The Hon. C. M. Hill interjecting:

The PRESIDENT: I ask the honourable Minister that there be no further interjections.

The Hon. C. J. Sumner interjecting:

The PRESIDENT: The Hon. Mr. Sumner is no exception, either.

The Hon. FRANK BLEVINS: I thank you, Mr. President, for the protection from members on both sides. A problem exists this year with the way that holidays have fallen. I can see that for the convenience of the community in general the holidays for this year should be altered. There will be no loss of benefit to anybody this year because it does require a variation of awards for that potential loss to be a real loss. In saying that I cannot see how any union can sustain before the commission the argument of retaining a holiday in the award when it is no longer a public holiday in this State. I can see those awards being varied to delete, as this Government is intending, Proclamation Day as a holiday. The fears of these unions are very real fears. The answer is to change the holidays for this year only. Nobody then will be disadvantaged. It was done by the Liberal Government when last in office and, in fact, the then Chief Secretary, the Hon. Mr. DeGaris, was responsible for the proclamation. It is possible to get around the problem without creating another problem. The Liberal Party, when last in office, had no difficulty in doing that. I will be moving an amendment in Committee to provide for that.

The problem that the retail traders and Shop Assistants Union have I can see is a real problem (the Minister said that he was waiting for this) and I sympathise with them. I point out that they are a small minority of the work force. The shop assistants are a very important section of the work force but are still a minority. To solve the problems of the Shop Assistants Union at the expense of 50 000 other workers in the State is not on. I am sure that, if I was a member of the Shop Assistants Union and found that the way the holidays are structured at the moment was inconvenient, I would be pushing for this movement. I do not blame the Shop Assistants Union for doing that. However, it would be at the expense of 50 000 other workers in the State and certain industrial turmoil would be created. I agree that the problems of the Shop Assistants Union have to be tackled in another way. The way I believe to sort this out in the long run is to leave the holidays as they are and proclaim Boxing Day as a holiday for everyone. I cannot understand why we do not have Boxing Day in South Australia. It has a long tradition in the United Kingdom and has been celebrated there for centuries. It is a day that should be celebrated here in Australia because of our strong links with the mother country. I am proud of that link as I would have thought every member of the Liberal Party would be. Government members pay lip service to these matters—to their allegiance to the Crown and their feeling of closeness to the mother land. However, when the opportunity is given to demonstrate that feeling of loyalty and allegiance, they squib.

The Hon. D. H. Laidlaw: Are you prepared to give up Adelaide Cup because it is not celebrated in the United Kingdom?

The Hon. FRANK BLEVINS: It appears that the finality of that argument should be to make Boxing Day a holiday in its own right. That will cut out a lot of argument. I will not deal with the question at this stage but will wait until Committee. The Hon. Mr. Laidlaw mentioned the Adelaide Cup holiday. I assume that the honourable member, a captain of industry, would be happy to take away holidays from workers altogether if that were possible. I concede that he has a vested interest in this area.

If it is perfectly proper for the honourable member to take such an attitude, and it is also perfectly proper for Opposition members to represent workers in this place and to resist these vicious attacks by the Hon. Mr. Laidlaw on their living standards. Several amendments will be moved in Committee. Indeed, the Hon. Mr. Milne has on file an amendment that will attempt to move the Adelaide Cup holiday to Boxing Day, namely, 26 December. The Opposition does not take kindly to that proposition.

The Hon. J. C. Burdett: Won't you support it?

The Hon. FRANK BLEVINS: No, I will oppose that amendment and move my own amendment, which will do simply what the Hon. Mr. DeGaris did in 1969, namely, change it for this year only. No-one will be disadvantaged or inconvenienced by that. Indeed, that is a sensible way of handling the problem.

Before closing, I should like the Council's indulgence to enable me to have inserted in *Hansard* without my reading it a table of public holidays in other States, the Hon. Mr. Burdett having referred to what happens in other States.

Leave granted.

PUBLIC HOLIDAYS IN THE OTHER STATES

Telephone inquiries to relevant State Government offices interstate on 27 October 1980 elicited the following lists of public holidays for 1981.

NEW SOUTH WALES

Thurs. 1 January—New Year's Day.
Mon. 26 January—Australia Day.
Fri. 17 April—Good Friday.
(Sat. 18 April—Easter Saturday.)
Mon. 20 April—Easter Monday.
Sat. 25 April—Anzac Day.
Mon. 8 June—Queen's Birthday.
*Mon. 3 August—Bank Holiday.
Mon. 5 October—Labour Day.
Fri. 25 December—Christmas Day.
Sat. 26 December—Boxing Day.

*Bank Holiday: Banks, insurance and public offices close, but most shops open.

Note: Anzac Day and Boxing Day will fall on Saturday and no Monday holidays have been proclaimed in lieu, but a change may be made.

VICTORIA

Thurs. 1 January—New Year's Day.
Fri. 2 January—Additional Day (Not a holiday each year).
Mon. 26 January—Australia Day.
Mon. 9 March—Labour Day.
Fri. 17 April to Tues. 21 April—Easter.
Sat. 25 April—Anzac Day.
Mon. 8 June—Queen's Birthday.
Thurs. 24 September—(Metropolitan area only) Royal Show Day.
Tues. 3 November—(Metropolitan area only) Melbourne Cup Day.
Fri. 25 December—Christmas Day.
Sat. 26 December—Boxing Day.

Note: The additional public holiday on 2 January applies in the special situation in 1981 when New Year's Day is on Thursday: it did not, for example, apply in 1980 when New Year's Day fell on Tuesday. The two metropolitan area public holidays are not compensated for in country areas. No Monday public holidays have been proclaimed in lieu of Anzac Day and Boxing Day, which fall on Saturday.

QUEENSLAND

Thurs. 1 January—New Year's Day.
Mon. 26 January—Australia Day.
Fri. 17 April—Good Friday.
(Sat. 18 April—Easter Saturday.)
Mon. 20 April—Easter Monday.
Sat. 25 April—Anzac Day.
Mon. 4 May—Labour Day.
Mon. 8 June—Queen's Birthday.
Fri. 25 December—Christmas Day.
Sat. 26 December—Boxing Day.

Date to be fixed: People's Day (for Brisbane and environs, Royal National Show Day—usually in August: For other districts, a local show day).

WESTERN AUSTRALIA

Thurs. 1 January—New Year's Day.
Mon. 26 January—Australia Day.
Mon. 2 March—Labour Day.
Fri. 17 April—Good Friday.
Mon. 20 April—Easter Monday.
Mon. 27 April—Anzac Day.
Mon. 1 June—Foundation Day.
Mon. 12 October—Queen's Birthday.
Fri. 25 December—Christmas Day.
Mon. 28 December—Boxing Day.

TASMANIA

Thurs. 1 January—New Year's Day.
Mon. 26 January—Australia Day.
Wed. 4 February—(Southern Tasmania only: half-day holiday in Metropolitan area, full day for outlying parts)—Hobart Cup Day.
Tues. 10 February—(Southern Tasmania only: full-day holiday)—Hobart Regatta Day.
Wed. 25 February—(Northern Tasmania only: half-day holiday in Northern Metropolitan area, full-day for outlying parts)—Launceston Cup Day.
Mon. 2 March—Eight Hour Day.
Fri. 17 April—Good Friday.
Mon. 20 April—Easter Monday.
*Tues. 21 April—Bank Holiday.
Sat. 25 April—Anzac Day.
Mon. 8 June—Queen's Birthday.
Mon. 2 November—(Northern Tasmania only: full-day holiday)—Recreation Day.
Fri. 25 December—Christmas Day.
Sat. 26 December—Boxing Day.
*Mon. 28 December—Statutory Bank Holiday (in lieu of Boxing Day).

Note: A Bank Holiday may be proclaimed for Friday 2 January.

*Bank Holidays: Similar to New South Wales, above.

The Hon. FRANK BLEVINS: When members examine this table they will find that South Australia certainly is not over-blessed with public holidays. Some States have more holidays. This unpatriotic and cynical action by the Government should be condemned in South Australia, and the Opposition will certainly oppose that part of the Bill which tries to do this.

The Hon. K. L. MILNE: The amendments foreshadowed by the Opposition appeal to the Australian Democrats. Of course, the amendment that I will move is academic, as the Opposition's amendments will be moved first. The Australian Democrats believe that the simple suggestion of making Boxing Day a holiday for this year only is a practical one.

We must be careful in discussing holidays, as most holidays fall on Fridays or Mondays. In the period of April and May, and even June, we have a series of holidays that fall on Mondays and Fridays, which means that we have a long schedule of four-day weeks. If we are to have permanent four-day weeks, that is one thing. However, to try to set up an industry on a four-day week when a five-day schedule is involved is indeed very difficult. We must be careful when we put in more holidays or alter them.

Simply, the Australian Democrats' stand on this matter is that we would prefer, for the same reasons to which the Hon. Mr. Blevins has referred, to have a holiday on Boxing Day, 26 December, provided that Proclamation Day is retained. That is a very special day for South Australia and should be retained. However, we would withdraw another holiday, probably Adelaide Cup Day, for the following reasons. We believe that the historical foundation of this State should be perpetuated by a holiday.

The Hon. Frank Blevins: Hear, hear!

The Hon. K. L. MILNE: I am pleased to hear that the Opposition feels the same. In fact, when the Hon. Mr. Blevins was speaking I was nearly bursting into tears. I was deeply moved by his oratory and patriotism. Only a small part of the population goes to the Adelaide Cup, and most who do so would attend the Cup meeting whether or not it was a public holiday.

Originally, Adelaide Cup day was made a holiday at the request of the racing community for its centenary year. Somehow (unwisely, in my opinion), it became permanent, on the ground that South Australia was one holiday short. However, I think that that was the wrong date to choose. There are far more sensible ways in which the Government could help the racing community than by making Adelaide Cup day a holiday.

If we are to have Adelaide Cup day as a holiday (as it seems that we must), I should like to make a suggestion. Honourable members will have noticed on their calendars yesterday that the Melbourne Cup day holiday in Victoria is for the metropolitan area only. Country people in that State have another holiday for the show, although I do not think that that is a very good substitute.

I suggest that we should consider doing this in relation to the Adelaide Cup: we should retain that day as a holiday for the metropolitan area, and give country people a holiday on Christmas Eve. Honourable members may ask why I suggest Christmas Eve. At that time, the city is normally in a shambles, and after lunch no work at all is done. Office parties, although tremendous fun, are not very productive. Very little work is done on Christmas Eve, and probably a negligible amount of work is done after lunch. I understand that the Public Service switchboard plugs are pulled out at lunch time.

Very few country people are interested in the Adelaide Cup, and those who are interested in it are generally interested in the horse-racing industry itself. However, thousands of people want to come to the city to see their relatives at Christmas time. It is a good idea for Boxing Day to be a holiday because people who live a long way away may come to see their relatives in Adelaide, or vice versa, without having to return to work immediately after Christmas Day.

Also, people who come to Adelaide for Christmas would, if Christmas Eve was made a public holiday, be able to do some last-minute Christmas shopping. They could arrive at the homes of their relatives and friends at a decent hour instead of late at night. This would indeed help the people of South Australia very much.

South Australia is indeed a big State, in which people have long distances to travel. I therefore ask honourable members to consider the possibility of having the Adelaide Cup holiday, if it is retained, for the metropolitan area only, and having Christmas Eve as a holiday for country people. This would support the Opposition's suggestion, which I think is practical and sensible this year, at any rate. Later, we could have another look at holidays at our leisure.

The Hon. D. H. LAIDLAW secured the adjournment of the debate.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 4 November. Page 1709.)

The Hon. N. K. FOSTER: As I pointed out yesterday, I believe that the Bill will need to be amended, because the October election will, in fact, clash with the October long weekend. Last year, 8 October fell on the second Monday in October, which is a day that is traditionally part of the Labor Day weekend. Honourable members would not want to see a local government election on that weekend. While on this matter, and seeing that the Minister is here, I hope he is paying attention to the areas I covered yesterday, where the Bill pays lip service to what should be done about returning officers and presiding officers. I said that that did not go far enough. If the Minister wishes to use such a provision in the context of the Electoral Act, he should do so in so far as it involves an officer of the department and consider setting a date within the terms of the South Australian Electoral Act, while having some cognizance of the position that may arise in future concerning either a State or Federal election. Even though I cannot recall a local government election at the same time as a Commonwealth or State election, I ask the Minister to consider these additional matters that I canvassed yesterday, even if it hurts him to do so.

Last night I quoted from the official journal of the Australian Workers Union concerning a letter the Hon. Mr. Hill had written to the Local Government Association. That letter referred to what local government ought to do about free enterprise and also its contractual arrangements, using its own outside labour and the equipment that many councils have. I draw to the Minister's attention (and this may not be as close to the Bill as some might wish) a reply to a question which was given today in respect of the proposed railway over-pass on Regency Road. It should be noted that direction of the Government was quite clear in respect of the successful tenderer and the matter of using day labour from the Highways Department. No doubt the contract went to that particular contractor because he was prepared to hire labour and later fire it.

Turning to the matter of the A.W.U. and its attitude to the clauses, I point out that the Government did not on this occasion (nor did the Minister) consult with the A.W.U. It is obvious from the Minister's second reading explanation that he canvassed the opinion of the Local Government Association, and no doubt of the Municipal Officers Association, when those two bodies might not have been so concerned with the Bill as those persons engaged by the A.W.U. I am dealing with clause 47 of the Bill. The Minister, in his second reading explanation, when referring to that clause stated:

> Clause 47 proposes the repeal of sections 542 and 543 of the principal Act. Section 542 imposes on a municipal council a duty to keep public places in the municipality clean and to carry away at convenient times the ashes, filth and rubbish

from dwelling-houses and other buildings in the municipality. The clause proposes the repeal of this section for the reason that the duty to carry away household rubbish, if construed literally, would be quite onerous on councils. Instead, the removal of such rubbish will be authorised by sections 533 and 534 of the principal Act, while the clause substitutes a new section 542 retaining the duty to keep public places in municipalities clean. Section 543 provides that only council employees or persons contracting with a council shall remove rubbish from dwelling-houses and other buildings in the municipality.

The Hon. C. M. Hill: I read that two days ago.

The Hon. N. K. FOSTER: Don't get off your bike, sit there and listen for a change.

The Hon. C. M. Hill: It is my second reading explanation.

The Hon. N. K. FOSTER: I am reminding the Minister of it. The explanation continues, later, as follows:

This section is not enforced and its repeal will remove the threat of prosecution for the private contractors currently providing a service of this kind.

Perhaps I should have read more of the Minister's second reading explanation since the Minister is taking umbrage at what I am reading. I have here a circular to town clerks in the metropolitan area from the A.W.U., under the signature of Allan S. Begg, which states:

Dear Sir,

Re: Phasing work out to private contractors:

I would like this circular distributed to all Councillors as I consider that it is very important that the position of the union is quite clear in regards to work going out to contractors which normally is done by council workers or day labor. All councils have been circularised by Minister of Local Government, Murray Hill, and the circular has no doubt been discussed by works committees and finance committees.

I consider that the full council should be aware of what the Minister is urging councils to do. The functions of councils over a long period has been to carry out services to the ratepayers in their particular area in line with what ratepayers pay rates for. Generally this is for maintenance of roads, parks, ovals, gardens, collection of rubbish both hard and household and any associated duties that may arise in the carrying out of these functions. This union considers that Minister Hill's instruction is a political decision of his Government, and we condemn the Minister as being irresponsible, and also he is interfering with the normal function of local government.

The Hon. C. M. Hill: Rubbish!

The Hon. N. K. FOSTER: We are talking about rubbish, and that is what the Minister is interfering with. The letter continues:

This union will resist strongly any move by councils to phase out work to private contractors.

Let me say to the two Ministers sitting here, and to the Government, that they have been pushing two or three unions in this State into a corner. The Government expects them to climb up the wall. It is placing them under seige, and when they react against the Government it is going to attack them as being irresponsible. How much does the Government expect normal human beings to endure when it continues with this sort of skullduggery? The circular continues:

This union considers it has a responsible role in regards to our employees and their future in local government and will not allow their work to be phased out to private contractors. The State Government has adopted a policy along these lines and are attempting to force local government to adopt their policies. This has increased unemployment in South Australia, and no doubt if local government heed his advice [that is, the advice of the Minister of Local Government—the Hon. Mr. Hill] it will add many more to the already increasing number of unemployed in this State.

The Hon. J. C. Burdett: Nonsense!

The Hon. N. K. FOSTER: It is not nonsense at all. I just read the circular, and you go crook at me for reading it.

The PRESIDENT: Order! The Hon. Mr. Foster strays a long way from the Bill a lot of the time. He has received a great deal of leniency during this debate. I hope that the Hon. Mr. Foster will concentrate more closely on the details of the Bill.

The Hon. N. K. FOSTER: Exactly, Mr. President. In my right hand I hold a letter from the A.W.U. and in my other hand I have the clauses of the Bill in relation to that letter. I am castigated for reading the documents, and you called me out of order.

The PRESIDENT: Order! The Hon. Mr. Foster should not become stupid about this matter.

The Hon. N. K. FOSTER: I am not being stupid about it.

The PRESIDENT: No-one denies the Hon. Mr. Foster the right to read a letter from the A.W.U. I am suggesting that the honourable member concentrate on the Bill.

The Hon. N. K. FOSTER: If the Hon. Mr. Burdett had been patient and had shut up for a while he might understand what this is all about. The Secretary of the A.W.U., Mr. Begg, comments as follows:

Present sections 542 and 543 of the Local Government Act place the responsibility on councils for removal of rubbish, etc. (which is set out in clauses 542 and 543).

I hope that the Hon. Mr. Burdett is with it now.

The Hon. J. C. Burdett: We are discussing this Bill, not the Act.

The Hon. N. K. FOSTER: If one looks at the Bill it can be seen that it proposes to alter the principal Act. I am getting off side with the President because of the Hon. Mr. Burdett's continual misunderstanding.

The Hon. J. C. Burdett interjecting:

The Hon. N. K. FOSTER: I will hit the Hon. Mr. Burdett over the head and knock some sense into him; perhaps that will help.

The Hon. J. C. Burdett: The Bill does not amend the sections you have referred to.

The Hon. N. K. FOSTER: I will not argue the point with the Minister. I know that it does amend the principal Act, and the Secretary of the A.W.U. knows that it amends the principal Act. Mr. Begg's comments continue:

It is an offence under 543 for persons or contractors to remove rubbish, etc., unless directed by council. It is considered by this organisation that the proposed changes, if they go through, would leave the way open then for an application to have clause 4 of the Local Government Award deleted. Further, I consider that some thought would have to be given as to the effect this change would have on ratepayers generally, if the responsibility was taken away from councils for the removal and the authority to have rubbish, etc., removed.

It could mean further costs to the public in general if contractors take over the responsibility council would have no control over the costs of rubbish, etc., which was removed. I consider the changes link up with the Government's policies to boost the private sector. I enclose a circular that was sent to all councils by the A.W.U. and also a copy of a letter that was sent to town clerks by the Minister, Murray Hill.

That letter from the Hon. Mr. Hill states:

Strong representations have been made to the Government about the involvement of local councils in private works, particularly in the area of earthworks and earthmoving. I would like to remind councils that the Local

Government Act makes no specific provision for councils to be involved in private works outside of those related to roads and streets. Some councils are involved widely in a range of earthworks as a means of employing staff and equipment and earning extra revenue. I am advised that a council employed in such private works might have substantial difficulty in recovering a debt, because the activity was outside the powers specifically provided to local government in the Local Government Act. 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 believes 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.

I would stress, however, that this does not apply to debit order works directed to local councils by the Highways Department. I bring these matters to your attention because I am sure that you all share with the Government the wish that the private sector in South Australia can be strengthened and provide the necessary basis for economic growth and employment which this State needs.

The Hon. J. R. CORNWALL: Mr. President, I draw your attention to the disgraceful state of the Council.

A quorum having been formed:

The Hon. N. K. FOSTER: Mr. President, I point out that it is not the responsibility of the Opposition to maintain the numbers in this Chamber; that is the Government's responsibility. I now refer to the South Australian Local Government Employees Award. The A.W.U. is concerned about clause 4 relating to work done through contract, which states:

> (i) The employer shall not permit any operation or function or employment of any of the classes to which this award is applicable to be carried on, exercised, or entered into by any contractor or other person on behalf of the employer except in accordance with the terms and conditions of this award as if the contractor or other person were himself a party to and bound by this award.

I do not expect Opposition members to understand the phraseology of an industrial award like that.

The Hon. M. B. Cameron: I am sure Opposition members would!

The ACTING PRESIDENT (Hon. G. L. Bruce): Order! The Hon. Mr. Foster is quite capable of addressing the Chair.

The Hon. N. K. FOSTER: Clause 4 of the award also provides:

> The employer shall not enter into any contract for the carrying of any of the work covered by this award by means of employees unless the contract contains a clause binding the contractor to pay the rates and observe the conditions prescribed in this award in respect of the work contracted for so long as this award remains in operation.

I want the Hon. Mr. Burdett to convey that to the Hon. Mr. Hill before the end of the debate. If I may come now to the Act—

The Hon. J. A. Carnie: Hear, hear!

The Hon. N. K. FOSTER: You are not standing up flogging your ill-gotten gains now. I said initially that the second reading explanation of this Bill was couched in terms of simplicity that would hoodwink members. I apologise to Opposition members for having had to indulge in time-consuming debate to draw the Government's attention to how it has presented this amending Bill.

I deplore the fact that the clauses need to be amended, and other members on this side will bear with that. Clause 50 amends section 778a of the principal Act. I want to draw some matters to the attention of the only two Government members present, the Hon. Mr. Burdett and the Hon. Dr. Ritson. The Hon. Mr. Hill is in the centre of the Chamber, where he usually is, sitting on the fence. He needs to watch that he does not do himself an injury in that position. Listen to the swipe in this:

> Clause 50 amends section 778a of the principal Act which prohibits improper interference with council property. The clause increases the maximum penalty for this offence from $10 to $200.

If a union asked for an increase in those percentage terms, the Government would go through the roof. The Minister should bind clauses 51 to 62 to the Electoral Act, using Electoral Department officers to carry out the functions under the Act. That also applies to clause 63, which amends section 835 and deals with postal voting ballot-papers. This ought to be brought into line with the State Electoral Act. The returning officer, the presiding officer and the Town Clerk have a fist full of papers in their hands at 11.55 a.m. just before nominations close, and they hand them around willy-nilly. I understand that other clauses will receive the attention of the Hon. Dr. Cornwall.

Members interjecting:

The Hon. N. K. FOSTER: You are like a geriatric bull.

The Hon. R. J. RITSON: I draw the attention of the Chair to the state of the honourable member who is speaking.

The ACTING PRESIDENT: The Hon. Mr. Foster.

The Hon. N. K. FOSTER: I do not think you would take that so lightly, Mr. Acting President. Being a former officer of the Liquor Trades Union, you have the consumption of that beverage at heart, I know. Therefore, it may work—

The ACTING PRESIDENT: I hate to cut across the honourable member, but I think he is straying from the Bill.

The Hon. N. K. FOSTER: The explanation states:

> Clause 67 amends section 858 which relates to borrowing by the Corporation of the City of Adelaide. The clause amends this section to make it consistent with the corresponding provision in relation to other councils under which a demand for a poll on the question of borrowing must be signed by not less than 10 per centum of the electors for the area.

I have mentioned the change from ratepayers to electors and I think that, until the Government has the courage to introduce a proper system of election in local government and until it provides for a greater percentage to exercise a vote, it ought to look seriously at—

The Hon. C. M. Hill: We couldn't widen it any more.

The Hon. N. K. FOSTER: Yes, you could make voting compulsory, as in the State Electoral Act. That would be widening to the extent that you would increase the

percentage of the poll to somewhere near the percentage at State and Federal elections. The Minister ought to consider making provision, not for 10 per cent of the electors in the area, but for 10 per cent of those who voted at the most recent election. There may be 10 per cent who have never voted in their life. I rest my case. It has taken me about two hours to wrest some information from the Minister. In the Committee stage, if it is necessary for me to speak several times I will do that.

The Hon. J. R. CORNWALL: It is regrettable that the Minister is not in the Chamber. I understand that he has been called away unavoidably but I want to say some things that are of considerable moment, so he should be here. The Bill contains the usual major amendment relating to changing the time for council elections. Another substantial amendment relates to the racecouse at Victoria Park, a matter close to my heart.

The Bill also includes what, on the Minister's explanation, appears to be a grab bag of minor amendments. However, that grab bag is by no means as insignificant as we would be led to believe from the explanation, and I will return to that later. First, let me say (and this is why I regret that the Minister is not present) that I should like an assurance that the Act will be completely redrafted.

The Hon. Mr. Hill made great play not so long ago when he announced the establishment of the local government committee. Apparently it is going to be sensitive and sensible in its contact with local government administrators. It is going to confer with administrative councillors and officers during the complete redrafting of the Act. We have heard that many times over a period of more than 10 years. With this Government, I must say that I for one have become accustomed to hearing of promises without performance, and I will be surprised to see it redrafted within the next two years.

The Minister has returned to the Chamber, and I hope that he will listen to what I am saying. There are some good reasons why I would not expect to see that redraft during the next two years. I will briefly digress to discuss those reasons. Last Friday I had the good fortune to attend the annual general meeting of the Local Government Association, and I was amazed to discover at first hand that the Minister is *persona non grata* with the majority of delegates. There seems to be widespread dissatisfaction because the Minister does not do his homework. There is widespread comment that he is out of touch with his portfolio and is very much playing the figure head in his department—so much so that rumours are rife all over the State that he is in line to be the next Governor of South Australia. There are widespread rumours to that effect. It would not surprise me.

The Hon. C. M. Hill: You are going beyond the limits now.

The Hon. J. R. CORNWALL: It is an undeniably strong rumour.

The Hon. Frank Blevins: I have heard that once before today.

The Hon. J. R. CORNWALL: The Minister enjoys the pomp of his position no end, and I am sure that he would enjoy the Governor's job. We can only wait. The rumours are so strong that they are almost undeniable. I would give him a friendly warning that he must lift his game. I shall give the Council a recent example of the way in which he does not seem to be too closely in touch with what is going on. Yesterday I asked whether the Government intended to transfer the administration of the Waste Management Commission to the Minister of Environment, and the following exchange took place:

> **The Hon. C. M. HILL:** There is not any intention to transfer the legislation to the Minister of the 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.

That is very interesting, because the Government spent $100 000 or more on the first stage of the report from P. A. Management Consultants. At point 6.4 of that report it states:

> Given the need to consider both planning and environmental issues in waste management and to use community information services for promotion, the task force see cogent reasons for transferring responsibility for the Waste Management Commission from the Minister of Local Government to the Minister of Environment, and for the commission to be serviced by the Department of Environment and Planning, which can provide all the necessary facilities.

I have had some brief experience as a Minister, albeit too brief. If I had discovered that another department and consultants to another department were recommending that important pieces like the Waste Management Commission be chipped off my bailiwick I would have been disturbed, particularly if it had been within the normal structure of the Public Service. If I had come into the Council to find that out for the first time I would have been very upset indeed. That seems to be the way that the Minister is operating. That should be cause for some concern, at least on his part.

I return specifically to the Bill and first to the provision dealing with elections on the first Saturday in October, which is quite unsatisfactory. Of course, if the Minister was sensitively and sensibly in touch with the electorate, local government, councillors, and administrators, he would know just how unsatisfactory a large number of them consider it to be. The Budget is normally introduced and a new rate is set some time during August.

What the Minister is going to force on local government is that every year half the councillors will have to go to the local electorate in the post-budget climate. That is totally unstisfactory for a variety of reasons. First, there will be a terrible temptation for half of the council every year to resist any sort of rate rise at all, no matter how responsible it might be. We will get the inevitable running down of services within the council area. The Minister shakes his head. He has been in politics for a number of years and he is now in Government again for a brief period, as he was between 1968 and 1970. Indeed, he was also in local government, but apparently forgetting nothing and learning nothing. Obviously, as a State politician and as a member of a Government he would not have a bar of an amendment to the South Australian Constitution which said that the State Government had to go to the people following a Budget, no matter how stringent or difficult that Budget might be.

It is unreasonable to say to local councillors, "We now know that there has been an inflation rate of 12 per cent, we know that you have a growing area and have to put your rates up this year by 12 per cent and have had to increase other charges, but now you have to face the people within a matter of weeks." That is just not on. The amendment foreshadowed by the Hon. Boyd Dawkins merely exacerbates the position. It is a very bad amendment and I must tell the Minister that the Local Government Association is quite appalled by it.

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

The Hon. J. C. Burdett: It is not true.

The Hon. J. R. CORNWALL: Would the Minister of Community Welfare mind keeping out of it and sticking to his own portfolio area? We spoke to the Local Government Association this afternoon.

The Hon. C. M. Hill: Whom did you speak to?

The Hon. J. R. CORNWALL: We spoke to the Secretary-General.

The Hon. C. M. Hill: What did he say?

The Hon. J. R. CORNWALL: He said he found the whole thing appalling.

The Hon. C. M. Hill: I spoke to him this morning.

The Hon. J. R. CORNWALL: The Local Government Association changes its mind from time to time but I hardly think that it would have done so in that short time. My colleague in another place, the member for Napier, spoke to the Secretary-General of the Local Government Association after lunch today. He said that he was appalled by the idea of Mr. Dawkins's amendment, which makes it compulsory to strike the rate before 31 August. The Minister knows that I do not tell lies or create mischief. I am telling the absolute truth.

The Hon. C. M. Hill: You are misinformed.

The Hon. J. R. CORNWALL: It only goes to prove my point that the Minister is not in touch with the people that he ought to be in touch with under his portfolio. Perhaps the Minister would like to ring the Secretary-General in the morning.

The Hon. J. C. Burdett: He said that he was happy with it.

The Hon. J. R. CORNWALL: He told us he was unhappy. Is the Minister trying to cast aspersions on the character of the Secretary-General? I hope not. I listened with interest to the contributions of the Hon. Mr. DeGaris. It seemed that the last Saturday in February would be ideal to hold local government elections because of the constitutional provisions in South Australia which would ensure that the people were not faced with a State election, which cannot be held until after 28 February.

The Hon. C. M. Hill: Did you say that the State elections can't be held until after 28 February?

The Hon. J. R. CORNWALL: Yes, constitutionally they should be held between 28 February and, I believe, 1 April.

The Hon. C. M. Hill: When did you hold your last one?

The Hon. J. R. CORNWALL: On 15 September, but there is a constitutional requirement, as the Minister knows, unless there are exceptional circumstances.

The Hon. C. M. Hill: I know that the last election was held in September.

The Hon. J. R. CORNWALL: The Hon. Mr. Hill certainly does not do his homework. Why does the Minister think at this moment that his Government has the potential to run for a full term? Is the Minister trying to tell me that he does not know that his Government can remain in office until 28 February 1983?

The Hon. C. M. Hill: We can go to the people at any time we wish.

The Hon. J. R. CORNWALL: Certainly, but, because of the Constitution and the dates that are set down, the Government can go until after 28 February 1983.

The Hon. C. M. Hill: We can go at any time.

The Hon. J. R. CORNWALL: I know that, but there is no requirement for the Government to go to the people until after 28 February 1983. Why does the Minister think that people are talking about a March 1983 election all the time? For goodness sake, for how long has the Minister been in politics?

The ideal situation with the last Saturday in February is that, first, climatically it is a good time to get the maximum voter turn-out. Secondly, there is no chance, except in most extraordinary circumstances, that council elections held in February could clash with a State election. If a Government does not decide to prorogue Parliament in August, September or October, it will not do so in February. More important, the period is safely on each side of councils' budgets. In other words, councils are required to introduce their budgets in August, so that February would be an ideal time in which to hold elections.

There is considerable support for this move among councils, and the Minister ought seriously to consider it. The Minister should also take some advice from his senior officers. I should be pleased and interested to hear the Minister's response to the second reading. I am tempted to foreshadow an amendment along these lines, but I will wait to hear the Minister's response.

It also seems that this is an ideal time, while the Act is open and we are talking about council elections, to amend the Act to provide for optional preferential voting. It is anachronistic and stupid that voters are conditioned to preferential voting at State and Federal elections (10 times in the past 10 years they have turned out to vote, for five State elections and for five Federal elections). Each time, a great deal of effort is put in by political Parties of all persuasions to educate the voters in relation to preferential voting, which is essential if we are to get formal votes.

Yet, when the electors turn out voluntarily to vote in council elections, their votes are informal unless the voters place a cross in one square. This is ridiculous. Voters have been educated for years and years to place the figures "1", "2", "3" and "4" on their ballot-papers. However, if they do not put a cross in one square at a local government election their vote is informal. For that reason, a relatively high number of informal votes is cast at local government elections.

This could be overcome simply while we are talking about elections and election dates by introducing optional preferential voting. Then, a person who puts only "1" on his ballot-paper would record a fully formal vote, as would a person who put "1", "2", "3", "4", and "5" on his ballot-paper. That is plain logic to me, and the Minister should accept this idea. Again, I am seriously tempted to move an amendment along those lines. However, I will wait until I hear the Minister's reply to the second reading debate.

The other matter that might interest the Minister (although I very much doubt it, given the philosophy of his Party) is giving local corporations and district councils the option to introduce compulsory voting in their own areas. I should be interested to hear the Hon. Mr. DeGaris's response to this, as he has made the point that we should not be paternalistic in our attitude to local government, and I agree with him.

At the same time, the Minister pays some sort of lip service at least to the idea that local government is the most important tier of Government and the area that must be uplifted. He says that it is the area that must progressively take more and more responsibility. In those circumstances, it is possible that a group of councillors could believe that compulsory voting was good and should be introduced in their area. If a majority of two-thirds of councils was obtained (there are all sorts of possibilities to which I would be prepared to listen), it would not be unreasonable for that majority to say, "For a particular period, we will have compulsory voting in this area." I suppose that the Minister will not find that proposition attractive. However, it is put up seriously, and the Minister should give it some attention.

I now comment on the approach by the Minister and the Government to this matter. This is one reason why there is at present much dissatisfaction in local government with this Government, which continually says, "We will give more responsibility to local government," to the extent that it is almost abrogating its responsibility. The Government continually says that planning and development and community welfare matters are areas in which local government should have more say. Also, it continually says that local government generally must have more say and responsibility. That is fair enough if at the same time there is some sort of *quid pro quo*.

However, the Government is not making any financial arrangements with local government so that, when it offloads its responsibility, it hands over the money that goes with it. It is always local government policy that it is prepared to accept responsibility. However, it will not do so unless satisfactory and adequate financial arrangements are made. The Government should therefore disabuse itself of the idea that it can hand over the responsibility to local government without also handing over the manpower and money, particularly the latter.

It now gives me much pleasure to state that I was the person responsible for bringing to the attention of the South Australian Parliament the strange anomaly that existed for so long in the Local Government Act and the fact that we had, and indeed still have, a most irregular position in relation to Victoria Park. This amendment, subject to the council's complying with other provisions of the Act, will enable the Adelaide City Council to enter into a lease with the South Australian Jockey Club specifying the area for which admission can be charged and from which any person can be ejected. In his second reading explanation, the Minister stated:

> The Act presently limits the council to specifying an area of not more than five acres, whereas the present position is that 6·78 acres is devoted to entry by admission and from which any person can be ejected, excluding the grandstand and other buildings.

We have the remarkable position that no formal lease has been in existence for 12 or 15 years. We also have a position where, quite clearly, the racing club has been charging people and, from time to time, ejecting them from the racecourse at Victoria Park without any legal power whatsoever to do so.

That is a very interesting position, actually. I sincerely hope, in view of the fact that this is not retrospective, that those people who have attended the races at Victoria Park over the past 10 or 12 years will not be lining up at the S.A.J.C. and demanding their admission money back, because that would create an extraordinary circumstance. I congratulate the Minister for taking this on board, because clearly it has not been his responsibility alone. It is interesting to know that in the second reading speech the Minister said:

> It should be said that this proposal does not mean that the question of a lease has been settled; it merely means that the articles of any future lease can reflect existing usage and practice.

So we are yet to see the lease produced. I can only hope that this saga does not go on indefinitely. I also hope, and no doubt the Minister can give me an assurance on this matter when he replies, that that lease will be available for public inspection and comment when drawn, because I think that that is even more important, given that the racecourse is one part, and one part only, of a very important parkland. Honourable members will notice that I always refer to the racecourse at Victoria Park and not the "Victoria Park racecourse", because that entire area remains part of the parklands and the property of all the people of the State.

Finally, I refer to the very important amendment concerning garbage disposal and the reasons and explanation given for this amendment, that it is to regularise the existing situation. Again, apparently an anomaly has been shown in the Act whereby it might be possible for the Mr. Howie's of this world to have two, three, or four tonnes of garbage on the front lawn and, as the Act is to be read literally at the moment, they could ring the local council and insist that it remove that garbage.

The Hon. C. M. Hill: Even on the back lawn.

The Hon. J. R. CORNWALL: That is clearly unsatisfactory and has to be tidied up. But, and this is a big "but", given the Government's present attitude to the use of private contractors by local government, we seek rock solid assurances from the Minister (and I mean rock solid) that, first (and I must warn the Minister that these have to be rock solid if he wants the Opposition's co-operation at all), there is no intention on the part of the Government of upsetting the *status quo* regarding existing garbage collection arrangements—and that should not be too difficult—

The Hon. C. M. Hill: I can give that assurance to the honourable member.

The Hon. J. R. CORNWALL: —and, secondly, and just as importantly, we want an absolute, rock solid assurance that the Government will actively support and if necessary intervene in the Industrial Court to retain the Local Government Employees Award as it relates to garbage collectors and waste management employees, whether employed by councils or by private industry.

It is regrettable that the controversy over this particular amendment has arisen. It would never have arisen if the Minister had done what we always did whilst in Government and called either the Trades and Labor Council or the trade union primarily concerned. That is a very basic matter, I would have thought. It refers to garbage collectors who are the employees involved in this matter. The Minister would know that in the local government area the A.W.U. has total coverage, so it would have been a simple business for him to get on the telephone and call Allan Begg of the A.W.U. and invite him around to have a chat, perhaps even to have a drink, and tell him what it was all about and what the Government's intentions were. He could have told Mr. Begg to go away and look at the Bill and to feel free to see him tomorrow. That is the sort of thing any reasonable, sensible Minister would have done. Obviously, in this particular instance, there has been no consultation with the union at all.

I would like the Minister to remember next time he opens the Act that, if there is any reference at all to employees, or anything that impinges on employment, the A.W.U. has total coverage of local government employees. The Minister should call Allan Begg and have a chat with him, and I am sure that the Minister will find him an entirely reasonable person, and the Minister will then not get himself into these terrible binds.

The Hon. C. M. Hill: I am not in a terrible bind.

The Hon. J. R. CORNWALL: The Minister said earlier today in conversation that this is a complete misunderstanding, that there is really no problem with this at all. If there is a complete misunderstanding, it is because the Minister has handled the matter very poorly. He should never have got himself into this position. There is no good the Minister's saying at this stage of the day that it is a complete misunderstanding. If there is a complete misunderstanding, it is because of the Minister's complete

lack of action, and it is his duty to now clear the matter up. I do not intend to say anything more about that, because I have spoken to my industrial adviser, the Hon. Mr. Dunford, who is expert in this area (and I mean "expert", because he has been associated not only with the awards that I am talking about but has probably written more than half of them). I certainly could not have had help from anybody better qualified to help. Mr. Dunford is going to follow me in this debate and I think he will tidy the Minister up very nicely, thank you. With those important qualifications, and I repeat again that we want those two rock solid assurances, the Opposition gives support to the second reading of this Bill.

The Hon. J. E. DUNFORD: This has been a good debate, but it seems that it has fallen on deaf ears. I have been impressed by what Mr. Foster has said. He has had just as much experience as I in the trade union movement. He also knows how workers feel when their jobs and livelihood are in danger. I think that Dr. Cornwall made a striking point when he mentioned the lack of consultation. We saw Mr. Brown last weekend in all sorts of trouble over shopping hours. Jennifer Adamson is sending letters to all the residents in my area (and I do not know who is paying for the postage) because they are now consulting the public and trying to get on side not only the public but butchers and supermarkets (taking orders from them). Dr. Cornwall asked the Minister for a practical and proper approach to clause 47. I want to deal only with clause 47 in my remarks as strongly as possible. When the Hon. Mr. Hill knew I was going to speak in this Bill he said to me, "I like the A.W.U." I do not know what he meant by that, but let me assure the Hon. Mr. Hill that the workers in local government do not like him, because in the 14 months that this Government has been in office they have seen that its main thrust has been to do away with jobs. It does this not by sacking employees but by what they call natural wastage. What it does is make the jobs disappear, and their sons and other people who are looking for jobs find that they have become non-existent. I have spoken about this on several occasions.

I know that Norm Foster touched on this matter. It was brought to my notice only three or four months ago that Mr. Hill encouraged local government to employ private contractors. I put to the Hon. Mr. Hill that there are people in country areas whose father, and their fathers before them, were council workers and when the father's parents or brothers retired somebody was coming up along the way. His proposition, he explained to the House, was that he would have private contractors employing men from the city, taking them to these contracting jobs at Hawker or Quorn, returning them on weekends so that there would be no money going to the community and small businesses, schools and families would have been affected. When a job is done away with, that affects the wife and three, four of five children. Of course, the homes become empty, also. These are the problems brought to the notice of honourable members before. This Government has a record with Government employees that I have mentioned to the Council before. Mr. Tonkin agreed that there were E. & W.S. Department men sitting down doing nothing, and contractors coming in.

The Government has admitted that contractors are receiving contracts and using Government equipment, which involves some cost. I attended a Trades and Labor Council meeting early this year where it was stated that the maintenance of lifts costs the Public Buildings Department about $1 000 000, but that contract was let to a private contractor for $2 000 000. Cleaners have been replaced at the courts and replaced by contract workers, and there is Mr. Hill's letter to local government organisations. This leaves no doubt in my mind about the evil intent in clause 47. The Hon. Mr. Hill in his second reading explanation stated:

> Clause 47 proposes the repeal of sections 542 and 543 of the principal Act. Section 542 imposes on a municipal council a duty to keep public places in the municipality clean and to carry away at convenient times the ashes, filth and rubbish from dwelling-houses and other buildings in the municipality. The clause proposes the repeal of this section for the reason that the duty to carry away household rubbish, if construed literally, would be quite onerous on councils, Instead, the removal of such rubbish will be authorised by sections 533 and 534 of the principal Act. . .

I have looked at sections 542 and 543. The Hon. Mr. Hill wishes to delete section 543. Any council worker reading the Hon. Mr. Hill's second reading explanation would know straight away what he is up to. Section 543 (1) of the Act provides:

> No person other than a person employed by, or contract with, the council for that purpose, shall in any municipality collect or carry away any nightsoil, dung, ashes, filth, or rubbish by this Act directed to be removed.

Section 534 (1), which is where the evil intent of clause 47 lies, provides:

> The council may employ or contract with any persons for—
>
> *(a)* sweeping and cleansing the streets and road;
>
> *(b)* removing all refuse therefrom;
>
> *(c)* removing all refuse from houses and all other premises. . .

Once section 543 is deleted, bearing in mind that it deals with employees of the council and people contracted by the council to do such work, I point out that councils will have the right to employ anyone at all to water the streets, sweep the streets and collect garbage. The union was not aware of this until yesterday after a council employee read the Bill and became very disturbed. As a result, a vice-president of the union called a meeting of council employees, and an A.W.U. official contacted a member of Parliament expressing concern at the danger and intent in this Bill. The Hon. Mr. Hill may change his mind about this. In relation to industrial awards, one must argue in court and sustain a reason for altering such awards. All private contractors employed by councils come under clause 4 of the Local Government Employees (South Australia) Award, which was matter No. 202 of 1975 in the Industrial Commission of South Australia. That clause states:

> (i) The employer shall not permit any operation or function or employment of any of the classes to which this award is applicable to be carried on, exercised, or entered into by any contractor or other person on behalf of the employer except in accordance with the terms and conditions of this award as if the contractor or other person were himself a party to and bound by this award.
>
> (ii) The employer shall not enter into any contract for the carrying of any of the work covered by this award by means of employees unless the contract contains a clause binding the contractor to pay the rates and observe the conditions prescribed in this award in respect of the work contracted for so long as this award remains in operation.

I will now explain the relevance of that through a personal example. Some years ago when I was an organiser at Port Adelaide I had cause to approach a private contractor, whose name I cannot recall, at Alberton. I was attempting to recruit his workers into the Australian Workers Union. Those workers showed no hostility towards me, but refused to join the union. They accepted that the union was responsible for their rate of pay, holidays and working conditions, but for some unknown reason they were afraid to join the union. I went back to see them on several

occasions and found out that they were receiving less than the award rate. I then contacted the Clerk of the Port Adelaide council and asked whether under clause 4 of the award he was paying the contractor the increase that had just been awarded so that he could pass it on to his employees. The Clerk told me that that had been done. Therefore, the contractor was keeping the money himself and was not paying his employees the correct rate. When I approached the contractor about this matter he told me to see his wife. As a result of my actions, the workers received several hundred dollars each. That indicates that there is a safeguard under clause 4 of the award. As the Bill now stands, councils will be able to employ anyone they wish.

The Hon. C. M. Hill: They can now.

The Hon. J. E. DUNFORD: No, it must be under the terms of this award. The employer is bound by the Australian Workers Union Award. That award provides for preference to unionists. However, section 543 allows the council to employ or contract any persons whatsoever, which is in conflict with the award. A person employed under that section could be unknown to the union, and the council could employ non-union labour and pay under-award rates. That situation occurs quite often when one contracts with private enterprise. The first things that private enterprise considers are wages, overtime, and so on.

If section 543 is not retained, the union and its members—and I believe rightly so, because of the record of this Government—feel that the next move will be to do away with clause 4. I am not saying that simply because I can see the evil in clause 47, because I know from personal experience the situation in relation to owner-drivers working for councils. When I was an organiser, councils were trying to do away with owner-drivers, because they had to receive a certain rate of pay. When the price of petrol rose, so did the cartage rates.

Sometimes councils have not enough work for them and would like to put them off. Now the employees are protected by the preference clause and because the council cannot pay less than these rates. The councils would like to delete the provision about owner-drivers. They have said to me that they want open contract. With open contract, a person has his truck on hire-purchase, is ready to go bankrupt, and undercuts a legitimate contractor who cannot compete. The legitimate contractor loses the contract and his employees lose their jobs.

I believe that the garbage workers put up a magnificent fight for rates of pay and I also believe that the councils see this and say that they will take the teeth out of the A.W.U. if they can hamstring the garbage collectors. Only recently, the Secretary of the A.W.U. asked me to appear as a witness in the Industrial Commission. My evidence assisted the A.W.U. to retain a long tradition of a flow-on from Federal award to State award. That was opposed by local government. I should like to hear comments from the Hon. Mr. Hill, because he has not said anything to allay my fears or the fears of those who know about this Bill, including the President of the A.W.U., with whom a discussion took place this afternoon.

The President and the Secretary feel that clause 47, which deletes section 543, is completely unnecessary. That section provides that no person other than a person employed by, or contracting with, a council for that purpose shall do the work that I have mentioned. That provision protects the union, its members, and the long historical coverage that the A.W.U. has had for council workers. The award was first a Federal award and came into operation in 1948.

Council workers did not have permanent employment before then and they did not have continuity of employment. They would come to the depot in the morning and, if there was no work for them, they were sent home. They could be weeks or months without a job. Clyde Cameron was instrumental in getting a Federal award. I am pleased to see that the award now covers such matters as trade union training and a nine-day fortnight. They have been introduced since I left. However, in 1948 it was a comprehensive award for that time, and that was the first time that council workers in the whole of South Australia were protected.

Those workers have been a magnificent work force but have received little pay for their work. It is crook that people who do the most menial tasks get the least money and the people who do the less productive work receive more money. Council workers have brought their sons into the industry and, when these workers are threatened, the whole family fibre is threatened. In places like Hallett, five or six men work for the council. At Hawker, which I visited with the Hon. Mr. Hill, there are seven, eight or 10 men working for the council. I know that councils take notice of the Hon. Mr. Hill, because he has a way of soft-soaping them, for some unknown reason. He did not write to the workers and say that he would like to do away with their jobs and give their work to private enterprise. He sent a document to the A.W.U., and I could not repeat what the A.W.U. officials said of him.

The Hon. Mr. Hill has influence with some of the hierarchy, such as the graziers and the real estate men who have time off to attend meetings in the afternoon, when workers are excluded. The Minister cannot keep on getting away with this. He has a bad record, and he should not make it worse. The provision that the Government wants to delete is perfectly reasonable but the one that it wants to put in is crook. I hope that the Minister does not say, "I like the A.W.U." If you like the union—

The Hon. C. M. Hill: I did not say "like". I said "respect".

The Hon. J. E. DUNFORD: No, you said "like" this afternoon. You said, "I like the A.W.U." You show no respect. Your colleagues would not go against a business corporation by changing Acts whereby you threatened livelihoods and left the organisation open to attack through the courts. If application is made to the court for a provision that is contrary to an Act, the application does not have a chance of getting through. In reverse, if an Act gives employers a chance to do away with certain things that they have fought, they will take that chance.

That is their job but, as politicians, we should not take away a historical position involving the union, the workers and the employers. I am sad to think that I have had to speak so strongly against the Minister on this. I have always thought that he was a reasonable man, but he has become unreasonable to all the A.W.U. members, not only the council workers, because the members will see the deletion of section 543 and will not accept new section 542 as a substitute. I ask the Hon. Mr. Hill to consider repealing clause 47.

The Hon. C. M. HILL (Minister of Local Government): I thank members for the attention they have given to the Bill and for their contributions to the debate. I think, because the last three speakers have dwelt mainly on the deletion of sections 542 and 543, as provided for in clause 47, that I ought to deal with that matter first.

I am totally surprised at the amount of misunderstanding (and I repeat that word and make no apology for it) that seems to have developed over this matter. I have not any criticism of members of a union who become upset at the possibility of a change being made in the law, and it is

proper that their voice should be heard and their fears brought to the notice of the Government of the day. However, that having been done, I should like calmly to explain the Government's point of view on the overall issue on which the Hon. Mr. Dunford has concentrated and which was raised with strength by the Hon. Dr. Cornwall and pressed forcibly by the Hon. Mr. Foster.

Section 543 of the Bill should be deleted for two reasons. One is that it is quite ancient in its wording. It refers to nightsoil, dung and that sort of thing. It means that, if it is left in the section and is enforced, no property owners or ratepayers can take away their own rubbish from their properties without infringing this section. It is quite ridiculous to have a law on the Statute Book which prohibits a householder from taking away his rubbish from his own property. That is what this section is all about. We see through metropolitan Adelaide thousands of people every Saturday morning and on other occasions taking branches from trees and garden refuse down to the local council dump. Under section 543 that is an infringement of the law. That section should not stay on the Statute Book in any way.

Section 542 means, as the Hon. Dr. Cornwall said, that any ratepayer can telephone his council and say, "I have some refuse in the back corner of my block, I am not going to put it on the street as you expect me to—come and take it away." Under the law of the land as it stands at the moment, the council would have to do that. The law is due for change. It contravenes the general practice today, because of costs and for other reasons. Ratepayers are expected to put their rubbish bin out on the street, and the council comes along and takes it away. That is an arrangement that people and councils have come to expect. Therefore, to summarise the position so far, a law such as section 543, which prohibits a person taking his own rubbish off his own property is a bad one. Section 542 is a law which would cause a person to be able to force the council to come on to his property and take rubbish away instead of leaving it at the front gate, and is also a bad law.

For those two reasons, together with the question of the ancient wording of the sections (which includes "privies and cesspools" and gives a person the right to keep refuse on his own property if he uses it for manure) it should be deleted. These two sections are deleted in the Bill. In their place is a new section which provides:

> A municipal council shall keep every public place within the municipality clean and free of refuse of any kind.

"Public place" is defined in the Act as follows:

> "public place" includes every street, road, square, lane, footway, court, alley and thoroughfare which the public are allowed to use, and whether formed on private property or not; and any foreshore:

I stress the word "street" in that definition. It is quite clear what the Government is endeavouring to do in the Bill—it is simply doing away with two outdated sections which should not be lawful today and, in their place, inserting a provision that councils should keep every street clean and free of refuse of any kind. In other words, the ratepayer puts his refuse out in the street by the front gate. Under the new law, the council is bound to collect it and keep that street clean. I will admit that the explanation I gave at the second reading stage was not as good as it could have been in this regard.

I think that the references I made to sections 533 and 534 have been confusing. I regret that this confusion may have arisen as a result of that, because that does indicate, under the general area of public health, that a council must remove refuse from the street. It does relate to the sweeping and cleaning of streets and roads. In a direct interpretation of that section, it probably means that the council must remove refuse if it sweeps up in the streets or roads. The relatively simple provision which the Government is intending to insert in lieu of 542 and 543 simply places on the Statute Book legislative effect to the present practice. The present practice in all municipalities is that ratepayers place their refuse on the street, and council comes along and collects it—

The Hon. J. R. Cornwall: Cut the bull and give us the assurances. You are waffling.

The Hon. C. M. HILL: I am not waffling at all. I am trying to make the position clear for a simple person such as the Hon. Dr. Cornwall.

The Hon. G. L. Bruce: Give us the assurances.

The Hon. C. M. HILL: It would seem that a council at the moment can employ outside contractors if it so wishes.

The Hon. G. L. Bruce: It sets out the terms of how to employ them.

The Hon. C. M. HILL: Why cannot that apply under the new section?

The Hon. G. L. Bruce: It doesn't; where is it?

The Hon. C. M. HILL: Where is it in the sections that we are deleting? There is nothing in the Act about industrial awards.

The Hon. J. R. Cornwall: You know that it is tied to the award.

The Hon. C. M. HILL: Awards are matters between the employer and the contractor and his employees.

The Hon. G. L. Bruce: It says that the contractors are paid the same as council employees.

The Hon. C. M. HILL: What has the award got to do with the Government? That is the question.

The Hon. J. R. Cornwall: You administer the Local Government Act, and the award is tied to the Act. It has everything to do with you.

The Hon. C. M. HILL: The award is a matter between the councils and their employees. I want to get down to the real base facts of the matter. It would seem that bringing the question of industrial awards into this is irrelevant.

The Hon. G. L. Bruce: It is there. It says that a contractor must be employed the same as the council employee.

The Hon. C. M. HILL: I am talking about the Act. Can the honourable member tell me what line of the Act refers to that?

The Hon. G. L. Bruce: I have read someone else's copy and that was my understanding.

The Hon. C. M. HILL: Tell me where it is in the Act—it is not in the Act at all. If a council wishes to change arrangements it is up to its employees and the council to fully investigate the question of industrial awards, and there is a settlement between those parties. This Bill does not interfere with that in any way at all.

It simply puts into practice what happens at present. It gives lawful effect to the practice of a council's picking up rubbish off the street after a ratepayer has placed it there. It takes out of the Act a necessity under the law for a council to go on to a property to collect rubbish, and it takes out of the Act the offence that is created when a ratepayer takes his own rubbish off his own property. Those two points should be taken out of the Act. The other matter to which members opposite have been referring, and which they see as a problem, is the letter that I wrote to local government.

The Hon. J. R. Cornwall: Using your powers under the Local Government Act.

The Hon. C. M. HILL: Just a moment.

The Hon. J. R. Cornwall: It's not a matter of "just a moment".

The PRESIDENT: Order! Interjections are out of order. The Hon. Mr. Cornwall has asked a question, and I should

like the honourable member to get his answer from the Minister. However, the Minister cannot give his reply if the Hon. Mr. Cornwall keeps on talking.

The Hon. C. M. HILL: The last point that honourable members wove into their concern on this issue was the letter that I wrote to councils, explaining the new Government policy in regard to private workers and private enterprise. This letter caused some fear within the union.

The Hon. J. R. Cornwall: You were using your powers under the Local Government Act when you wrote that letter.

The Hon. C. M. HILL: I was not, you foolish fellow. I do not have that power to enforce this letter. The honourable member ought to know that local government is autonomous. This is not, as honourable members have been saying this evening, an instruction that I gave to councils; it was simply a letter explaining the Government's policy to councils. I told councils that it was inappropriate that they should do work for private owners. I told the councils that there was a strong possibility that they would not be able to collect their debts under the Local Government Act if they ran into trouble in relation to payments.

The Hon. J. R. Cornwall: Have they had much trouble over the years?

The Hon. C. M. HILL: I do not know, and that does not matter. It was wise to inform them of the true position. The second matter referred to in the letter that the Hon. Mr. Foster read out (I will not read it again) was along the lines that we urged councils to investigate the possibility of giving out work to private enterprise, as the Government was doing.

There was nothing in this letter about existing council employees being at risk, or about councils having to retrench staff. The letter was not directed in any respect at all at endangering the employment of existing council employees and members of the Australian Workers Union. It was construed as that, but there was nothing in the letter indicating that there should be a change in that respect.

The Hon. J. R. Cornwall: That was the net effect of it, though.

The Hon. C. M. HILL: It was not. The net effect was that, if a council was going to expand its activity and buy an expensive road work unit, it would then be possible for it to employ more day labour. That was the effect of it. It was simply to say to councils, "Have a look at the wisdom or otherwise of having your work done by private contract so that you do not have to build up your own bureaucratic empire." Although I appreciate that this caused some concern with the union, it was not aimed at adversely affecting existing union members at all.

The Hon. C. J. Sumner: You're on the defensive.

The Hon. C. M. HILL: I am not. I am explaining, because for hours we have listened to Opposition members speaking on this subject. They have introduced the deletion of sections 542 and 543. I am merely pointing out the Government's policy and trying to explain the position to local government. I have done that and I intend to go on doing it.

In saying that, I repeat that I am not aiming at local government employees at all. Tying all that information together, I am happy to listen to further representation that Opposition members might care to make in Committee regarding the deletion of sections 542 and 543. If there are in there some matters on which I can be convinced—

The Hon. J. R. Cornwall: You're the most devious man that I have ever met. What about the assurances : "Yes" or "No"?

The Hon. C. M. HILL: I gave the first assurance before the honourable member finished his last sentence. In relation to his second assurance, I do not know whether it is in my power to give it. How can I commit a local council regarding what the industrial agreement will be between it and its subcontractors or new employees? I am not in local government, and I do not think that it is within my power to do this. However, I state again that, if honourable members opposite can press the point further and give additional information, I shall be pleased to listen to and consider fully their representations, because I want to be clear about the matter.

If the union has any point, or if it is possible for the Government to give any assurances that arrangements under existing industrial awards will continue, I say quite frankly that I do not have any information or aim to do anything to restrict changes in future. The whole matter of industrial awards between councils and their employees did not arise when I considered the amendments to this legislation. So, that expresses my point of view in regard to that major point that members opposite made when they spoke on the Bill this afternoon and this evening.

I return now to some of the speeches made earlier in the debate. The Hon. Mr. Dawkins made the point that an amendment to section 214 might be desirable so that a council shall, on or before 31 August of each year, declare its rates. That point has some merit, especially in view of the Government's amendment that elections should be held on 1 October. I notice that the honourable member has placed on file an amendment, which I am prepared to support.

The Hon. Mr. Creedon dealt with clause 13, which refers to the discretion or state of mind of the returning officer or deputy returning officer. He referred, through clause 13, to section 103 of the Act. The expression "state of mind" is intended to imply the words "belief" or "opinion" so that, if the deputy returning officer is exercising his discretion, it is a discretion according to his own beliefs and opinions.

The Hon. Mr. Creedon asked why it was necessary for a 75 per cent majority of voting council members to pass a differential rate. The Act provides varying provisions in relation to the declaration of a general rate.

That is the differential rate, special rate and separate rate. This issue will be looked at closely in the review of the Local Government Act presently being conducted. Perhaps I should say that some of the matters that are being canvassed by honourable members in this debate are matters which will be given full consideration by the Government in its major review and re-writing of the Local Government Act.

The Hon. J. R. Cornwall: Do you think we'll see that in the life of this Parliament?

The Hon. C. M. HILL: Yes, we are going to see it during the life of this Parliament. I know that the honourable member thinks it is a hopeless task because his Government was trying for 10 years to review the Local Government Act. It had a Local Government Act Revision Committee Report which was a most voluminous document and on which it could have made its changes, but it procrastinated. Let me assure the honourable member that in the past 12 months this Government has made more progress in its work on revision of the Local Government Act than the previous Government made in its 10 years in office. I know that some time during 1981 we might well have the draft of the new Local Government Act ready. Undoubtedly, it will involve considerable changes to local government, and some of the changes

which have been canvassed in this debate, I want to assure honourable members, will be fully considered at that time.

The Hon. D. H. Laidlaw: You are making some use of the previous report.

The Hon. C. M. HILL: Yes, the previous report has been used considerably to date. As a matter of fact, the work was started by the Hon. Stanley Bevan when he was Minister in late 1967. Deliberations by the committee were carried on during the term of the Liberal Government in 1968 to 1970, and the report came out just prior to the change of Government. The Hon. Mr. DeGaris discussed the matter of elections in his contribution. He emphasised the argument that local government should be as free as possible in the setting of election dates and the conduct of elections. In principle, this approach is to be applauded, although it would seem that, in the more contentious area of elections, there are probably still reasonable arguments to maintain a fixed election date. Mr. DeGaris is accurate in saying that of the two periods in which elections could be held, that is autumn and spring, local councils—

The PRESIDENT: Order! Previously today I have had to remind members of the rules of the Council regarding the gallery. I hope that I will not have to repeat that performance. The Hon. Mr. Foster knows better, and so did the members previously today: discussions in the gallery should be at a minimum at any time. There are always plenty of places for conferences outside the gallery. The Hon. Mr. Hill.

The Hon. C. M. HILL: Local councils prefer the autumn period. However, the Local Government Association made it clear that the October date was acceptable to it at the Annual General Meeting of the Local Government Association held on 30 October this year. The President of the association made it quite clear that local government was happy with the proposed changes.

The Hon. J. R. Cornwall: Some members.

The Hon. C. M. HILL: He was the President; he spoke from the rostrum and he made that declaration. There certainly was not any adverse reaction from the very large audience that was there.

The Hon. J. R. Cornwall: You should have stuck around.

The Hon. C. M. HILL: The General Secretary, whilst he might have spoken to the Hon. Mr. Cornwall or one of his colleagues this afternoon, certainly assured my most senior officer this morning—

The Hon. J. R. Cornwall: Don't twist my words. I was talking about the Boyd Dawkins amendment.

The Hon. C. M. HILL: What the honourable member said earlier was that Mr. Hullick, the Secretary-General of the Local Government Association, informed the honourable member or one of his colleagues this afternoon that he supported the autumn period for the election.

The Hon. J. R. Cornwall: I said he was appalled by the Boyd Dawkins amendment.

The Hon. M. B. Dawkins: He did not say that to me, and I have discussed it with him.

The PRESIDENT: Order!

The Hon. C. M. HILL: The Local Government Association has not had time to consider the Hon. Mr. Dawkins's amendment, so the Local Government Association is not in a position to give an official opinion concerning the matter. Getting back to the comments of the Hon. Mr. DeGaris, I point out that the date of the first Saturday in October was established after lengthy consultation with the association, both by myself and my predecessor. In establishing the date of the local council elections, it must also be recognised that the date also brings into play the dates for nomination and closing of the rolls. To keep the election date free of the Easter cycle would have meant either an election date so late that there would be no significant change from the present, or so early that the nomination date and the closing date of the rolls, because the closing date of the rolls is a month earlier than the nomination dates, could be back into January, which would probably mean a smaller number of eligible voters being enrolled.

The honourable member raised a number of issues relating to voting practices. The first of those talks of the present requirement that voting must be by cross. The basic reason for this is that local government elections are first past the post, whereas State and Federal elections, of course, use preferential voting or proportional representation. It is recognised that persons voting in local council elections are likely to use the practice of numbering, which they are familiar with from other elections. I agree that, where a voter's intention is clear, either a cross or number should be accepted.

Again, the review committee that I mentioned a moment ago is looking at the Local Government Act and is considering this aspect. It is highly likely to recommend that the Act be changed. The honourable member also raised the more basic issue of whether local government elections should not adopt either a preferential or proportional approach. I would point out here, Sir, that for the proportional representation system to be introduced, as the Hon. Mr. DeGaris says, councils would, in the first instance, have to be councils that did not have their own wards, and there would have to be council members representing the whole area. If councils wish to move to a proportional representation system, then, in the first instance, of course, they will have to dispense with their ward system. The initiation of that move, of course, is in their hands. I recognise that there are a few, however, which, at the present time are councils without wards.

The honourable member raised the question of plumping, which occurs in elections where more than one candidate is required. Again, this matter is under discussion by the review committee to determine whether a vote, to be formal in these circumstances, should be directed towards at least the number of candidates required. Mr. DeGaris also referred to clause 12 of the Bill, which dealt with returning officers. He asked about the need for returning officers to be appointed 11 months before an election. The Local Government Act provides for rolls to be closed twice in each year. This is done to ensure that if a loan poll is called or a poll for extraordinary vacancies occurs, then a reasonably up-to-date roll is available for that as well as for important petitions to the Governor on such matters as boundary changes for councils to hold loan polls which are based on a percentage of those enrolled. Again, it is important that the roll is as accurate as possible. Consequently, there is a full year's task for the returning officer. The reason that council is asked to appoint a deputy returning officer or officers is that concern was expressed to me that, under the present system, if a returning officer was to be killed or seriously incapacitated, no facility is available for the council to appoint a deputy. This could cause considerable difficulty with the conduct of an election.

Lastly, the Hon. Mr. DeGaris referred to section 855 *(b)* of the Local Government Act regarding the powers of the Adelaide City Council to acquire land for an authorised scheme of development. I have noted his comments and he quite rightly points out, of course, that the present Bill does not move to change that clause and another clause dealing with a similar matter affecting municipalities other than the Adelaide City Council which were inserted in

1969. The basic intention of those clauses was to give an opportunity to local government, if it is so wished, to develop schemes within its municipalities and not be obstructed financially by what might be described as an unreasonable ratepayer who will not dispose of property by private treaty.

At that time I was Minister and I can recall that the matter was initiated by the St. Peters council, which approached me saying that it would like to encourage a developer to establish a modern shopping centre close to the council chambers. The council said that there were many small titles to land involved in the scheme, because it involved many small shops. In most instances each small shop was on a separate title. The council pointed out that, if in the interests of the community it thought that the shopping development should take place and if the developer in his private negotiations reached a stage, for example, where he was able to acquire by private treaty all the property in the one parcel, apart from one small shop in that parcel, and if the council deemed the owner of that small shop to be unreasonable in the circumstances, the council would need some compulsory power to get such a development off the ground. After full consideration, those amendments were introduced to enable that to take place. A check was placed in the Bill, and in that the scheme needed the consent of the State Planning Authority in relation to municipal councils. In relation to the City Council, that machinery aspect was not required. In both instances the Minister's consent was necessary.

I can well understand that that legislation causes some concern to people such as the Hon. Mr. DeGaris. I respect his view that private owners should be protected to the utmost against unnecessary and what might be termed improper compulsory acquisition by public authorities. In the circumstances, I believe a case was made out warranting some legislative machinery being placed within the Act to enable the situation envisaged by St. Peters council being put into effect. As it transpired, St. Peters council did not complete that particular project and the development has not been proceeded with. If honourable members feel that that matter should be looked at further, I am quite prepared to discuss and investigate the matter further.

Yesterday the Hon. Mr. Foster made a very long speech on this matter and I found some difficulty in linking his remarks with the Bill. He also spoke out strongly about my letter to councils and I have already discussed that subject. The Hon. Mr. Foster also referred to Mr. Tom McLachlan of the South Australian Housing Trust, and I replied to that matter during Question Time today, so there is no need to raise it again. Other matters raised by the Hon. Mr. Foster could be discussed during the Committee stage. I have a lot of information dealing with points raised by the Hon. Mr. Foster; perhaps he could raise them again in Committee. The Hon. Mr. Foster also referred to buses as they relate to this Bill.

This provision has been included to put beyond doubt the rights of the major provincial cities to operate commercial bus services, which are heavily subsidised through the State Transport Authority, as well as the very popular community bus services, which benefit the aged and infirm or simply help the suburban housewife to gain ready access to community facilities. The grants system administered by the Department of Transport will continue. This amendment simply removes any legal doubt about a council's having the right to involve itself with such services.

The Hon. Mr. Foster referred yesterday to removal of rubbish, and I did my best to reply to his questions at the beginning of my speech. He also dealt with the portability of sick leave entitlements, and I point out that employees can now move from council to council without having sick leave or annual leave entitlements affected.

The Hon. Mr. Foster also referred to professional qualifications and to clause 33 of the Bill, which permits a Minister to waive educational or professional qualifications resulting from legal doubts about present practice. I approve of regular exemptions in regard to country councils that employ unqualified officers. My policy is to permit this as long as the officer is studying for his clerk's diploma. It would be impossible to require the smaller councils to employ only qualified clerks. I believe that this practice is based on common sense. My power as Minister refers only to those officers who require qualification—the clerk, the engineer, the overseer, the building surveyor, and the health inspector. All other positions are in the hands of local councils, which fill them according to the relevant award.

The Hon. Mr. Foster today stressed his concern about private work, to which I have referred. He also complained about fishing in the Torrens River and the high penalties that he believed would be invoked by this Bill. The Bill simply clarifies the position that existed under the previous Labor Government in 1978, when that Government introduced this same legislation, which included this penalty of $200, but there was some doubt in regard to the wording of that amendment at that time and this Bill corrects that position. Clause 50 amends section 778a of the Local Government Act and increases the penalty, as I just said, from $10 to $200 and, of course, this is a maximum penalty. This provision was overlooked when the penalties were last increased by the amending Act of 1978.

The Hon. Mr. Cornwall referred to Mr. Hullick, and I have dealt with that matter. He also referred to P.A. Consultants, which firm was involved in matters relating to the Department of Environment and Planning. Of course, I knew about P.A. Consultants' activities in regard to reorganisation of those two departments, but I had no knowledge of any specific work that was undertaken in regard to the Waste Management Commission.

I do understand that the consultants did refer to that matter along the lines of what the Hon. Mr. Cornwall said, when they made a preliminary report on the larger issue. I was pleased to gather from the Hon. Mr. Cornwall that he supports the amendments regarding Victoria Park racecourse, and I point out to him, because he said he thought that the new lease ought to be made public before it was finally approved, that it must be tabled for 14 days in both Houses of Parliament, and there is the possibility of disallowance by the elected representatives of the people. That is the time when the Hon. Mr. Cornwall will have opportunity to check the clauses if he so wishes. Again, I thank members for their attention and contributions to the debate so far.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Interpretation."

The Hon. R. C. DeGARIS: The first area that deals with the question of the voting date is paragraph *(b)* of this clause. I still have quite serious doubts about the question of the first Saturday in October being the day for local government voting. I mentioned (and I am pleased that the Minister has seen fit to agree, in principle, anyway) that, where possible, we should be untying local government from the apron strings of the Government. Where we can give local government options and choices in what it should do, the Parliament should do that.

There are, of course, other reasons why, where

possible, local government elections should be held on some particular day in the year, and I freely admit that. The arguments against October are, I think, fairly strong. The first question raised was raised by the Hon. Mr. Foster when he said that one year in every seven we would have local government elections on a long weekend, which would not be conducive to good practice in relation to voting in local government areas.

Secondly, we would have the position (some people do not think this important, but I do) where councils would be dealing with a budget, and then an election would follow. I doubt that we would get the best discussion of a budget by half the council, in that situation. Thirdly, October is a period in many rural districts when it will be difficult to get people out to vote in any case. I prefer the autumn period and I know, from checking with local government, although the Minister has said that the President of the Local Government Association gave approval for the first Saturday in October, that there does not appear to be majority support for that day.

I must admit that my checking has been done largely in rural areas. I do not know the attitude in the city, but in the rural areas the autumn period would be preferred. If my information is correct, in the poll on local government taken in the time of the previous Government the autumn period was favoured by a substantial majority, but the previous Government refused to allow an amendment to that effect because of the possibility of its falling on a State election day.

If we are to persist with the first Saturday in October, I suggest that the Minister should consider the inclusion of an alternative date. Many city councils might have their elections on the first Saturday in October and they might not, but I am quite certain that, given the choice, most country councils would accept a date in the autumn. I suggest the last Saturday in February, which avoids any conflict with a State election which, in normal circumstances would come between March and May. However, avoiding State or Federal election days is almost an impossibility. We have had State and Federal elections in September, March, April, May and October, but to my knowledge we have not as yet had an election that fell on a local government election day, probably because it has always been in July, which is not an acceptable time for elections.

The Hon. J. R. Cornwall: We had one in 1975.

The Hon. R. C. DeGARIS: In July on the first Saturday?

The Hon. J. R. Cornwall: No.

The Hon. R. C. DeGARIS: I cannot see much real exception to offering an alternative. If a council wishes to have its election on the first Saturday in October, it may do so; if it prefers the last Saturday in February, then it may do that. The survey that I have done, especially in rural areas, shows that the last Saturday in February would be the day on which practically all rural councils would have their election, if given the choice of the two dates. I ask the Minister to consider an amendment to clause 3, allowing at least an option, so that local government elections can occur on the first Saturday in October or the last Saturday in February.

I appreciate that the Minister is working strenuously in redrafting the 1 000 sections of the Local Government Act. Perhaps, if he insists on sticking rigidly to the first Saturday in October, I could ask him to consider, when the Act comes up for reassessment, the possibility of allowing greater flexibility. I ask the Minister at this stage to consider offering the alternative of the last Saturday in February, which suits a number of country councils with which I am closely associated.

The Hon. J. R. CORNWALL: I support the idea which the Hon. Mr. DeGaris first mooted concerning the desirability of holding local government elections on the last Saturday in February. I am extremely disappointed that he did not consider the matter sufficiently serious to move an amendment. Had he done so, I am sure that I would have been able to exercise my persuasive powers sufficiently to have Opposition members support it. It would have been a most desirable amendment. It is unfortunate. The Opposition does not intend to move an amendment along these lines, because we now know that we would not have the support of the Hon. Mr. DeGaris, and we can presume, because of his policy in this matter, that we would not have the support of the lone Democrat, so really there is not very much point in our doing so. However, I want to be on record as saying that I am disappointed, because I believe that the last Saturday in February would be a far more suitable time than would the first Saturday in October.

The Hon. Frank Blevins: What happens if the Hon. Mr. DeGaris moves the amendment?

The Hon. J. R. CORNWALL: Then it is a different situation altogether. I would be very happy to use my considerable powers of persuasion on my colleagues and we would give serious consideration to the possibility—

The Hon. R. C. DeGaris: I think that, if you left it to me, it might be better.

The Hon. J. R. CORNWALL: —of supporting it. (What Mr. DeGaris is suggesting is not acceptable to me.) I have never been in favour of the first Saturday in October. I do not see anything wrong with having a fixed day, which I believe is highly desirable. There are a couple of points that I wish to clear up. The Minister apparently did not comprehend what I said and misrepresented what I said about the Secretary-General. He said, as I recall, that I had alleged that the Secretary-General was very unhappy about the first Saturday in October being the election day for local government. I did not say that at all. What I said was that it was obvious to me, from talking to many city and country councillors at the Local Government Association annual meeting, that there was a good deal of dissent and disagreement. There seems to be a move which would have majority support, albeit by a small majority, amongst local councils for an autumn election day.

The Hon. R. C. DeGaris: The original survey showed 8 per cent in favour of it.

The Hon. J. R. CORNWALL: That may well be; my straw poll is taken from provincial areas and metropolitan areas. I got a clear impression that there was majority support for an election. I did not say at any stage that the Secretary-General was expressing that. He said this afternoon shortly after lunch that he was far from happy (and that is putting it mildly) with the proposed amendment of Mr. Boyd Dawkins which is, *de facto,* an amendment from the Minister himself. That ought to be clearly on the record. Should the Minister at this late stage see fit to move an amendment, I repeat that I would be happy to use my powers of persuasion on my colleagues, and I believe that I would have a reasonable chance of success.

The Hon. C. M. HILL: I believe that the Council has agreed that there should be some change. When one endeavours to implement a change of this kind, it is quite understandable, knowing human nature and knowing those in local government, that change is not easy to bring about quickly. If the previous Government has been holding polls on the issue, that indicates the length of time that it takes for some finality to be reached. We could go on and on tossing around dates. Some councils could find

some points in favour of the proposition and some other councils would find points in favour of alternative times. Having weighed up the situation, local government in my view has responded very well. It might well be that some councils have not told me their innermost thoughts. I am prepared to accept that, but in general terms the response that I and the Government have received to the October date has been very favourable. As I mentioned earlier, the response of the President at the annual general meeting last week was indicative of what I deem to be quite wholehearted acceptance of the October date. That was, of course, before the Bill was introduced and before the present debate developed. When the Government was considering the best possible date to which to change, in its view, the matter of dates after Christmas or in the first half of the year was given full consideration.

The problem of the Easter cycle possibly falling during the period of a candidate's campaign was fully considered, and some disadvantages were foreseen if Easter Saturday fell on the same day as the date for a local government election. It was thought that it would be unfortunate if the Easter holiday period fell within the campaigning period, especially in view of the strong demand by local government to reduce the period from eight weeks to four weeks, as is provided for in this Bill.

If the date is brought back earlier in the New Year, so as to avoid all complications with Easter, another difficulty emerges, namely, that there is a four-week nomination period and, before that, another four-week period for people to get themselves on the roll. Of course, that takes it will back into December or January in relation to people enrolling. I do not believe that people are interested in enrolling for local government elections, or indeed in nominating for office, during the Christmas or January period. That factor was borne in mind, and I ask the Committee to bear it in mind now.

I now come to the point which has been raised recently and which was raised again this evening concerning a council's having to strike a rate and then having some of its members facing the people shortly after that major decision has been taken within council. I make the point that a councillor who takes that attitude is really interested in survival more than anything else. It is not his right to take that point of view.

The Hon. R. C. DeGaris: It occurs.

The Hon. C. M. HILL: It probably does; I am prepared to admit that. However, a councillor who votes upon fixing the rate for the current year ought to be able to stand by that decision and defend himself on the hustings in relation to that matter.

The Hon. J. R. Cornwall: Did you ever hear of human nature?

The Hon. C. M. HILL: I have dealt with local government and Government for long enough to know quite a lot about that subject. Nevertheless, I do not think that a councillor should complain about the possibility of having to face his ratepayers soon after he has voted on the major issue of the declaration of the council rate. Indeed, the ratepayers are entitled to know how councillors have voted on the rate question when the poll occurs.

I point out that it will not be a particularly major issue, as in most instances the rate notices will not have been dispatched to ratepayers. However, it is in the ratepayer's hands to inquire from the council as part of his deliberations when considering the candidate of his choice at the election. The subjects of closing the rolls and nominating for office all fit in fairly well to the date of the first Saturday in October.

I now refer to the Hon. Mr. DeGaris's matter of alternative dates, which should be canvassed. However, it needs much consideration, certainly by local government itself. Of course, there is the initial difficulty in relation to the efforts that have been made in recent years to get more and more people out to attend the polls and the publicity that can be projected for that purpose if there is a single election date, as there always has been.

If each council is going to run its own little campaign to try to inform its ratepayers of the election day, there will be a fragmentation of publicity and, I suggest, some confusion. It may not occur nearly to the same extent in the country as would apply, I am sure, in metropolitan Adelaide.

That brings me to the point that the honourable member made, namely, that there seemed to be a possibility of the country being considered as one group of councils, and be given a date of their choice, and metropolitan councils having another date, or the right of either of those groups to one of two alternatives. That, really, is a major change, the kind that will be given full consideration when the major change to the Act occurs. The rewriting of the Act is, without doubt, a major activity for local government, and this is a kind of innovative change which, I think, should be given full consideration then, but it should be canvassed fully amongst local government in the field, and among councils, before State Parliament or the State Government imposes such a proposal.

So, summing up the Government's attitude on the matter, we did our best in wrestling with the alternative dates that have been under consideration, and we came to a decision, which we announced publicly some months ago. It is my view that local government has now accepted it, that local government now expects it, and, in view of those circumstances, I urge the Committee to agree to the Bill in its present form. In asking that, I undertake that the matters that have been raised in this debate will be canvassed fully between now and the final composition of the rewritten Act and, if the response from those involved in local government is such that further major change of this kind is desirable, the Government will be prepared to go along with such change.

The Hon. M. B. DAWKINS: I support the clause as it stands. I have had discussions with Mr. Hullick, and I was given the assurance that, whilst he would have preferred to have the date in autumn, the Local Government Association accepts the reasons put forward both by the then and present Governments for the preference for October, having regard to the difficulties that could be expected in the autumn period. I was given the undoubted assurance by Mr. Hullick, and others in local government, that local government by and large had accepted the October date. There may still be a few people who have some doubts, and we will always get some concern, but the great majority have accepted that situation. The Hon. Mr. Cornwall has suggested that my amendment is a *de facto* amendment of the Minister. That is absolute nonsense, and I will explain that later. I support the clause, because I believe that the Local Government Association, and local government generally, accept that the date should be in October.

The Hon. N. K. FOSTER: I wonder whether the Minister, in my absence, has replied about the possibility of a long weekend holiday falling on the date mentioned in this clause.

I would like to hear from the Minister whether or not he agrees or disagrees with the possibility of the Labor Day long weekend falling on the same weekend as local government elections. Is the Minister prepared to alter the date to the last weekend in September, where such a clash would not occur?

The Hon. C. M. HILL: This matter has been

considered, and it might mean that every so many years the election day will occur on that long weekend to which the Hon. Mr. Foster has referred. I do not believe that that should have an adverse effect on the position of a local government election. Those who are keen to take an interest and to vote in local government elections have the postal voting procedures, which are streamlined under the Bill before us, and it is no real problem for people to involve themselves in either a postal or absentee vote. I do not really see why any disadvantage would occur.

The Hon. N. K. Foster: You have to be joking!

The Hon. C. M. HILL: I am not joking at all.

The Hon. N. K. Foster: You can't be serious.

The Hon. C. M. HILL: Easter Saturday involves a much longer period.

The Hon. N. K. Foster: It's one more day, mate.

The Hon. C. M. HILL: I do not think it would affect the result of local government elections at all.

The Hon. N. K. FOSTER: I am absolutely amazed. The Minister cannot be serious. Is he suggesting that the percentage of the population that is moving from one point to another is no greater on a long weekend than on a normal weekend or other days of the week? The Minister had better take this matter up with the Minister of Tourism. I am suggesting to the Minister in respect of this clause that, in the interests of the public, this should be done. The Minister must have thought about this matter. There could not be that many dopes in the Minister's department who did not see this if an uneducated bloke like me saw the hole in it. I got kicked out of school at 13, but the Minister has in his department people with more letters after their name than Billy the goose. Is the Minister saying that they did not see that this could happen? Is the Minister telling me that he will not do this? If so, he leads me to say that he intended to restrict the number of people voting in local government elections, having had this information for some 24 hours that every few years there is going to be this clash. Does the Minister mean to tell me that a Federal Government would consider having an election for either one of the Federal Houses in a situation such as this? If the Minister goes back to the May election of 1974 and looks at the record of postal and absentee votes, as a result of the school holidays occurring at the time of that election, he will be amazed. The same will occur in the case of a September election if school holidays coincide with it.

I urge the Minister, in all seriousness, to show some common sense in this matter and not to allow for this election to be held on a day which has been a proclaimed public holiday for over 100 years and which is never likely to be altered by Bills such as the one before this House regarding public holidays. Apropos what the Hon. Mr. DeGaris has said, one has to be careful when framing these matters that they do not clash with a holiday or long weekend.

The matter has been drawn to the Minister's attention, and he should have the common sense to say "Yes, we have erred." Members of the Labor Party did that on a number of occasions when in Government. The Minister's colleague may well chuckle, but will he say how many special courts are convened on any Saturday or public holiday? I urge the Minister with all the strength I can muster tonight to change his mind about putting the date back a week, and not to put the date forward a week, as that will only compound the problem. When the councils wake up to this, they will probably not want the provision, anyway. Ask the various metropolitan councils or the Hon. Mr. Dawkins, who has a close contact with the Munno Para District Council, what they think about it. Ask anyone in the country areas about this. The only real break the cocky can get before he starts harvesting is over that long weekend in the spring. He is tied up at Christmas, and is seeding in the autumn. The time closer to the show break is all that he can have off, and the Government wants to provide for local government elections then. What we suggest will not inconvenience the public in those years when the elections are held on long weekends.

The Hon. C. M. HILL: The honourable member can get very emotional, but I am still of the view that the effect on local government elections of having one election day in every six or seven years, or whenever it is likely to fall, will not be any different on that long weekend from that at any other time.

The Hon. N. K. Foster: You've got to be stupid.

The Hon. C. M. HILL: The honourable member probably does not know that there are such things as absentee and postal votes. As I said earlier, the machinery for those postal votes is being simplified considerably. At the time of an election anyone who is interested in local government and who wishes to cast his vote will do so. The honourable member knows that the numbers of people who vote are not high; the people who attend the polls are those who have a deep interest in local government, and such people will make sure that they get their vote in.

The Hon. N. K. FOSTER: Clause 16 also relates to this matter. Is there anything in this Bill to the effect that the returning or presiding officers will not be responsible for delays of any kind brought about by the postal authority? If a union goes on strike, say, for three or four weeks, will electoral officers be able to accept no responsibility for that. That sort of situation is bad enough, but in those circumstances how can a person be expected to cast his vote? There is an increasing number of would-be electors who, in fact, want to cast a vote but who are likely to be travelling. Is the Minister aware of any industrial law in this State, or a State or Federal award that stipulates that annual leave shall be taken by a person at a certain time? How much knowledge does the Minister have of the number of people at that time of the year, particularly those in industry, who make up their minds when they will take leave by negotiation, preferring to take the value of the additional day that is a holiday? An increasing number of people are not at their normal place of residence at the time of an election.

I am endeavouring to force the Minister, in the gentlest way, to concede that this is a problem. I hope he will take the matter back to his colleagues for further consideration. It is as simple as that.

The Hon. C. M. HILL: The simplification of postal voting through the amendments means that a ratepayer who is going away for a weekend—and some people go away on weekends other than long weekends—can simply go to a returning officer, complete his vote, and hand it to the returning officer. The vote does not even have to be posted if this amending legislation is passed.

The Hon. N. K. Foster: What do they do under your Bill?

The Hon. C. M. HILL: They simply cast the vote and hand it to the returning officer, who places it into the ballot-box.

The Hon. N. K. Foster: That is nice and crook.

The Hon. C. M. HILL: The Hon. Mr. Foster says that it is nice and crook, but it is exactly the same system used for Federal and State elections.

The Hon. Anne Levy: No fear, it's not. An elector places the vote into the box himself.

The Hon. C. M. HILL: I am not saying that the returning officer is given the vote and is then allowed to

walk around, perhaps behind a screen, before placing the vote into the ballot-box. This sytem is used in the other two tiers of government, and it will also apply to local government if this Bill passes. I repeat that anyone going away for a Saturday or Sunday, a weekend or a long weekend, can vote using this simplified method. The Hon. Mr. Foster is overlooking that fact.

The Hon. N. K. FOSTER: As far as I am concerned, every ballot is crook unless a voter palces his own ballot-paper into a sealed ballot-box. Members opposite for many years have accused the trade unions of not doing that. I belong to a trade union whose rules in relation to the conduct of ballots were a tremendous improvement on the Commonwealth Electoral Act. I will not have a bar of any Bill that states that a vote can be placed into the hands of a returning officer. A vote should be placed straight into the ballot-box by the voter; nothing else will suffice.

I now hark back to the Minister's pigheaded attitude and stupidity and the inconvenience that this measure will cause the public. Again, I urge the Minister, and I hope his Leader, the Attorney-General, will also urge him, to consult with his Cabinet colleagues in relation to this matter. If this turns out to be an oversight and the Minister admits that, he will stand much higher than if he persists with this particular day. I will not stop pursuing this matter until the President rules me out of order.

Clause passed.

Clauses 4 to 23 passed.

Clause 24—"Proceedings on day of election."

The Hon. C. M. HILL: I move:

Page 5—

Line 31—leave out "and".

After line 34—Insert word and paragraph as follows:

and

(f) by striking out from paragraph VIII the passage "returning officer, or deputy returning officer" and substituting the passage "presiding officer".

These two amendments simply correct a drafting error.

Amendments carried; clause as amended passed.

Clauses 25 to 35 passed.

Clause 36—"Power to declare general rate."

The Hon. M. B. DAWKINS: I move:

Page 8, line 9—After "amended" insert—

(a) by striking out from subsection (1) the passage ", at any time";

(b) by inserting after subsection (1) the following subsection:

(1*a*) The declaration by the council of a general rate or differential general rates for a financial year shall be made before the thirty-first day of August occurring in that financial year or within such further period as the Minister may allow the council; and

(c)

I pointed out in the second reading stage that, although in the Bill the date was altered to the first Saturday in October, there was nothing in the Bill as it presently stands to prevent an irresponsible council from postponing its declaration of rates and consideration of the budget until after that date. One of the main arguments in regard to the first Saturday in October was that the consideration of the budget and declaration of rates would be undertaken by councillors who had some experience, and not by councillors who had been elected one month before. Therefore, the amendment is necessary. I draw attention to the fact that section 214, which was amended in 1976, provides:

Subject to this section, the council may, at any time declare—

(a) a general rate on property within its area; or

(b) differential general rates . . .

This amendment deletes the words "at any time" and inserts new subsection (1*a*) and provides that differential general rates for a financial year shall be made before 31 August occurring in that financial year or within such further period as the Minister may allow the council. The words "within such further period" allow for some untoward happening that would make it impossible for the council to carry out its consideration before the end of August and allow the Minister to give dispensation if he believes that it is necessary.

I point out that it is possible under these new conditions for a council to consider its rating before the end of the financial year and to deal with that matter immediately after the financial year commences in July. There would be no need for the council to leave this matter until the end of August. According to the Act as it now stands, there is no need for a council to send out its rate notices at the time that it declares a rate. I indicated in the second reading stage that, in cases of difficulty, particularly in regard to country councils, councils have the right to postpone sending out rate notices. The 60-day period commences from the date of sending the notices.

It has been suggested that my amendment is a *de facto* amendment of the Minister, but if the Hon. Mr. Cornwall had listened to my speech, he would know that I explained this matter in some detail in the second reading stage, and at that time I had had no discussions with the Minister. I believe that the Minister has now looked at the amendment and he may view it favourably, but to suggest that it is a *de facto* amendment of the Minister is absolute nonsense. As I said earlier, I have also had discussions with Mr. Hullick, and I reject the assertion made by the Hon. Mr. Cornwall that Mr. Hullick was appalled by my amendment. I discussed this matter with him and with other local government people, and I certainly received no such impression as the Hon. Mr. Cornwall has suggested.

I believe that, if we are going to have elections in early October, this amendment is necessary, because it takes away from some clerks doubts that they have. Some clerks were concerned that, in an irresponsible council (and there are some), consideration of the budget could be put off until the new council had been elected, and, in order that councillors should not be defeated, a council could go into overdraft for three or four months. I believe that that situation would be irresponsible. The amendment covers that position, and the council is not penalised, because it can still send the rate notices out later, if it so desires.

The Hon. J. R. CORNWALL: I am delighted that the Hon. Mr. Dawkins is doing a one-man review job on the back bench. Having said that, I say that there is clearly a real disagreement as to what is the official position of the Local Government Association, which I could say is an amorphous body, because it has 129 councils, and their attitudes can change repeatedly. I am not clear on whether the association's official policy is in favour of or against the amendment or whether the Secretary-General is in favour of or against it.

The Hon. M. B. Dawkins: You said he was appalled.

The Hon. J. R. CORNWALL: I did, and I do not resile from that, but it was our spokesman who had discussions with the Secretary-General. I am not able to contact either the Secretary-General or our spokesman at the moment, and there is obviously confusion. The Hon. Mr. Dawkins is getting to the stage where he could be confused, and I think it is not unreasonable to ask the Minister to report progress so that we can all clarify the position of the Local Government Association.

The Hon. C. M. HILL: I see some merit in the amendment and am prepared to support it. I do not think a great deal of thinking is needed to see a clear position in which a council has to consider its budget and financial position for the forthcoming year, and from 1 July it must set about that task. Within the first two months of that municipal year, it ought to be able to strike its rate, because the rate is the major part of revenue.

If it does not know where it is going with its rate in the first two months, its general approach to financial matters is not good. Ministeral consent can be sought for a council to take longer, but a council should normally be in a position to strike its rate. That is almost part and parcel of having the election in October, because at that stage ratepayers will know the attitudes of councillors regarding the rate. It does not necessitate the early posting of rate notices. That may bring confusion, because some councils believe that rate notices should not go out until late in the year, when the ratepayers are in funds.

The fixing of the rate is one subject which stands alone. The council can then wait for several months, if it wishes, before sending out its notices, the notices then being dated, and the council knows that the ratepayer has 60 days after the date on the notice before payment need be made. It does not change existing practice in council policy towards the actual date for collection of rates. It simply means that the ratepayers in the area and the council know, within the first two months of the municipal year, what rate is struck by the council.

The Hon. J. R. CORNWALL: I am amazed. That is the first time in the entire debate that the Minister has canvassed that line. This was the subject of lengthy debate and, from memory, it was the subject of a conference of managers when there were amendments to the Local Government Act some years ago, when we had the 60-day and 90-day provisions, when the old conservative on the back-bench at the moment was strenuously of the opinion that it should be 90 days.

The Minister knows, and all of his officers in the Local Government Department would have told him, that every day after 31 October costs councils money. They cannot afford, if it can be avoided, to go one day beyond 31 October. That is a fact. The Minister says now, for the first time, that we will make it absolutely mandatory, put it into the Act, put the Boyd Dawkins amendment in, and councils must declare a rate by 31 August. However, they do not have to tell anyone or to send out their rate notices until some ill defined time in the future. This is quite extraordinary.

The Hon. M. B. Dawkins: I made that clear in my speech.

The Hon. J. R. CORNWALL: If you did make that point, it is in character—the *status quo ante*. That is pretty normal for the Hon. Mr. Dawkins. He is having yet another try to go backwards on a matter that was debated at length in the Chamber years ago. By consensus, we arrived at 60 days. Everyone agreed that it costs councils money, because that is normal accounting practice. Now, the Minister says for the first time that councils can send out their rate notices whenever they like, and presumably people can pay whenever they like.

The Hon. C. M. Hill: No, within 60 days from the date of the notice.

The Hon. J. R. CORNWALL: So there is nothing magical any more about 31 October. Council rates can be left on the long finger until November or December, or whenever. That is an even more cogent reason to oppose this quite ridiculous amendment. I have said that I would like progress reported so that we can reach a bipartisan position as to the official attitude of the—

The Hon. M. B. Dawkins interjecting:

The Hon. J. R. CORNWALL: Shut up for a minute, you silly old—

Members interjecting:

The Hon. M. B. DAWKINS: I ask for that to be withdrawn.

The CHAIRMAN: Order! The Hon. Mr. Dawkins has asked for the withdrawal of that remark.

The Hon. J. R. CORNWALL: Which remark—all of the remark or the "silly old fellow" part?

The CHAIRMAN: I was not clear about the last word but, whatever it was, the request is that it be withdrawn.

The Hon. J. R. CORNWALL: He wants me to withdraw the "silly old fellow" remark?

The CHAIRMAN: I do not know how much further back you want to go.

The Hon. J. R. CORNWALL: I will withdraw that.

The Hon. R. C. DeGaris: I thought you said "rabbit".

The Hon. J. R. CORNWALL: No, "fellow". I come back to my earlier point. The hour is late and the Minister of Community Welfare has been looking half dead all night. This is a quite ridiculous amendment. I am saying that purely on the grounds of logic and common sense. We are going to force these people to introduce a budget, and we are going to write it into the Act that they must declare what the position is by 31 August. We are then going to say to them that they can collect it at any old time in the future; there is flexibility about that. But we will tell them that they have to hold their elections on the first Saturday in October. I believe that by inserting this ridiculous amendment we are just getting ourselves into a much bigger bind than is necessary, and I therefore oppose the amendment. I believe we should report progress so that we can reach a bipartisan position on this matter and find out the attitude of the L.G.A. We will then all know better where we stand and it will make for better legislation. That is not an unreasonable request.

Amendment carried; clause as amended passed.

Clauses 37 and 38 passed.

Clause 39—"Expenditure of revenue."

The Hon. K. L. MILNE: I move:

Page 8, lines 23 and 24—leave out paragraph (a) and insert paragraph as follows:

(a) by striking out paragraph (f6) of subsection (1) and substituting the followng paragraph:

(f6) subscribing to, or providing equipment for—

(i) the Royal Life Saving Society; or

(ii) any Surf Life Saving Club within or outside the area that provides directly or indirectly for the needs of the inhabitants of the area;

In explaining this amendment I advise that I am the South Australian President of the Royal Life Saving Society. However, that is not the main reason for the amendment. There is usually confusion in peoples' minds between the Royal Life Saving Society and the Surf Life Saving Association. The Royal Life Saving Society deals with inland waters all over the State and the Surf Life Saving Association deals with life saving on beaches. The Surf Life Saving Association has clubs and the Royal Life Saving Society does not. It works at swimming pools, rivers, lakes and places all over the country.

I believe that the Government should give councils the opportunity to donate to all life saving associations equally, and that is just what the amendment is meant to do. It intends to make sure that councils are doing it for both organisations.

Amendment carried; clause as amended passed.

Clauses 40 to 43 passed.

Clause 44—"Voiding of agreement."

The CHAIRMAN: There is a clerical error in this clause. At page 9, line 42, the word "Government" should read "Governor". I intend making this correction to the Bill.

Clause as amended passed.

Clauses 45 and 46 passed.

Clause 47—"Duty of municipal councils to keep public places clean."

The Hon. J. E. DUNFORD: Has the Minister received a legal opinion in relation to this clause?

The Hon. C. M. HILL: I have discussed the matter fully with my officers, and it has been investigated from every point of view. I still maintain the point of view that I expressed during the second reading debate.

The Hon. J. R. CORNWALL: I do not believe that the Minister answered that question. Obviously, the Hon. Mr. Dunford was referring to a Crown Law opinion. It is obvious from this evening's debate (not only inside the Chamber but also in the corridors), and particularly from the discussions that we have had with many members of the Parliamentary Caucus who happen to be members of the legal profession, that this matter would certainly require some legal clarification. Obviously, the Hon. Mr. Dunford has asked whether the Minister has had a Crown Law opinion on this matter.

The Hon. C. M. HILL: I see no need to seek further opinions than those that I have already sought in relation to this matter. I went into the matter in great detail when I replied. In fact, I referred to it as the most important, and certainly the first, matter in the second reading debate. I say again that the wording of the two sections being deleted is archaic.

The Hon. N. K. Foster: In what way? Read them out.

The Hon. C. M. HILL: The honourable member can read them. If he does, he might gain some enjoyment, in view of some of the wording in the sections.

The Hon. N. K. Foster: That's why I want it read.

The Hon. C. M. HILL: If the honourable member is not capable of reading these sections, I feel sorry for him. Also, the sections that are being struck out involve practices that clearly should not be contrary to law. One of the practices is that a ratepayer is contravening the present law if he takes his own rubbish off his own property.

The Hon. N. K. Foster: Who gave that opinion?

The Hon. C. M. HILL: The honourable member has simply to read the section, the meaning of which is clear. One does not need to go to a lawyer to understand that. Also, it is possible for a ratepayer to demand that a council come on to a property and take rubbish from it, and the Government is trying to dispense with that practice. As that provision should not be in the law, it is being removed.

The Government is inserting in place of those two deleted sections a simple new section which provides that a municipal council shall keep every public place within the municipality clean and free of refuse of any kind. "Public place" is defined as follows—

The Hon. N. K. Foster: We know that. What about the industrial implications?

The CHAIRMAN: Order!

The Hon. C. M. HILL: The industrial implications have nothing to do with this.

The Hon. N. K. Foster: Haven't industrial implications any right in law?

The CHAIRMAN: Order! If the Minister has nothing to add to this matter, and the Opposition does not—

The Hon. N. K. Foster: I've got plenty to say.

The Hon. C. M. HILL: I am trying to stress the point that councils have industrial arrangements with some contractors, and those arrangements will continue. If councils have industrial awards with their employees who are involved in the collection on this rubbish, those awards will also continue. The same rubbish containers will be placed in front of every gate after this Bill becomes law, as has happened in the past, and the same employees will come along. I cannot follow why members opposite have raised the industrial question in relation to this matter.

The Hon. J. E. DUNFORD: I am merely saying that, once we delete sections 542 and 543, the council and the Minister will then rely on section 534, which provides as follows:

> The council may employ or contract with any persons for—
> *(a)* sweeping and cleansing the streets and roads:
> *(b)* removing all refuse therefrom:
> *(c)* removing all refuse from houses and all other premises within the area. . .

I suggest, from my knowledge of the Industrial Commission's workings, that, if the council decided to employ an individual contractor, with no employees (and this could be done for a purpose), the Local Government Association could go to the Industrial Court and say that clause 4 work applied to contractors but did not apply to council employees working under section 534. It would mean that annual leave, annual leave loading, penalty rates, overtime, protective clothing, and all sorts of other benefits would not apply. That is where I see the danger. Has the Minister received Crown Law or any other legal opinion in relation to the implications I have spoken about where the award can be varied, and is the intent there? If he has received no legal advice or Crown Law opinion regarding sections 534, 542 and 543, that is the question I want answered.

The Hon. C. M. HILL: The need for this amendment came from a Crown Law opinion.

The Hon. J. R. Cornwall: Regarding the rubbish?

The Hon. N. K. Foster: On the basis of what councils are doing about rubbish now?

The Hon. C. M. HILL: On the basis of the recommendations of your friend, Mr. Howie, who pointed out that ratepayers were offending if they took any rubbish off their own property, and that the law should be changed. This all went to Crown Law, and this amendment came back from them.

The Hon. J. E. DUNFORD: I see the implications in section 542, which provides:

> The streets, roads, public places, and surface drains within the municipality to be kept at all times properly cleansed, and all refuse to be duly removed therefrom.

That means that I could put out two tonnes of rubbish and, under that section, the council is obliged to remove it. Has the Minister received legal opinion or Crown Law opinion on the industrial implications regarding these provisions? I am not talking about night soil or the removal of rubbish. I am concerned about the welfare of A.W.U. members employed by the council, if this award is amended through the Industrial Court as a result of any legal opinion the Minister might have received in relation to sections 534, 542 and 543.

The Hon. C. M. HILL: I have not sought any Crown Law opinion on the industrial situation, because it is, in my view, entirely irrelevant. I am just as concerned with the A.W.U. employees of councils as is any other honourable member. I cannot see how this will affect the industrial situation whatsoever. As I said earlier, it simply continues the existing practice.

The Hon. G. L. BRUCE: What the Minister is doing with section 542 is putting no stipulations on it. Section 543 has the following addition:

(1) No person other than a person employed by, or contracting, with, the council . . .

If he is not that sort of person, a penalty is imposed. The Minister has removed that provision and added that a council shall keep every public place within the municipality clean and free of refuse, but he has not said how it will be done. Will it be done by voluntary labour, the Jaycees, Lions, or the Red Cross?

Sections 542 and 543 stipulate that they must be employees of the council or a contractor. There is no stipulation at all. If we revert to what the Hon. Mr. Dunford has said, section 532 states "the council may", but the other section states "the council shall". The words in section 543 "no person other than a person employed by, or contracting with, the council" make mandatory that that sort of person must be employed, but section 542, as it now is, does not have that stipulation.

The Hon. C. M. HILL: Is the honourable member trying to tell me that councils are going to employee Jaycees to collect rubbish? Who is going to gain benefit from that? That is what the inference is. Who else does the honourable member suggest a council might retain other than its own employees? Councils will continue as they are now. We are not giving them an expansion of their operation.

The Hon. N. K. Foster: Your hands aren't clean in this matter. You sent the letter out to the councils, mate.

The Hon. C. M. HILL: The councils' activities will be the same in the future as they are at the moment.

The Hon. N. K. FOSTER: During the second reading debate a few hours ago in this very building I quoted from a letter from the secretary of the A.W.U. I want to repeat that, under this clause, this whole matter is clouded because of a direction by way of a letter that the Minister sent to all councils many months ago. The Minister can put that pained, arrogant expression on his face again, but he is up to no good in this matter. He should listen for a minute. Sections 542 and 543 place the responsibility on councils for the removal of rubbish, etc. It is an offence under section 543 for persons or contractors to remove rubbish, etc., unless directed by council. I do not want to go any further with that, but the Minister has enough common sense to know that unions are concerned about this matter and the switches from that section of the Act to the State award provision on which the Minister said he had no Crown law opinion. The Minister has paid no attention whatever to what was mentioned during the second reading debate in this House a few hours ago in respect of the very great concern expressed by officers of the A.W.U., including its Secretary, industrial officer and two organisers, one of whom was present in this building during the course of that discussion. He is not there now, so I have not broken your ruling, Sir!

The CHAIRMAN: It is not my rule; it is your rule as much as mine.

The Hon. N. K. FOSTER: That is right. Under the Local Government Employees South Australian Award, the Minister will find that, from a Local Government Association point of view, they know that, if they were negotiating with the trade union tomorrow in relation to clause 4 of the award, Hullick would agree with you on legal opinion he has that what the union says is a real situation, and one that can derive from the very measures before this Committee, make no error about that. If I was a union official I would bang the drum to pull everybody out on strike tomorrow.

If the Minister wants to tidy up a situation which is not of the union's doing, he should merely delete from the Act those words that he considers to be offensive, such as "dung" and "nightsoil", etc. Let him do that. Let the Minister not use as an excuse the removal of certain words in order to place the union in a situation where it stands challenged as to its rights under clause 4 of the relevant award. Further, if the Minister wishes to provide in the Port Adelaide council area provision (in the vicinity of Evans Street, Rosewater) a sort of mobile dumping unit into which residents can put rubbish over the weekend, and if the A.W.U. provides an overtime shift on the Saturday for this purpose let the Minister move an amendment to the Act to provide that such a practice is no longer illegal, if that is his concern.

At considerable cost to Campbelltown ratepayers at present, a complex is being built just off the Gorge Road west of the Thorndon Park reservoir, and it is stipulated quite clearly that people can deposit there certain types of rubbish, to be taken away to a rubbish dump for destruction following the weekend. As a result of this great service to residents, people do not dump rubbish at a dump gate when the dump itself is closed, and fewer people dump rubbish in roadside bins. However, the Minister says that, as the rubbish is not being collected by a council employee, although members of the A.W.U. are working at that Campbelltown depot at weekends, the position should be legalised, and that under the Act the present set-up may be illegal. If that were the case nobody on this side would disagree with the Minister.

If the Government wants to legalise the Evans Street operation, for example, and the Campbelltown dumping area, surely it involves merely a matter of clear definition and clear understanding that the Government does not intend to provoke an industrial situation in this State. However, it seems hell bent on provoking a union that has set out its position in clear and precise terms for the benefit of members of this House and for the Minister to use for the purpose of this debate. The Government now wants to ignore that approach, and the Minister would not read out the words contained in the Act, because they may be offensive. If the Minister lived in Broken Hill he would not find them offensive.

The Hon. C. M. Hill: I read them out earlier.

The Hon. N. K. FOSTER: I don't give a damn when you read them out. What concerns me is that the Minister is not being honest, and he is completely ignoring the true facts. The Hon. Mr. Dunford, the Hon. Dr. Cornwall, and the Hon. Gordon Bruce, all of whom have some knowledge of industrial matters, have been ignored completely and entirely, just as the A.W.U. has been ignored. As far as I am concerned (and I hope I speak for my colleagues) it is not good enough. Mr. President, I do not care if we have to stay here until 7 o'clock in the morning. The Opposition opposes the clause and will be taking every step that we possibly can in this matter.

The CHAIRMAN: If you want me to stay here until that time of the morning, you will have to address the Chair.

The Hon. N. K. FOSTER: You never said that to the Hon. Mr. Cameron. Let me put in in different words: we should be prepared as an Opposition to stand here and protect the rights of the members of the trade union concerned, using all possible powers that are given to us under Standing Orders to ensure that the Minister has at least some degree of honesty. The Minister should be saying that he will refer this matter to the Crown Law Department, that he will consult with the trade union concerned, and that he will not put at risk the health of people living in metropolitan Adelaide by insisting on an amendment which, on notice given by a particular union, is more than provocative. The Minister's hands are not clean in this matter.

He gave the councils a direction in relation to this

matter before any member of this Chamber knew he was going to introduce this Bill. I cannot put it any stronger than that. The Minister is provoking Alan Begg into calling a meeting of municipal council workers. I remind the Minister—

The Hon. D. H. Laidlaw: Come on, you have said it over and over.

The Hon. N. K. FOSTER: I am going to say it again, too.

The CHAIRMAN: Order! The Hon. Mr. Foster cannot keep repeating himself. The honourable Mr. Foster has had a very good run, but Standing Orders state that he cannot repeat himself.

The Hon. N. K. FOSTER: A meeting of the A.W.U. was held about 12 months ago for municipal council workers which 2 000 members attended to consider a matter such as this. There is no doubt in my mind that the matter about which concern was expressed at that meeting is probably more serious today than it was when that huge meeting was held. I am glad to see that the Minister is now conferring with one of his departmental advisers. Let us hope that some common sense will prevail to ensure that the union is protected and that members on this side of the Chamber are given some respect in relation to this arrangement. Hopefully the Minister will get the parties together and obtain a Crown law opinion.

The Hon. J. E. DUNFORD: I am prepared to accept that there could be a strong possibility that the Minister is unwittingly assisting an employer or a group of employers to do certain things in relation to this award. The Minister has assured us that nothing will happen and that the *status quo* will remain. However, it is not for the Minister to say that; that is a matter for the Industrial Court. With all due respect to employer organisations, which are very well acquainted with the Local Government Act and the Industrial Code, when a union proposes a wage increase they often use Acts of Parliament, such as the Industrial Code, to thwart such a proposal. No matter how legitimate or morally correct that proposal might be, if it is contrary to an Act of Parliament, it will not be allowed. Before I became a member of this Chamber I was a union secretary, and I sat on several conciliation committees. Those committees consisted of three employers on one side, three unionists on the other side (one union official and two rank-and-file members) and an independent Chairman. Conciliation committees dealt with awards, for example, the Local Government Employees Award. If the Federal Transport Award rate was increased by $5, it took some time to flow on to the State award, and in some cases it might take three or four weeks. On receiving the transcript of the court proceedings of that increase, the State union would then apply to the Industrial Court for a hearing of the conciliation committee.

[Midnight]

We would then meet the employers and say "Yes, it has been customary to follow the Federal transport award and we do it *in toto*." I would say "Good, this award applied to the Federal transport industry from 1 April", bearing in mind that we are one month later, which is 1 May, and I would further say, "You believe in following the award, so follow it all the way and grant to employees affected by this conciliation committee, namely, local government employees, the same rates of pay". Then it would be said, "Yes, the rates of pay, but not the date". The reason was that the Industrial Code does not permit the Chairman to apply a retrospective date for an increase in pay further back than the date on which the union made the application. The application could not be made on the day on which the judgment was handed down because we did not know what the award provided.

Every employer representative who sat opposite me in the Industrial Court agreed that I was morally right and that they would like to be able to do it, but they could not, because of an Act of Parliament. I accept that the Minister hopes that the *status quo* will remain and that no-one will be affected. He also said that he hopes that the work done under clause 4 will not be affected.

An application should be made sustaining the workers' application for an award in the Industrial Court, because the Local Government Act has been amended; that will provide the basis of the claim. Of course, contractors with no employees and who do the work themselves could be employed. That would not be hard to organise in the metropolitan area, and it could be said that these sections should be deleted because no employees are under contract. These are the dangers that I have been pointing out for five years. Many of these people will be in bed tonight saying to their wives "I may have to look for another job", because this Bill endangers jobs and security, and so the worry goes on. The Government has a history of handing out jobs to private enterprise: it was elected on that stand and it never hid this issue from the public. Even though the Government was elected to do that, it must understand the concern of the workers who are worrying in their beds and discussing the Bill. I put to the Minister that in the future he may say "I didn't mean the amendment that I moved to have this effect on council employees".

The rubbish collector is a key worker in any industrial dispute. I will go further and say that, if the support of garbage collectors had not been forthcoming in the last industrial dispute, local government employees would not have won the increases that they so justly deserved.

The Hon. J. R. CORNWALL: I move:

That the Chairman report progress and the Committee ask leave to sit again.

The Committee divided on the motion:

Ayes (7)—The Hons. Frank Blevins, G. L. Bruce, J. R. Cornwall (teller), J. E Dunford, N. K. Foster, Anne Levy, and Barbara Wiese.

Noes (8)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie, M. B. Dawkins, K. T. Griffin, C. M. Hill (teller), K. L. Milne, and R. J. Ritson.

Pairs—Ayes—The Hons. B. A. Chatterton, C. W. Creedon, and C. J. Sumner. Noes—The Hons. L. H. Davis, R. C. DeGaris, and D. H. Laidlaw.

Majority of 1 for the Noes.

Motion thus negatived.

The Hon. J. R. CORNWALL: This is causing me very considerable distress as the night moves on. The Minister has been quite pigheaded, and that is the charitable view. It may be that he has been bloody minded, because he has been evasive throughout the debate. My three colleagues who have spoken, particularly the Hon. Mr. Dunford, have had considerable experience in industrial law and have appeared on many occasions in the Industrial Court. The Hon. Mr. Dunford is not only conversant with many of these industrial awards but also was directly involved in having many of them written.

When we take this attitude, we do not do it lightly. We do it because the A.W.U. and its President, Secretary, organisers and advisers are very concerned and upset about this. If the Minister has more than two neurons to rub together in his head, he must realise that we are not taking this lightly. All he is going to do is get himself into a situation of industrial confrontation.

It will be right on the head of the Minister and that of the Government. Let us be clear about that. There is no

point in the Minister's carrying on and saying that he has taken advice from his advisers in general terms. He has admitted that he has not had legal advice or Crown Law opinion. He is prepared to go straight down the line, head on into confrontation with the A.W.U. It does not want confrontation: it wants common sense. We are serving notice on the Minister, while he still has an opportunity to do something about it. I appeal to the Minister to report progress and to take further advice. I want it clearly on record that I did tell the Minister how upset the A.W.U. is about this. Having said that, I remind the Minister that we regard this as a serious matter. We appeal to him, if he has any better nature at all, not to proceed on this ridiculous and unnecessary course.

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

That the question be now put.

The Committee divided on the motion:

Ayes (8)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie, M. B. Dawkins, K. T. Griffin (teller), C. M. Hill, K. L. Milne, and R. J. Ritson.

Noes (7)—The Hons. Frank Blevins, G. L. Bruce, J. R. Cornwall (teller), J. E. Dunford, N. K. Foster, Anne Levy, and Barbara Wiese.

Pairs—Ayes—The Hons. L. H. Davis, R. C. DeGaris, and D. H. Laidlaw. Noes—The Hons. B. A. Chatterton, C. W. Creedon, and C. J. Sumner.

Majority of 1 for the Ayes.

Motion thus carried.

The Committee divided on the clause:

Ayes (8)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie, M. B. Dawkins, K. T. Griffin, C. M. Hill (teller), K. L. Milne, and R. J. Ritson.

Noes (7)—The Hons. Frank Blevins, G. L. Bruce, J. R. Cornwall (teller), J. E. Dunford, N. K. Foster, Anne Levy, and Barbara Wiese.

Pairs—Ayes—The Hons. L. H. Davis, R. C. DeGaris, and D. H. Laidlaw. Noes—The Hons. B. A. Chatterton, C. W. Creedon, and C. J. Sumner.

Majority of 1 for the Ayes.

Clause thus passed.

Remaining clauses (48 to 73) and title passed.

Bill read a third time and passed.

ADJOURNMENT

At 12.20 a.m. the Council adjourned until Thursday 6 November at 2.15 p.m.