LEGISLATIVE COUNCIL

Tuesday 25 November 1980

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

PAPERS TABLED

The following papers were laid on the table:

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

Pursuant to Statute—

Classification of Publications Board—Report, 1979-80.

South Australian Dog Racing Control Board— Report, 1979-80.

Road Traffic Act, 1961-1980—Regulations— Traffic Prohibition (Noarlunga).

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

Pursuant to Statute—

Building Act, 1970-1976—Regulations—Building Application Fees.

Hartley College of Advanced Education—Report, 1979.

Pastoral Act, 1936-1974—Plans for Resumption of Reserve for Camping Ground for Travelling Stock, Section 345, Hundred of Napperby.

Sewerage Act, 1929-1977—Regulations—Fee for Drainage of Exempt Land.

Waterworks Act, 1932-1978—Regulations—Rent for Additional Services.

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

Pursuant to Statute—

Abattoirs Act, 1911-1973—Regulations—Slaughtering Fees.

Planning and Development Act, 1966-1980—Regulations—Interim Development Control—District Council of Penola.

Botanic Gardens Board—Report, 1979-80.

By the Minister of Consumer Affairs (Hon. J. C. Burdett)—

Pursuant to Statute—

Prices Act, 1948-1980—Regulations—Price Labels in Declared Goods.

Builders Licensing Board of South Australia—Report, 1979-80.

MINISTERIAL STATEMENT: ITALIAN EARTHQUAKE

The Hon. K. T. GRIFFIN (Attorney-General): I seek leave to make a statement.

Leave granted.

The Hon. K. T. GRIFFIN: I am certain that all members and all South Australians join the Government in expressing profound sympathy for the victims of earthquake devastation in Southern Italy. As yet the total effect of this calamity is unknown. At least 1 000 people are reported to have died, and thousands more have been injured and rendered homeless. Whole townships have been demolished in this most tragic of natural disasters.

Such tragedy inevitably draws people and nations more closely together in grief and in the common purpose of rebuilding whole communities. That sense of shared sorrow and common purpose is even stronger when the heritage of so many South Australians is inextricably linked to the region and to the people who have suffered.

To all South Australians whose relatives and friends are numbered amongst the victims, we extend our deepest sympathies. We join them in their prayers and in the hope that loved ones, relatives and friends may have been spared.

Already, the Premier has contacted the Italian Ambassador in Australia, His Excellency Signor Angeletti, the President of the Regional Government of Campania, and the Italian Consul in South Australia, Dr. P. Massa, to express the deepest sympathy of all South Australians and to offer our full support in Italy's hour of need. The Prime Minister of Australia and the Italian Ambassador have today announced the establishment of a national relief fund, under their joint patronage, and following consultation with the Italian Consul, Dr. Massa, it has been agreed that the South Australian committee will be under the patronage of the Consul and the Premier.

Membership of that committee will comprise representatives of the Italian community, officers of the Ethnic Affairs Branch, the Commonwealth Department of Immigration, and the Red Cross, together with other representative South Australians anxious to contribute to this urgent cause. Office accommodation and secretarial assistance will be provided by the State Government.

The South Australian Government has launched the South Australian appeal with a donation of $20 000 to the national relief fund, and I now urge all South Australians to donate generously. Finally, the Premier has written today to the Prime Minister requesting that the Immigration Department give special consideration to earthquake victims wishing to join their families in Australia.

The Hon. C. J. SUMNER (Leader of the Opposition) (by leave): I would like to join with the Attorney-General and the South Australian Government in expressing to the people in Italy affected by this earthquake the sympathy of members on this side of the Council. I express our sympathy also to any members of the Italian community in South Australia who have lost relatives or friends as a result of the disaster. It does seem to be a disaster of quite large proportions in an area which is prone to earthquakes. Members will recall some two or three years ago an earthquake in Northern Italy in the Friuli region which caused considerable devastation and for which there was an appeal organised by the South Australian community.

I am pleased to see that a similar initiative has been taken on this occasion, because many of the migrants who have come from Italy to South Australia are from the Campania region, particularly the area around Avellino and other cities east of Naples, so there would be many Italians in South Australia who, no doubt, have been directly affected by this disaster. I would like to add my sympathy to that expressed by the Government and to support the action which has been taken to try to relieve some of the distress caused by this disaster.

QUESTIONS

WOOD CHIPS

The Hon. B. A. CHATTERTON: I seek leave to make a brief explanation before asking a question of the Attorney-General, representing the Premier, about wood chip exports.

Leave granted.

The Hon. B. A. CHATTERTON: On Tuesday 18 November, I asked the Minister of Forests whether Marubeni was involved in the production of forged documents that were sent from Japan in an attempt to

discredit Mr. Dalmia and Punalur Paper Mills in the eyes of the South Australian Government. I also asked the Minister whether, in the light of Marubeni's involvement in bribery and forgery in the United States, he had initiated a police inquiry into the dealings between Marubeni and the South Australian Government, and also whether he had taken any special precautions to ensure that the assessment of proposals for the utilisation of surplus pulp wood from this State was carried out with complete impartiality.

The Minister of Forests made a statement in the Assembly on the following day in which he denied the involvement of Marubeni in negotiations with the South Australian Government, and he did not answer my specific questions. He did say that "the trading house concerned in trial shipment discussions was C. Itoh", but he did not volunteer the information that gave details of the consortium on whose behalf C. Itoh made the proposal. More importantly, the Minister said, "There are no direct negotiations with Marubeni."

When I asked the question last Tuesday, I pointed out that Marubeni had been convicted in a Los Angeles court of racketeering, conspiracy, mail frauds and interstate travel to commit bribery. In addition, Marubeni was deeply involved in the infamous Lockheed bribery scandal in Japan, and two of its senior executives committed suicide rather than face charges.

I now have photostated proof that the Minister misled the Parliament and that his denial is false. I have a copy of a report signed by a "Peter S." sent to the Minister of Forests (referred to as "Dear Ted") and written on Raffles Hotel notepaper in Singapore on 28 February 1980. That report first makes reference to a "mysterious document" and the police investigations that were then being undertaken in regard to Mr. Dalmia to which I referred in my question. "Peter S." then goes on to report to "Dear Ted" as follows:

> I found out that a senior managing director of Marubeni Corporation is in Western Australia. He was in the Pilbara today and will be in Perth tomorrow (Friday). I phoned this through to Adelaide and hope Tony might contact him tomorrow. It would be our best chance of finding out who actually talked with Mr. D. in Tokyo on behalf of Marubeni.

Further confirmation of the Marubeni connection and the intent to sabotage the Indian deal is contained in a minute dated also 28 February and addressed (in Adelaide) to the Minister of Forests and signed on behalf of the Director of Forests. That minute was very obviously dictated before the Director left Adelaide for Singapore via Perth. Had it been done later, it would have properly been signed by the Acting Director. The minute recommends to the Minister the following:

> 1. That deeds, letters of intent, etc., prepared with the assistance of Crown Law yesterday be not signed until we are satisfied that Dalmia is not the author of the "Marubeni" letter.
>
> 2. Tony Cole is the departmental officer responsible for continuing negotiations with Dalmia and investigations into the source of the "Marubeni" letter. As such he should maintain direct contact with you.

That is, of course, the Minister. The minute continues:

> 3. He is authorised to float with Dalmia the idea of cancelling all arrangements so far and seeking offers from selected interested parties including the Japanese, A.P.M., and Dalmia.

I point out that the proposal to negotiate with the Japanese and A.P.M. was being floated while the South Australian Government was contractually bound to supply 3 000 000 tonnes of wood chips to Punalur Paper Mills. In light of this evidence, I ask the Premier to conduct a thorough investigation of the negotiations and the connection between the Minister of Forests, his officers and potential Japanese purchasers of wood chips from this State. I further ask the Premier to demand the resignation of the Minister of Forests when these investigations confirm that the Minister has consistently misled Parliament over this issue.

The Hon. K. T. GRIFFIN: The honourable member should make available the copy documents to which he refers as information upon which we can make some inquiries with a view to supplying appropriate answers. There is no evidence that the Minister of Forests has misled Parliament.

SITTINGS AND BUSINESS

The Hon. M. B. DAWKINS: Can the Attorney-General say what are the probable sittings of the Council for the balance of this calendar year? I am aware that perhaps a firm resumption date for the new year may not yet be available, but the Attorney may be able to give the Council some indication of that date also.

The Hon. K. T. GRIFFIN: Parliament will certainly sit this week and next week. Subject to the progress of business next week, there is a possibility that we will sit in the following week. No final decision has yet been taken on the resumption date in the new year, but it will be some time during February 1981.

PRISON REGULATIONS

The Hon. C. J. SUMNER: I seek leave to make a brief explanation before asking the Attorney-General, representing the Premier, a question about prison regulations.

Leave granted.

The Hon. C. J. SUMNER: There is a report in this morning's newspaper that the Chief Secretary, acting on the Government's behalf, has cancelled certain regulations made under the Prisons Act. This action was taken by the Chief Secretary clearly to thwart action proposed by the prison officers to work to the regulations and comply with them in an attempt to draw to the public's attention the problems of the terms of reference of the Royal Commission into the prisons system.

The Chief Secretary has now cancelled at least three regulations dealing with the separation of prisoners prior to trial, the number of prisoners who may occupy cells, and the separation of juvenile detainees from adult prisoners. I believe that the Government deserves to be condemned for its action in cancelling these prison regulations in an attempt to avoid action by prison officers designed to widen the terms of reference of the Royal Commission. The Government's action on this issue, indeed on the general question of the terms of reference up to the present time (including its attitude last week to the amendments introduced by the Opposition to a Bill dealing with Royal Commission matters), has seriously undermined public confidence in the Royal Commissioner and the inquiry into the prisons system.

It is now clear that the Chief Secretary, Mr. Rodda, at the instigation of the Government, will resort to any means, including overruling prison regulations, to thwart action aimed at ensuring that a proper inquiry is held. The Government is obviously scared of the inquiry that it has set up. The terms of reference of the inquiry do not even cover the question of the regulations and their non-compliance; they should at least be extended to cover that situation. I have put that matter to the Attorney-General

in this Council previously, but he has refused to concede it. The Government has lost control of this situation, and it would not surprise me if some of the parties wanted to boycott the Royal Commission in view of the way they have been treated.

The Hon. K. T. Griffin: That's their problem, isn't it?

The Hon. C. J. SUMNER: It is not their problem. The blame for any action of that kind would lay fairly and squarely with the Government, because of its attitude to this Royal Commission and its terms of reference. Last week I wrote to the Premier and requested that the Government negotiate with the parties with a view to trying to resolve this dispute which, as I have said, has been going on for some weeks and which is seriously undermining public confidence in the Royal Commission. My call last week for negotiations was rejected. I again make the call to the Government to enter into immediate negotiations with the parties appearing before the Commission, with a view to resolving this now long-standing dispute.

My questions to the leader of the Government are: will the Government now immediately commence negotiations with the parties appearing before the Royal Commission with a view to meeting with them, as a matter of urgency, to try to resolve the problems relating to the terms of reference of the Royal Commission and other matters currently in dispute; and, if the Government will not agree to enter into those negotiations, why not?

The Hon. K. T. GRIFFIN: I have said previously that this matter needs to be put into proper perspective. If one cares to reflect on the reason why the Royal Commission was convened in the first place, one will recognise that it was convened because Mr. Duncan (a member of another place) and then the Opposition were making grave allegations about impropriety within prisons and, although the Government convened internal inquiries, that was not sufficient for Mr. Duncan, the Opposition, and the media. As a result, the Government decided that it would establish a Royal Commission that would look specifically at the allegations which were being made publicly, and which were not being substantiated, to ensure that those who said that they had evidence had an opportunity to present it and so that that evidence could be assessed impartially by a Royal Commissioner. The fact is that, although the Government convened the Royal Commission, that is not really good enough for the Opposition, prison officers and prisoners, who now want to move one step ahead and anticipate what may be the decision of the Royal Commissioner.

In Government, we have said consistently and constantly that the appropriate place to consider a widening of the terms of reference is the Royal Commission, and we adhere to that view as the appropriate course of action to follow when one considers that that is the forum in which submissions will be made by counsel representing the various parties that have an interest and it is the forum in which evidence will be called. That is the appropriate forum where the Royal Commissioner can assess all the information presented to him to decide whether or not the terms of reference ought to be widened. The Leader of the Opposition has referred to a variation of regulations. Let me point out what regulation 7 of the prisons regulations states, as follows:

> If either by reason of limited extent of any prison or other cause the entire provisions of the regulations may not be applicable to that prison, the officer in charge thereto shall represent such cause to the Comptroller who may thereupon, with the sanction of the Chief Secretary, authorise the modifications that may appear to be necessary.

The Hon. J. R. Cornwall: Who initiated it?

The Hon. K. T. GRIFFIN: Regulation 7 has been in the prison regulations for decades, and it has been applied by a number of Governments over those past decades, not in a formal way but informally, with the recognition that the regulations may not be able to be applied strictly in any particular prison institution. The previous Government condoned, over 10 years, variations in prison regulations without a specific direction under regulation 7, but the unions are making such a play upon this technicality that the Directors of the correctional services institutions made a request to the Director-General and, with the sanction of the Chief Secretary, regulation 7 was formally invoked.

It has been used informally over many years to ensure that, where the regulations were not strictly applicable, they could be varied. Let me also relate, in reference to the regulations, the point which has been raised in the media, that is, the practice of placing two men in a cell in one or other of the four institutions. This has been done for at least the last 30 years, and it has been made known to all Ministers on their visits to the institutions. Until the Royal Commission, staff had not expressed any great concern about this practice. The Department of Correctional Services produced a proposal some three years ago to enable inmates to be out of their cells some 30 per cent longer than the present practice allows. This suggestion was immediately seized upon as an industrial weapon, and the Australian Government Workers Association placed a ban on evening activities and refused further discussions unless they received a 37½ hour working week and six weeks annual leave. That is the sort of attitude which is being displayed in this dispute. The Royal Commission is being used as a weapon for achieving other things which are unrelated to the whole inquiry into prisons.

The Hon. C. J. Sumner: Why won't you negotiate it?

The PRESIDENT: Order!

The Hon. K. T. GRIFFIN: There has been some statement in the media recently about the lack of staffing. In March 1977, the Department of Correctional Services asked for 36 prison officers for Adelaide and Yatala Gaols. The previous Government refused the request. In the same year the department asked for 21 senior prison officers for all correctional institutions in South Australia. The previous Government refused that request. Again, in 1977 the department asked for a reclassification of 21 prison officers to improve night-time supervision, and that request was refused. The measures not taken by that Government reflect its sad and dismal record—

The Hon. C. M. Hill: And hypocrisy.

The Hon. K. T. GRIFFIN: Yes.

Members interjecting:

The PRESIDENT: Order!

The Hon. N. K. FOSTER: I rise on a point of order. Is it right for the Hon. Mr. Hill to put words like "hypocrisy" into the mouth of the Attorney-General?

The PRESIDENT: I do not uphold the point of order.

The Hon. K. T. GRIFFIN: On 2 October 1979 this Government was requested to increase the staff ceiling of the Department of Correctional Services by six to 551 officers. That increase involved the Probation and Parole Branch. On 22 May 1980 the staff ceiling was increased by a further 21 to 572, and that involved an extra 21 prison officers. On 20 October 1980 the staff ceiling was increased by another 24 to 596, and that extra staff was approved by the Government so that towers could be manned 24 hours a day. There have been an extra five officers approved for the operation of the Dog Squad. So, we have a direct contrast between the actions of this Government and the inaction and hypocrisy of the previous Government. There are many other areas in

which this Government has taken initiatives in relation to buildings and other work within the department and prisons which reflect favourably on this Government and only highlight the hypocrisy and inaction of the previous Government.

The Hon. C. J. Sumner: Why are you afraid to broaden the terms of reference?

The Hon. K. T. GRIFFIN: This Government believes that the terms of reference are adequate and that there is no reason to depart from the procedure which we have constantly and consistently indicated should be followed in this case, and that is to deal through the Royal Commission.

The Hon. N. K. FOSTER: By way of a supplementary question, I ask how many prisoners have escaped since the inception of the Royal Commission and what has been the cost—

The PRESIDENT: Order! I cannot accept that as a supplementary question. If the honourable member wishes to ask a further question, that is another matter.

The Hon. C. J. SUMNER: By way of a supplementary question, I ask whether the Attorney-General will answer my question whether the Government is prepared to enter into negotiations with the parties before the Royal Commission in order to discuss this long-standing dispute about the terms of reference.

The Hon. K. T. GRIFFIN: I have indicated what the proper course is, and that surely answers the Leader's question: the proper forum for examining the terms of reference is the Royal Commission.

NUCLEAR ENERGY

The Hon. J. R. CORNWALL: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister of Mines and Energy, a question on the nuclear industry.

The Hon. J. R. CORNWALL: In the *Sydney Morning Herald* of 28 October there was a lengthy report of an interview with Mr. Justice Fox. The interview was conducted by Bruce Jones, the AAP correspondent in London. Mr. Justice Fox has just completed more than three years as Ambassador at Large for Nuclear Non-Proliferation and Safeguards. Immediately prior to that, he was Chairman of the Ranger Inquiry. Nobody (and I repeat nobody—not even the Hon. Mr. Davis) would dispute that he is one of the best informed people in the world across the whole spectrum of the nuclear fuel cycle. In the interview, Mr. Justice Fox said, *inter alia,* that he agreed that there were problems to be resolved to public satisfaction on waste disposal and spent fuel storage and disposal. The report of the interview continues:

> He said this was a general view and he repeated what he had said before, that unresolved difficulties in these areas in the end might be a limiting factor in the development of nuclear energy. After almost five years of total immersion in the subject—part of that time spent on the exhaustive Ranger environmental inquiry—he has only limited confidence in present international non-proliferation safeguards.

The report later states:

> The conditions Australia imposed on uranium buyers were evidence of the nation's earnestness but in some cases they could be difficult to enforce as time went on, he said. No-one should believe that because the term "safeguards" was used a fully "safe" situation existed.

It continues:

> Mr. Justice Fox does not attempt to minimise the inherent dangers of the nuclear industry. Rather, his approach is to identify realistically and acknowledge the problems and then set about seeing what can be done about them. He is by no means a nuclear hawk, and appears to see himself working not simply for the Australian Government, but for mankind.
>
> He deprecates the treatment of environmental organisations such as Friends of the Earth as fringe or "ratbag" bodies.

Many other parts of the report are of great interest, and I would like the indulgence of honourable members to quote just one more part, as follows:

> Mr. Justice Fox, who intends returning to Canberra to take up duties as a Federal Court judge early next year, feels that the Australian public should be better informed about the proliferation problem and what is being done about it.

Last weekend, the Minister of Mines and Energy returned from a seven-week overseas study tour of the nuclear industry, not only while—

The Hon. Anne Levy: While Parliament was sitting.

The Hon. J. R. CORNWALL: Not only that: he studied this matter for seven weeks, as against the five years that Mr. Justice Fox spent studying the area. The Minister was even more outspoken and enthusiastic than ever about exporting uranium. To a great number of people in the community, he is frighteningly bullish in his opinions that all of the dangers have been resolved.

Indeed, in an interview on a commercial television station on Sunday night, Mr. Goldsworthy said he would defy anybody to undertake the same trip and draw any other conclusions. After 13 months as a member of the Select Committee on Uranium Resources I believe that I am at least as well qualified as the Minister to assess the position of the nuclear industry. Further, with my general scientific background and qualifications I believe that I am quite well qualified to take up that challenge. Accordingly, I am prepared to accept the Minister's challenge. Indeed, at this very moment, I am organising my vaccinations and I have my wife at home ironing my shirts in preparation for the trip. I am prepared to go at very short notice. I therefore ask: how soon can the Minister make finance and facilities available to me to undertake such a trip?

The Hon. K. T. GRIFFIN: I need not refer that question to the Minister. I can say here and now that finance will not be made available to the Hon. Mr. Cornwall.

SHOP-LIFTING

The Hon. C. W. CREEDON: I seek leave to make a brief explanation before asking a question of the Attorney-General about shop-lifting.

Leave granted.

The Hon. C. W. CREEDON: Shop-lifting, and young people in trouble, are subjects that constantly receive unnecessary and often the wrong kind of attention. In the near future, we will find that there are thousands of young school-children on holidays, many of them at a loose end not knowing what to do with themselves. Curiosity brings them into shops and, because of the lack of obvious shop supervision (and I stress the word "obvious"), many of these youngsters will be tempted to, and will in fact, pick up goods and walk out of the shop with them. Some will be caught and some prosecuted.

I know that the trading methods of stores are encouraging to thieves and rogues, making scapegoats out of the young and immature, the absent-minded and the sick. There will also be some people who want to break the law by shop-lifting, trusting that their skill will save them from being noticed. I believe that tighter control should be exercised on self-service stores and supermarkets in order to force them to take action to police their shop displays. How many shop-lifting charges have been successful

during the past financial year? How many of those charges were against: (1) the young; (2) the absent-minded; and (3) the sick? Is the Government considering action to make traders more effectively police goods on display?

The Hon. K. T. GRIFFIN: I will have my officers research the first and second questions, which require answers of a statistical nature. With respect to the third question, the Government does not have any proposals to compel shopkeepers to more effectively (if that is necessary) police goods on display. I would be interested to hear from the honourable member what sorts of control he would suggest ought to be considered.

POLICE BEHAVIOUR

The Hon. FRANK BLEVINS: Has the Minister of Local Government an answer to my question of 4 November relating to police behaviour?

The Hon. C. M. HILL: The legal advice given in the recent edition of the Royal Automobile Association's magazine *South Australian Motor* is basically correct. However, in the lead up to the three questions asked by the Hon. Mr. Blevins, the impression given is that the questioning procedures followed by police in reporting traffic breaches are unnecessarily time-consuming and irrelevant to the reporting of offences, whereas, in point of fact, they have been specifically designed to minimise time wastage. In the type of situation, for example, in which the offender "Tom" is reported to have been involved, the time occupied would have been little more than two minutes. It is not generally standard procedure for police members to inform traffic violators of their legal rights, nor, indeed, is it seen as a function of police to act in what is in effect a legal advisory capacity.

The current practice has been in vogue for some 40 years and has stood the test of time without serious challenge. The line of questioning adopted is calculated as much to serve the interest of the public as that of the prosecution. For example, it is essential that sufficient detail is obtained by police to establish the true identity of a traffic offender in order to eliminate all possibility of implicating an innocent party at any later date. In dealing with young offenders, the date of birth has additional significance in determining the proper jurisdiction in which any subsequent proceedings are to be heard.

Furthermore, the practice of informing offenders of the particulars of the offence alleged to have been committed and at the same time inviting comment has a two-fold effect. It gives them the opportunity to present an explanation which can later be taken into account by the court, and, more importantly from the offender's point of view, the explanation may influence the reporting police officer to exercise his discretion to administer an "on the spot" caution in preference to submitting an official traffic breach report. It is submitted that implementation of instructions to police such as proposed by the Hon. Mr. Blevins would inevitably lead to a less satisfactory situation, both from the public and police viewpoint, than currently prevails.

CORPORAL PUNISHMENT

The Hon. ANNE LEVY: Has the Minister of Local Government an answer to my question of 4 November relating to corporal punishment?

The Hon. C. M. HILL: The regulation governing the use of corporal punishment is regulation 123 (3) which states:

> In addition to any sanction which may be imposed on a student in accordance with school policy, teachers may detain children during the luncheon interval or after school hours. The principal or head teacher or any teacher to whom either may delegate such authority may impose corporal punishment. The said detention and the imposition of corporal punishment shall be governed by such conditions as the Minister may determine.

The honourable member will observe that the details of the matter are to be considered in any conditions or guidelines which the Minister of Education may determine from time to time. The regulations were at no stage withdrawn. Point 6 is the relevant section of the new guidelines which were introduced and then withdrawn.

The Hon. Anne Levy: Does point 6 apply now or not? I have already asked twice.

The Hon. C. M. HILL: The honourable member will have to ask a supplementary question.

NON-GOVERNMENT SCHOOLS

The Hon. ANNE LEVY: Has the Minister of Local Government a reply to my question of 5 November relating to non-government schools?

The Hon. C. M. HILL: The grants to non-government schools for 1980 have already been determined and paid. The allocation of funds is constantly under review, and the Minister of Education will consider advice from various sources before the 1981 allocation of funds is determined.

CORPORAL PUNISHMENT

The Hon. ANNE LEVY: I wish to ask a supplementary question. I still am not sure, although I have asked the Minister twice, whether regulation 123 (3), point 6, applies at the moment or not. Point (6) says that, if parents request that corporal punishment not be applied to their children, then it is not to be applied by the school, although other means of discipline can be used. That point was part of the guidelines which were issued regarding corporal punishment and then withdrawn; so, they do not stand as part of the guidelines. I still have not obtained a clear answer "Yes" or "No" about whether point (6) of regulation 123 (3) currently applies.

The Hon. C. M. HILL: I shall be only too pleased to seek clarification for the honourable member and bring down a reply.

TEACHER TRANSFERS

The Hon. G. L. BRUCE: Has the Minister of Local Government a reply to the question I asked on 5 November about teacher transfers?

The Hon. C. M. HILL: The Education Department did indicate that it was proposed to insist that a number of seniors who had been identified by known criteria would be asked to undertake service in country schools. As a result of discussions between the Minister of Education and the President of the South Australian Institute of Teachers, a new strategy is under consideration to ensure more equitable service by all teachers in country schools. Action to compulsorily relocate secondary seniors has been deferred for two weeks to allow negotiations to continue.

HOUSING TRUST OFFICER

The Hon. N. K. FOSTER: I seek leave to make a brief statement before asking the Minister of Local Government a question about a Housing Trust officer.

Leave granted.

The Hon. N. K. FOSTER: I wish to quote to the Council a reply received from the Hon. D. C. Brown, Minister of Industrial Affairs and Minister of Public Works. The Minister states:

> Dear Mr. Foster,
>
> Thank you for your letter of 7 November 1980 concerning Mr. T. McLaughlan. I have had the matters referred to in your letter examined and have been informed that Mr. McLaughlan is not a member of any constituted committee "examining apprenticeship in the horticulture area". In fact, no such committee has yet been established. Mr. McLaughlan, as a representative of the Housing Trust (and together with other representatives of the industry—employer, trade union and professional) has previously attended meetings called by the Apprenticeship Commission for discussion and consultation concerning a proposal that an apprenticeship trade be established in the horticultural area.
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> Recently the Government approved the trade of Gardener/Greenkeeper being proclaimed as an apprenticeship trade. You may be aware that once a trade has been proclaimed it is necessary to constitute an advisory trade committee to assist the Apprenticeship Commission in such matters as content of the training curriculum and other regulatory matters concerning the new trade. The present Acting Chairman of the Apprenticeship Commission has indicated to me that he called a meeting on 4 November 1980 of representatives who had over the years been involved in discussions which led to the recent proclamation of Gardener/Greenkeeper. The meeting referred to decided that nominations to the advisory trade committee be sought from two trade unions and four employer bodies.
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> I point out that the Housing Trust was not included amongst those from whom nominations are to be sought. The Housing Trust was invited to send a representative to the meeting of 4 November but I have been told that no such representative attended.

I draw the attention of the Council to the paragraph in regard to Mr. Tom McLaughlan, and I highlight the fact that the reply says that Mr. McLaughlan has never held a position of which I was informed in this Council. On page 1843 of *Hansard* of 6 November, the Minister stated:

> I understand that he currently lectures at the Australian Institute of Management and is closely involved as a member of a committee examining apprenticeships in the horticulture area.

I had written a number of letters to several Ministers in response to the Minister's reply, as the Minister of Local Government knows, and I was shocked today to learn that the Hon. Mr. Hill had grossly misrepresented this person who, according to the Hon. Mr. Brown, was never a member of the committee examining apprenticeships in the horticulture area. Will the Minister have a discussion with his colleague so that I can be correctly and properly informed on this aspect of the inquiry?

The Hon. C. M. HILL: Last week the honourable member asked a question on this matter and in his explanation he indicated that he was satisfied to let the whole matter rest until the inquiry I had initiated was completed. I think from memory I said then that the inquiry was expected to be finished by 8 December. However, the honourable member still pursues the matter unexpectedly this week. The information which I gave and which I indicated I understood to be fact (I stress "understood"), was given to me by the General Manager of the Housing Trust. In view of the matter that the Hon. Mr. Foster has raised, I shall be quite happy to look at the reply he has quoted from my Ministerial colleague in another place and, if there are any minor discrepancies, I shall be happy to straighten them out.

The Hon. N. K. FOSTER: I repeat what I said last week in regard to the other matters concerning this person and the inquiry in regard to the trust. I do not expect a reply until 8 December, but on this point I was concerned when I got such a letter.

STATE THEATRE COMPANY

The Hon. C. J. SUMNER: I seek leave to make a brief explanation before asking the Minister of Arts a question in regard to the State Theatre Company.

Leave granted.

The Hon. C. J. SUMNER: The Council and the Minister will be aware that the Director of the Old Vic Theatre in London (Mr. Timothy West) invited the State Theatre Company to perform the play *The Man from Mukinupin* in London, and that the request was widely regarded as a rare and major honour for a non-British company. I understand that the invitation was made in July and at that time the Minister welcomed the invitation and said that it reflected a growing recognition of Australian talent and the standard of the State Theatre Company ensemble. That was a comment from the *Advertiser* of the Minister's welcoming of this invitation, but it appears that the Government is not willing to back up its complimentary remarks about the State Theatre Company with financial support, because I understand from a press report some days ago that a request for financial assistance to enable this visit to be undertaken by the State Theatre Company was made to the South Australian Government and to the Australia Council. I further understand that the request for assistance was refused by the State Government and that this refusal or lack of financial support has led to a cancellation of the proposed tour. I should add that this is the first overseas invitation that the company has received. The Government has talked a lot about backing South Australia, but here is an example where concrete support could be given to a South Australian company performing overseas, and it has been refused.

The Hon. B. A. Chatterton: The Minister is backing away.

The Hon. C. J. SUMNER: It seems that the Minister is backing away from his previous support for the trip to London to perform at the Old Vic. Did the State Government refuse the application by the State Theatre Company for financial assistance to take the Dorothy Hewett play *The Man from Mukinupin* to London to perform at the Old Vic? If so, why was this request refused, in view of the Minister's indication of support for the invitation when it was made last July?

The Hon. C. M. HILL: It is very regrettable that for financial reasons the proposed trip to London by the State Theatre Company cannot eventuate. I point out to the Leader that, whereas actual payments to the State Theatre Company for 1979-80 were $972 900, proposed payments to the State Theatre Company for the current year 1980-81 are $977 000. Despite the fact that we are working under some constraints in the best interests of the economy of this State, we have made a modest increase in the allocation to the State Theatre Company.

The Hon. C. J. Sumner: Not in real terms.

The Hon. C. M. HILL: We have made a modest increase in the amount of money allocated this year, and I highlight the amount involved: $977 000 of the people's

money went to the State Theatre Company. I believe that that amount of money will be looked upon by the people of South Australia as most generous funding for this drama company. I have a very high regard for the company and for its early establishment and history. I am very pleased that the Government has sustained that extent of funding, which is now approaching $1 000 000.

The amount of funding required for the trip to London was $28 000. An application was made to the Theatre Board of the Australia Council for $14 000, and the company sought a further $14 000 from my department. In view of the fact that we had appropriated $977 000, I was of the view that the company ought to be able to make some adjustments in its budget for a purpose such as this (performing in London) and could have found its $14 000 from its annual allocation of $977 000. Whilst this was being considered, the Theatre Board of the Australia Council advised that it could not see its way clear to match the $14 000. In its wisdom it was unable to allocate $14 000. Unfortunately, as a result, the tour cannot proceed at this time. I point out to the Leader—

The Hon. C. J. Sumner: Sabotage!

The Hon. C. M. HILL: That is quite a ridiculous interjection. I point out to the Leader that the invitation remains open from London and it is my hope—

The Hon. Anne Levy: The production has been disbanded.

The Hon. C. M. HILL: The production of that particular play can be put together at any time; that is, if the company desires to produce that specific play in London. The company was not invited to London to produce that specific play. I understand that the play to be performed was left to the company's choice. I hope that in its budget next year the State Theatre Company will bear this invitation in mind and will arrange its budgeting in such a way that it will have a little money put aside so that the same unfortunate financial situation will not arise in the future, as has been the case on this occasion.

MENTAL HEALTH ACT

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

1. Will the Minister state how many persons have been detained under the provisions of Division II of Part III of the Mental Health Act, 1976-1979, for each consecutive six-monthly period since the start of its operation?

2. *(a)* Will the Minister state how many persons have been placed under the guardianship of the Guardianship Board, whether in approved hospitals or not, for each consecutive six-monthly period since the start of its operations?

(b) How many of the persons placed in guardianship during each consecutive six-monthly period were—

(i) mentally ill;

(ii) mentally retarded?

3. *(a)* How many of the persons detained under Division II of Part III of the Act appealed to the Mental Health Review Tribunal against their detention?

(b) How many of the persons mentioned in question 3 *(a)* were released from detention—

(i) before a tribunal hearing;

(ii) after a tribunal hearing?

4. *(a)* Similarly, how many mentally ill persons under the guardianship of the Guardianship Board appealed to the Mental Health Review Tribunal?

(b) How many of the persons mentioned in question 4 *(a)* were released from guardianship—

(i) before a tribunal hearing;

(ii) after a tribunal hearing?

5. For each consecutive six-monthly period of its operation, how many times did the Guardianship Board use the powers of section 27 *(d)* of the Mental Health Act to order persons to receive—

(a) psychosurgery;

(b) electro-convulsive therapy;

(c) surgical procedures requiring a general anaesthetic?

6. For each consecutive six-monthly period since the start of the operation of the Act, how many persons have received—

(a) psychosurgery;

(b) electro-convulsive therapy under the provisions of section 19?

The Hon. J. C. BURDETT: At the present time it is not possible to reply to the question in the form in which it has been asked. However, information for the period 1 October 1979 to 30 June 1980 which is currently being collated for the Mental Health Services Annual Report, has been used to provide the following information:

1. The number of persons admitted and detained during the period 1 October 1979 to 30 June 1980 in approved hospitals:

Royal Adelaide Hospital—237 admissions, 14 detained under section 14.

Flinders Medical Centre—249 admissions, 10 detained under section 14.

The Queen Elizabeth Hospital—599 admissions, 21 detained under section 14.

Glenside Hospital—1 481 admissions, 489 detained under section 14.

Hillcrest Hospital—1 888 admissions, 518 detained under section 14.

2. *(a)* The number of persons placed under the guardianship of the Guardianship board for the period 1 October 1979 to 30 June 1980—78.

(b) Persons placed under guardianship who were:

(i) Mentally ill—57

(ii) Mentally retarded—21.

3. *(a)* The number of persons who appealed against detention to the Mental Health Review Tribunal—32.

(b) The number of persons released from detention:

(i) Before a tribunal hearing—12

(ii) After a tribunal hearing—5.

4. *(a)* The number of persons under the guardianship of the Guardianship Board who appealed to the Mental Health Review Tribunal—3.

(b) The number of persons under the guardianship of the Guardianship Board who were released from guardianship:

(i) Before a tribunal hearing—Nil

(ii) After a tribunal hearing—2.

5. For the period 1 October 1979 to 30 June 1980 the number of persons who under section 27 *(d)* of the Mental Health Act receiving:

(a) Psychosurgery—Nil

(b) Electro-convulsive therapy—Nil

(c) Surgical procedures requiring a general anaesthetic—Nil

6. The number of persons who for the period 1 October 1979 to 30 June 1980 received:

(a) psychosurgery—Nil

(b) electro-convulsive therapy under the provisions of section 19—this information is not readily available in the format requested as separate records in relation to electro-convulsive therapy are not kept.

During the period 1 October 1979 to 17 September 1980 approximately 1 240 treatments with electro-convulsive

therapy were carried out. This relates to treatments and not to numbers of patients receiving treatments. This information was extracted from individual case notes to provide a reply to a previous question asked by the member for Elizabeth. Extracting this information required an inspection of the medical records of all patients admitted and proved to be a time-consuming task for hospital staff. To obtain this information in a differing format and for a different period would require releasing hospital staff from other essential duties to repeat this time-consuming exercise.

RELIGIOUS EDUCATION

The Hon. ANNE LEVY (on notice) asked the Minister of Local Government:

1. In how many schools (primary, secondary, and area schools) is the subject of Religious Education being taught in 1980, and which are they?

2. In each of these schools, which years of students are taking the subject of Religious Education, and approximately how many students are in these classes?

3. In how many schools (primary, secondary, and area schools) is the subject of Religious Education expected to be taught in 1981, and which are they?

4. How many teachers in the Education Department have been specially trained (either pre-service or in-service) to teach the subject of Religious Education?

5. Are any teachers teaching the subject of Religious Education who have not had either pre-service or in-service training for this subject and, if so, how many?

The Hon. C. M. HILL: I regret that I have not received a reply from my colleague to this question, nor to Question on Notice No. 3. I recall that last week I indicated that I would make every endeavour to obtain that reply; I have done that, but I still have not succeeded. I respectfully ask the honourable member to please place her question on notice for 2 December.

COMMUNITY AID ABROAD

The Hon. Frank Blevins, for the **Hon. C. W. CREEDON** (on notice) asked the Minister of Local Government: In view of the fact that Community Aid Abroad has stated, through its Director, that it has now turned its attention to Australian Aborigines because "State Governments are not delivering the goods":

1. Is the State Government financially involved with C.A.A. funding of any projects in connection with South Australian Aborigines?

2. If so, what proportion of State Government funding constitutes the total cost of the particular projects?

3. Is the Government aware of C.A.A. funding in any other projects involving South Australian Aborigines, and, if so, what are the particular projects?

The Hon. C. M. HILL: I ask the honourable member whether he would place this question on notice for 2 December.

COUNTRY FIRES ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

The provisions of the Country Fires Act, 1976, have now been in effect for some 15 months and in general have met the requirements for effective prevention and control of fires outside declared South Australian Fire Brigade areas. The legislation embraces many of the principles of the repealed Bushfires Act, notably the vesting of authority in local fire control officers or fire party leaders; and, while this has proved workable in the case of small to medium bush fires, the large outbreaks which occurred last summer clearly demonstrated that confusion and lack of overall control arise when a fire assumes major proportions or otherwise demands the calling in of additional equipment and manpower.

This was particularly apparent on Ash Wednesday, 20 February 1980, when four council district supervisors were involved in fire-fighting operations. These officers and the forces under their management worked hard and, in instances, heroically, but it was not until a co-ordinated plan of attack was organised by the Director of Country Fire Services that overall control of the situation emerged.

The principal feature of the proposed amendments is the vesting in the Director of Country Fire Services, of the power to assume tactical command over large-scale or difficult fire-suppression operations. However, it is emphasised that these in no way will undermine the authority of district fire control officers, including those in charge of Government reserves, under circumstances where fires are contained within the gazetted areas of such personnel and can be handled effectively by local resources. The Bill has the support of the National Parks and Wildlife Service and the Woods and Forests Department.

The Bill contains a number of minor consequential amendments and other provisions including the supply of certain advisory services by the Country Fire Services Board and greater flexibility in the altering of the "prescribed day" for cessation of the fire danger period. Certain amendments to the Fire Brigades Act presently before the House will ensure there is a clear chain of command where a fire spreads beyond the boundaries of either the C.F.S. or the South Australian Fire Brigade or otherwise involves the two services.

In particular, these proposals stipulate that, with the exception of the Adelaide Fire Brigade District or other major centres of population, the Director of Country Fire Services is to retain ultimate control of fire fighting operations in such cases. Similarly, if a Fire Brigade unit attends a fire outside a fire brigade district, the commanding officer is to inform the Director of his actions and the disposition of the fire. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal. Clause 3 replaces section 16 of the principal Act, which sets out the functions of the board. Subclauses (2) and (3) are the existing provisions of section 16: subclauses (1) and (4) are new. Subclause (1) enables the board to carry out the necessary functions of providing a centre for information relating to fire fighting and weather conditions, monitoring bush fires and co-ordinating and assisting in the organisation of fire fighting. Subclause (4) enables the board to provide local councils and others with information as to fire-fighting methods.

Clause 4 amends section 28 of the principal Act. It is intended by the Government that a proclamation bringing the section into force will be made soon. The amendment made by this clause will include the Minister administering the Fire Brigades Act, 1936-1976, amongst the authorities which the Fire-fighting Advisory Committee must advise.

Clause 5 amends section 32 of the principal Act. The contribution required of insurers under the Fire Brigades Act, 1936-1976, to the South Australian Fire Brigades Board is based on the premium income for each year from 1 April to 31 March. This clause brings the calculation of contributions to be made by insurers under the principal Act onto the same basis and will mean that the same figures can be used for the calculation of contributions under both Acts.

Clause 6 amends section 39 of the principal Act. Subclause *(a)* makes minor drafting changes to paragraph *(b)* of subsection (2). Subclause *(b)* replaces subsection (5) with a provision that will enable the board to vary the prescribed day.

Clause 7 amends section 52 of the principal Act. Subclause *(a)* makes an amendment consequential on the provisions inserted by subclause *(b)*. Subclause *(b)* adds subsections (7), (8), (9) and (10) to section 52. Subsections (7) and (8) will give the Director or his delegate power to take control of a fire. Subsection (9) ensures that a person to whom the Director delegates his power under subsection (7) is to be a responsible person where the fire is on a Government reserve.

The Hon. B. A. CHATTERTON secured the adjournment of the debate.

KENSINGTON GARDENS RESERVE BILL

The Hon. C. M. HILL (Minister of Local Government) brought up the report of the Select Committee, together with minutes of proceedings and evidence.

Ordered that report be printed.

In Committee.

Clause 1—"Short title."

The Hon. C. M. HILL: I should point out to the Committee that the Select Committee recommended in its report that the Bill be passed without amendment.

Clause passed.

Remaining clauses (2 and 3) and title passed.

Bill read a third time and passed.

MONARTO LEGISLATION REPEAL BILL

Adjourned debate on second reading.

(Continued from 20 November. Page 2084.)

The Hon. N. K. FOSTER: I deplore, in many respects, the fact that the Bill is before the Council in its present form, and I do that for a number of reasons. I realise, as most other members of the Council do (indeed, as any thinking politician would realise), that it is a simple matter for a person to declare himself on a number of issues at an election and, if the person's Party is successful, to say that the Party has a mandate to do this or that. Most matters on which Governments legislate clearly are not brought to the fore and given great airing during an election campaign. Many of the matters that are given great airing are given that airing by people who are then in Opposition and do not believe that they will have to take action.

The Hon. Mr. Cameron has been bleating, moaning and groaning about Monarto for years as though it was a terrible calamity from which we would never recover. Governments of all political persuasion can have volumes written about them in regard to promises not kept and schemes on which money has been wasted or which have not come to fruition. That is especially so with Governments based on government in the Westminster system. I can recall an African nut scheme in the early post-war years that consumed billions and billions of dollars of the British taxpayers' money.

The Hon. B. A. Chatterton: The ground nuts scheme.

The Hon. N. K. FOSTER: Yes, I thank the Hon. Mr. Chatterton for that. One could go on and mention the Vietnam war, into which the Liberal Party in Australia quite falsely projected the Australian people by way of ballot, which was a great mistake. Not only did they squander vast sums of money but people like Mr. Cameron committed people to death.

The Hon. C. M. Hill: What has that got to do with Monarto?

The Hon. N. K. FOSTER: At page 2083 of *Hansard* the Hon. Mr. Burdett gave reasons for introducing this Bill and, in effect, said this project was stupid and outlandish and was never a goer. The reasons given were quite false. For the Hon. Mr. Hill's benefit, I wish to say that all Governments can be accused of starting such projects. Professor Borrie was responsible for a report prepared for the Gorton Government in 1970 projecting the population growth not only in Australia but also in most of our cities, and taking migration figures also into account. All the figures pointed to the fact that something had to be done to ensure that sufficient areas were set aside for future population increases.

Adelaide is somewhat unique because of its geographical position on the Adelaide Plains and its limitation in expanding to the North, because of the artesian basin there, serving a large area used in agricultural pursuits. It is different from Sydney, which is able to expand across that vast area to the west. A great deal of criticism was levelled at the then Dunstan Government when it put forward the idea that Monarto could be accelerated and given an initial growth factor by the transferring of certain Public Service departments to that area. The Liberals got amongst public servants in Victoria Square and said, "They are going to shanghai you into Monarto." They forgot that Canberra started on the same basis.

The population in Canberra was only about 12 000 in 1950. One could shoot a cannon through there and not hurt anyone. When public servants were moved into Canberra the growth factor commenced. From memory, about 50 per cent of the population in Canberra were public servants up to the middle of the 1960's. It was then that the population became so great and the growth factor was moving away from the public sector. I would think that the population of Canberra and its surrounding areas now contains about 40 per cent of public servants. Right alongside Canberra is the New South Wales town of Queanbeyan, which has the highest growth rate of any New South Wales town, although I doubt whether that is still the case.

The Hon. J. C. Burdett: It isn't.

The Hon. N. K. FOSTER: I believe that the Hon. Mr. Burdett could be correct. Monarto is not 1 000 miles from Adelaide by rail. It is as quick to get to Monarto on the freeway as it is to go from Adelaide to Outer Harbor on the bus service. The idea of Monarto was welcomed by the Chamber of Commerce in Murray Bridge, and indeed by everyone in Murray Bridge. It was an area of land procured for the purpose of housing so as to reduce the too rapid growth which unfortunately was continuing in the richest agricultural area of the State, namely, the Adelaide Hills. It is not dissimilar to the thinking of the Playford Government when it set up the satellite town of Elizabeth to preserve some of the market-gardening areas on the outskirts of the city. However, those areas have gone, never to return. It is a great pity that we see hobby farming exploding in the Adelaide Hills, as the Piccadilly Valley is

virtually the only area left where vegetable growing and other agricultural pursuits are followed.

I want to defend the position on Monarto on the basis that that scheme was the victim of a world-wide slump in the early 1970's, and of a falling away in the growth factor, which is still with us and which the Western democratic world has been unable to do anything about for a decade or more. If the population growth of this State as projected by Professor Borrie in early 1970 had actually come about there would be people living in Monarto now, I would think in ever-increasing numbers; there is no doubt about that.

I read only last week a statement by the Commonwealth Minister concerned that the population growth in Australia is showing a rapid increase and will continue to do so from now on. We all know that the population growth dropped to virtually zero in South Australia. That was brought about by social policies and by the fact that women had decided, conscientiously and correctly, as is their right, to limit the size of their family or to have no family at all. This has affected the population growth. It is not good enough for the Hon. Mr. Burdett to reflect on the people who commenced the grand scheme of Monarto. I can remember when that scheme was applauded by Governments of both political persuasions in Canberra. I can remember when Monarto was the subject of a great display in Kings Hall, in Canberra, for about three weeks, attracting much publicity and criticism.

Monarto became the victim of population and economic downturn and a falling-off in migration. There was a complete failure in our ability to correct the situation caused by mechanisation and, later, automation and technology in employment. If people do not have money to spend they cannot buy blocks of land, houses, furniture, motor cars and other consumer goods, and that had a real effect on Monarto. No yelling is necessary from Government members about winding Monarto down because it creates a debt burden for the State. I object to the Government's false criticism of Monarto. Government members get up in this place and go crook about Monarto. Perhaps they should do the same about Sir Arthur Rymill and the F.C.A. debacle. F.C.A. was a debt burden that its parent body, the Bank of Adelaide, could not carry. Perhaps Government members should be going on about the friends of Malcolm Fraser who failed in Victoria. But I do not want to do that.

The Hon. C. M. Hill: Not much you don't.

The Hon. N. K. FOSTER: I could name the companies involved, but I will not, because they were victims of the system, as Monarto was. I urge the Government not to throw away, with this Bill, everything connected with Monarto. We should consider retaining the reafforested areas of Monarto. The Government should not sell off those hundreds of acres of scrub that have been developed and planted. It should not sell the nursery at Murray Bridge which was started by the Monarto commission in conjunction with the Woods and Forests Department. Those reafforested areas will provide a buffer zone between the existing eastern boundary of Monarto and the fast-developing area of Murray Bridge. I urge the Government to take my warning not to allow the area to be swallowed up but to keep it as a buffer zone. It should not cut up the reafforested areas because the bird life is returning and the whole area in general is returning to what it used to be. I may not be here in 10 or 15 years, nor may some honourable members opposite, but if this area is left it will be there for our children.

If an area is needed in future for zoology projects, this could well be the area used. South of the Monarto railway station towards Langhorne Creek, in the Hartley area, and beyond the Hartley area not quite to the river, the country is poor and should not be disturbed any more than it is being disturbed at the moment. The tree-planting programme undertaken at Monarto has been immense, and I suggest to Government members, especially the Hon. Mr. Burdett, that perhaps it would not be asking too much if members of this Council who have not visited that area could be taken there in a tourist bus so that they might acquaint themselves at first hand with the Monarto area.

The vast areas of trees planted are assets to the area and should be maintained, and the nursery should be kept. The buffer zone is really important. There should not, for any reason whatsoever, be a Crown land type of mentality applied to Monarto through this Bill. A stock-grazing permit should not be granted for any area which it is considered, in the best interest of the ecology of the area, should be preserved. That portion of land which has not been farmed for a number of years has gone back to somewhere near what it was before western civilisation appeared in this country. There should be no grazing at all on that land. Also, there should be an audit of all the buildings in that area, particularly those of historical significance.

An inventory should be made up and a proper evaluation should be undertaken by the heritage unit. The unit could take a prominent and proper role in this matter. The unit should undertake a careful examination, inspection and costing of any areas or buildings that should be rebuilt or refurbished, having regard to economics and any future historical purpose, and no building should be knocked down before such an investigation by the unit is undertaken. I will deal more closely with the appropriate clauses in Committee, but the Government has a Party meeting tomorrow and, if by chance I have referred to matters to which the Government has not given sufficient thought, because it has been dealing with such matters on the basis of cold Parliamentary draftsmanship and facts, then I implore the Government to consider what has been said by speakers from both sides.

Finally, I suggest that the Government have discussions with experts in zoology and experts from the museum on whether or not they can participate in developing and using the area for an alternative purpose. The Government should ensure that no future great strain is imposed on aquatic reserves through water sports and recreation pursuits of people in the immediate area, as well as people from Adelaide. It is important to ensure that power boating and other recreational sports do not continue to go uncontrolled on the Murray River and that some thought and planning should be given to constructing, at little cost, an artificial lake to provide a sanctuary for bird life and an area for aquatic sports.

An area could be set aside as an alternative parkland for the people of Murray Bridge and people living on the other side of the ranges. I make this point because the cost of travel, which is becoming increasingly high, will become prohibitive in the future. Premier Tonkin dealt it a bit of a blow the other week, and the policy of the Federal Government is forever increasing the cost of petrol. An area should be set aside for other off-road sports, say, motor sports and equestrian sports, although motor sports might diminish in popularity for the reasons I have already stated. In other words, the Government should consider granting areas to responsible sporting and recreational organisations so that land can be developed to attract people. Once a lake is created, it would not be too much to expect a 10-acre to 20-acre caravan park to be provided similar to the caravan park at Renmark. There will be a need for such a caravan park because, although the large

number of people now travelling interstate by caravan will gradually reduce, those people will require alternative recreation facilities.

Members will then see a system commencing in this State similar to the system existing in the northern coastal regions of New South Wales and Queensland, where overnight vans (that is a misnomer, because one can hire them for a week or a fortnight) are available. Such vans are available with proper ablution facilities, offering the same type of accommodation as motel units. I commend these points to the Council. I hope I have made a serious and sensible contribution to the debate.

True, the Government can close the land. It has the numbers, and I recognise that it has a mandate, but the Government should not return the area to what it was: it should develop it responsibly and in the public interest.

The Hon. J. R. CORNWALL: It is obvious today that Government members consider this to be one of their great moments of glory. The reality is that for South Australia it is a day of great sadness. Monarto was one of those great dreams of the 1970's. I suggest that there is nothing wrong in politics to dream of great things that ought to be, that could be. Perhaps on this occasion one should recall the words of the late great President of the United States, John F. Kennedy—or was it his brother Robert—who said:

> Some people see things as they are and ask why; I dream of things that never were, and ask why not.

I think that was the approach that was adopted to Monarto in the 1970's. They were heady days, indeed, but I submit there is nothing wrong in dreaming of greatness for South Australia.

We have a lot of flag-waving going on now. To make the State great again we are distributing free flags to schools, which is the Government's most significant effort to get us back on the track again, but there are more important things in life than that. I emphasise that, if the Government sees this as a moment of great glory, then it is a very pyrrhic victory indeed. It certainly reflects a small-mindedness that is regrettable in politics.

The fact is that Monarto was overwhelmed by the events of the 1970's, particularly by the sudden and immense downturn in population growth. Ultimately, Monarto as a concept was not needed because the projections of a whole variety of experts in their field did not eventuate. The Government has decided to dispose of Monarto and flog it off at a bargain basement price so that that will be the end of it. There will be great joy over that, but the Government has replaced Monarto with nothing. The Government has no urban strategy, whether it be in regard to the inner-urban area or the outer-urban area.

At the same time, quite paradoxically, the Government is talking about the great resources boom that will come to South Australia. It is talking about population increases again, despite the fact that people are still migrating out of the State, and despite the fact that there is still an on-going net loss of population that the Government used to talk about so much when we were in Government. Despite this, the Government claims we are to have a resources boom.

The Federal Minister (Mr. McPhee) has talked about 200 000 more migrants in the future, and various Government members, particularly back-benchers in marginal districts, are going around their areas talking consistently about the populate-or-perish line that seemed to be so popular about 30 years ago.

Despite all of this, Monarto will be wound down, and there will be great joy abroad because the Government is saving money. The simple fact is that there is some saving of money: there has been a renegotiation and there has been a $5 000 000 write-off, but there is still a very large debt on Monarto which will not be overcome by flogging this land off at bargain basement prices. I strongly suggest that Monarto should be left as a land bank. A Government with any vision at all—and surely it is about time that this Government began showing some—ought to give very serious consideration to retaining Monarto as a land bank and not simply flog it off at bargain basement prices, because we will still be stuck with a net loss of $7 000 000.

In the future it could well be a very valuable resource as a land bank. No-one really has a crystal ball, so we do not know what the position will be in 10 or 15 years time. If the current talk of a resources boom is even half accurate, it may be that there will again be an upsurge in the population. If that occurs, the Government would have no land bank operation at Monarto; therefore, it would have no urban strategy, whether it be in the renewal of the inner-urban areas or for ordinary development in the outer-urban areas. For that reason, the Opposition resists the provision in the Bill giving the Minister *carte blanche* to sell the land off to anyone at virtually any price which is offered. I foreshadow that in Committee I will be moving an amendment to prevent that happening.

The Hon. J. C. BURDETT (Minister of Community Welfare): I thank members for their contributions. The Hon. Mr. Foster became very excited about afforested areas and the suggestion to sell those areas off along with recreational facilities. I think that possibly the Hon. Mr. Foster and the Hon. Dr. Cornwall did not read or listen to my second reading explanation, when I said:

> Whilst the Government proposes that the majority of the site should be disposed of as agricultural land, it is recognised that there is some land within the site which should be made available for other purposes. Such land includes areas having valuable vegetation, existing commercial facilities, existing or potential community facilities and land which should be set aside to cater for the urban expansion of Murray Bridge. The Department of Lands is investigating the arrangements to be made in relation to land which should be used or set aside for the above purposes, as well as the arrangements to be made concerning land subject to long-term lease agreements.

Therefore, there is no suggestion to sell off the afforested land or recreational areas.

The Hon. J. R. Cornwall: Just the majority of areas.

The Hon. J. C. BURDETT: There is no suggestion to sell off the areas referred to by the Hon. Mr. Foster. The Hon. Dr. Cornwall mentioned the moment of glory. He said that the Government was taking glory for the winding down of Monarto. The Hon. Dr. Cornwall introduced the concept of glory. If he had listened to or read my second reading explanation he would recognise that the Government did not take any glory. I made a solemn, sober and practical second reading explanation, referring to what had happened, and that is all there was to it. The Hon. Dr. Cornwall mentioned the Monarto project having been overtaken by the events of the 1970's, and so it was; indeed, that is true, but the previous Government did not recognise that, and the present Government did.

The concept of a land bank seems to be rather pathetic because no-one, including public servants, ever showed any enthusiasm about going to Monarto—and they will not now. I do not see how it can be of any value as a land bank.

Bill read a second time.

In Committee.

Clauses 1 to 5 passed.

Clause 6—"Sale of land by Minister."

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

Page 2—

Line 12—Leave out "The" and insert "Subject to subsection (1a), the".

After line 16—Insert subclause as follows:

(1a) The Minister shall not sell, lease, or dispose of land referred to in subsection (1) except—

(a) upon the authority of a resolution of both Houses of Parliament; and

(b) in accordance with the conditions (if any) stipulated in the resolution.

Line 17—Leave out "This" and insert "Except as provided in subsection (1a), this".

This clause deals with land disposal and land sale. Traditionally, this has been a very delicate area, particularly in relation to conservative Governments. Unless some restriction is inserted in the public interest, it is an area where there is a temptation to do things which, first, are unwise and, secondly, on occasions, based on interstate experience, sometimes less than honest.

The Hon. R. C. DeGaris: What experience are you talking about?

The Hon. J. R. CORNWALL: The Victorian experience, and one can go back over 100 years in relation to Victoria. There have been continuing land scandals in Victoria and I am sure the honourable member would be well aware of that.

The Hon. R. C. DeGaris: Only in relation to conservative Governments?

The Hon. J. R. CORNWALL: To the best of my knowledge, only conservative Governments. That is not surprising considering that conservative Governments have been in office in Victoria for 90 per cent of the past 90 years. I have no recollection of land scandals in Victoria under a Labor Government. Whether it is a conservative administration or a radical progressive administration is rather beside the point. We are not suggesting that this should merely apply during the short-term currency of the present Government. We are not moving this amendment to apply only for a short term. We are saying that the land should not be leased, sold or disposed of without the authority of a resolution of both Houses of Parliament. In my submission, that is not an exceptional thing to do. It is simply a sensible safeguard.

This type of thing should appeal to the Hon. Mr. DeGaris, who is always lamenting the fact that Executive Government more and more is taking away the powers of the South Australian Parliament. I would be very interested to hear his views on this particular subject because with something like this surely the Parliament, if it is to mean anything at all, should have some say in this matter. Monarto comprises a very large area of land, and it is relatively cheap land. Certainly, it is land that can never be replaced again at the current price or anything like the current price. Members will recall that it was purchased in circumstances where prices were frozen; it was bought at existing broad-acre prices, and it is a very valuable asset.

It may well be that there are various desirable uses to which the whole area could be put in a planned, sensible and strategic way. Of course, in those areas that are currently being farmed, there is no reason at all why leases should not be granted, why farming should not continue for five, 10 or 15 years. As my colleague the Hon. Mr. Foster said earlier in this debate, there has already been some activity in relation to reafforestation. A considerable sum has been spent on that sort of activity on this site. There are many uses to which the land can be put, particularly when one remembers that it is adjacent to the freeway and relatively close to Adelaide. For example, one such use, as I have suggested, is as an addition to the Cleland National Park.

That would leave this area open for the display of native fauna from South Australia and the display of plants that do poorly at Cleland, where there is high rainfall. It would seem a pity for the Government to rush pell-mell into flogging the land off to anyone who wants to go to marginal country to grow wheat, without the matter being considered by Parliament. I would be pleased to hear the Hon. Mr. DeGaris on this, because action should not be taken without consideration.

The Hon. J. C. BURDETT: I oppose the amendment. There is no suggestion that the Government is rushing into this pell-mell. We have been in office for 13 months and it has taken this long to introduce the measure. There is no suggestion in the Bill or in the second reading explanation that there will be any undue haste. We have made clear that some areas ought to be preserved. I suggest it would be improper and exceptional if, for the sale of every parcel of land, the approval of both Houses had to be obtained. It would be intolerable if, in selling a general area, that had to be brought to Parliament.

The matter of repealing the Monarto legislation has been brought to Parliament and, once that has been done, disposal of the land is most properly a matter for the Executive Government. Land that belongs to the Government is in the disposition of the Government and is sold as an administrative act. That has always been the case. This amendment is not justified. There is no reason to suggest that the Government cannot handle the selling of this land correctly as most past Governments have sold land.

The Hon. J. R. CORNWALL: There already have been public utterances attributed to various Ministers suggesting that they intend to sell a large area of Monarto land pell-mell. That has been reported in the press and other media and it is for this reason, amongst others, that I have moved the amendment. The Minister says that it would be ridiculous if the Government had to consult Parliament every time it wanted to sell a parcel of land. That is *reductio ad absurdum,* and no-one is suggesting what the Minister has said.

We are trying to get the Government to give us a feasible and planned proposition as to what land may be returned to agriculture so that Parliament can consider whether that is reasonable *vis-a-vis* some other use, such as a land bank, whether the Adelaide Zoo ought to have some land (and I know that the zoo has staked a claim for a considerable portion), or whether the National Parks and Wildlife Division ought to have a considerable area. There is nothing wrong with members of the South Australian Parliament for once asserting some authority over the Executive and saying, "Go away and bring back a plan to let us and the people know what you intend to do with the land."

We reject the idea of the Executive saying that it will be able to flog this land off in any way it sees fit, with no right for the Parliament to consider the matter. We want the right to "see fit" with a public resource, and not let the Government get away with this in the same way, if it could get away with it, as it would like to develop Crown land on Kangaroo Island. We know the Government's track record in Crown land is not good. This is not good enough, and we are not going to cop it. For once, the Parliament is going to show that it is the supreme body that it always has been envisaged to be.

The Hon. G. L. BRUCE: I draw attention to a relevant point. The Minister has said that never in history has the Government had to submit Crown land sales for approval by Parliament.

The Hon. J. C. Burdett: I didn't say Crown lands.

The Hon. G. L. BRUCE: What did you say?

The Hon. J. C. Burdett: I said "in selling land".

The Hon. G. L. BRUCE: We are looking at a situation at Monarto where millions of dollars from the public purse have been spent, and the development of Monarto is there. The land has been developed to the extent that it is worth much more than when it was bought, not only because of inflation but also because of money spent. The amendment is not out of context in saying that Parliament should look at where the land is going. I do not know why the Government is so uptight. Public money has been spent on the land, and the public should know what is being done with it.

The Hon. J. C. BURDETT: The Government is not uptight but it is opposing the amendment, which it has the right to do. There is no suggestion that the Government is going to sell this land pell-mell. What the Minister referred to was the fact that former owners and lessees of the land have been left on the hook, mainly by the previous Government, for too long and that they have been complaining. The matter is being resolved with reasonable expediency, not with indecent haste or pell-mell.

Regarding public money having been spent, I suggest that some, the latter part at least, was wrongly spent. It was spent after it had become apparent that the whole concept of Monarto was a white elephant. Now the land ought to be made available for disposal by the Government in a proper manner. The Hon. Mr. Cornwall has referred to applications proposed by the Adelaide Zoo and the National Parks and Wildlife Division for some of the land. In general, when they want land, they seek it where they can get it and their applications are considered. There is no reason to suggest that an application will not be considered if it is made.

I suggest that it is an unreasonable and intolerable burden to place on the Government to require that every sale of land must be passed by both Houses of Parliament. I always have been, and still am, a great supporter of the power of Parliament and I will, and do, oppose any improper intrusion by Government into the powers of Parliament. However, there is a theory of the separation of the three functions of Government, Legislative, Executive, and Judicial, and one must not intrude into the functions of the other. To me, it would be a destruction of the theory of the separation of the three parts if what was traditionally an Executive function, the disposal of land, in a matter like this, was brought within the purview of Parliament.

The Hon. J. R. CORNWALL: I do not want to belabour this, but it has been reported that 30 per cent of the previous owners of land have indicated an interest in buying back large portions of it. There is no mention of the price at which that is likely to be sold. The public has not been given any indication, and I repeat that never again in the history of the State will it be possible to acquire land so cheaply.

In those circumstances it is perfectly reasonable for us to request that, when there is a proposal to sell parts of the land (not every little parcel—the Hon. Mr. Burdett is a lawyer and should be able to understand that), the Government should let us have a plan. It could be said that an area might be sold to, say, six farmers; details could be given of the manner in which the area would be offered. Already the Government is getting heavily into the area of selling property by treaty. There is the classic case of Bowden and Brompton and Gerard Industries. Land has not been put up, and the locals have not been consulted. There are clandestine meetings with people like Gerards, and they have been offered land—

The Hon. C. M. Hill: The council was involved.

The Hon. J. R. CORNWALL: The council was involved, but it was a case of, "Don't tell the ratepayers." The letter from the Acting Director-General of the Department of Urban and Regional Affairs specifically said, "You will appreciate that this is a very delicate matter, and confidentiality is an absolute necessity."

The Hon. C. M. Hill: Are you criticising the council?

The Hon. J. R. CORNWALL: No, I am criticising the clandestine manner or what could be perceived as the clandestine manner in which the Government has attempted to go about the disposal of land at Bowden and Brompton. That worries the Opposition. We are saying, "Let us have it out in the open and let it be above board. Let us know how you will sell it. Let us know whether it will be at bargain-basement prices." As a Parliament we are entitled to know that. It is a reasonable amendment, and I have heard nothing from the Minister that would change my attitude. We want to have this brake on the Government in the matter of land disposal just the same as the Government would want to have it on us if we were in Government. I am disappointed that the Hon. Mr. DeGaris has not spoken on this. I would very much like to hear what he has to say about this.

The Hon. R. C. DeGARIS: I support the views of the Minister in this matter. As he has rightly said, in the question of the disposal of land, it has always been the Crown's prerogative.

The Hon. J. R. Cornwall: You have given away the supremacy of Parliament.

The Hon. R. C. DeGARIS: I have not. Parliament appoints every year a Land Settlement Committee which has a specific role to play in the matter. If the Government requires any inquiries to be made, that committee would be available to advise the Government from the Parliamentary viewpoint. It does this job and offers information and reports to the Government. It is rather remarkable that this plea has come from the Hon. Dr. Cornwall at this stage. At no stage previously can I recall his taking such an interest in the question of Parliamentary supervision of the disposal or purchase of land.

The Hon. J. R. Cornwall: You have won me over the years—I am a late convert.

The Hon. R. C. DeGARIS: Not quite late enough as far as I am concerned. The point is that, once Parliament takes the role of determining how the Government disposes of the land under its control, Parliament is in an area that it should not enter.

However, I ask the Government what plans it has in regard to the disposal of Monarto land. I believe that certain things should be done in Monarto. There are certain lands, as the Hon. Dr. Cornwall has said, on which the taxpayer has spent a large amount of money by way of development. It has been an extremely costly development, as the Hon. Dr. Cornwall would know. I am certain that the Government does not intend clearing the land which has been placed under afforestation or woods of some sort.

The Hon. J. R. Cornwall: They haven't given any guarantee.

The Hon. R. C. DeGARIS: I am sure that there would be the dickens of a row in this Council if it were decided to clear the area that is planted and developed.

The Hon. J. R. Cornwall: You will have no power.

The Hon. R. C. DeGARIS: There are powers. I refer to Kangaroo Island; the Government has decided that a full-scale inquiry will be made—

The Hon. J. R. Cornwall: The Government made that decision, not the Parliament.

The Hon. R. C. DeGARIS: I believe that it is the Government's rightful role to make that determination. It

is the Parliament's role, if necessary, to question the decision and if people feel strongly about it they can move resolutions in this Chamber on that matter. I ask the Minister whether the Government has given any consideration to the means of disposing of the land. I believe that there are a number of people who were farming in that area and who had their land acquired; they should be given some priority to return to the land that they were farming before they left. There are a number of people who are interested in long-term purchase, such as good young farmers who are finding it difficult to start farming. They may be interested.

The Hon. J. R. Cornwall: Interested in a land bank—that is my point.

The Hon. R. C. DeGARIS: That is true. I ask those questions because, if the Government has any plans at this stage for the disposal of land, I would like to hear about them.

The Hon. J. C. BURDETT: In regard to the question of the previous owners, certainly serious consideration is being given to that question. In regard to the second question of young would-be farmers, I do not know whether the Government has given any consideration to that, but I will see that it does.

The Hon. R. C. DeGARIS: Does the Government intend, if there is any difficulty, and if it requires advice as to selling, leasing or otherwise dealing with the land, referring the matter to the Land Settlement Committee?

The Hon. J. C. BURDETT: I am not aware of that, but I will see that it is raised with the Minister. It certainly makes sense that there is a committee for that purpose.

The Hon. J. R. CORNWALL: Would the Minister be prepared to give a firm undertaking that it would be referred to the Land Settlement Committee? It would ease my mind greatly if a firm undertaking were given.

The Hon. J. C. BURDETT: I cannot give such an undertaking.

The Hon. G. L. BRUCE: In regard to the matter raised by the Hon. Mr. DeGaris, will consideration be given to not clearing land that has been planted with trees? It has been indicated that no assurance was given in the other House. What is the attitude of the Minister in that regard?

The Hon. J. C. BURDETT: When I first spoke on the amendment, I said that it was made clear in the second reading explanation. I do not intend to go beyond that. The second reading explanation made clear that there were certain areas of land, including the afforested areas, which ought not to be sold.

The Hon. G. L. BRUCE: What happens if one of those forested areas happens to be a farm and someone wants to get back on the land? The Minister said that he would give favourable consideration to a person who had farmed that land previously, so would consideration be given to the forested areas?

The Hon. J. C. BURDETT: Each matter will be dealt with on its merits.

The Hon. N. K. FOSTER: I canvassed most of this area about an hour ago. I support the amendment on the basis it will be the carriage—

The Hon. R. C. DeGaris: Carriage or waggon?

The Hon. N. K. FOSTER: Waggons have been around a little longer than carriages. The Hon. Mr. DeGaris comes from the South-East, and I would have thought that he would like to see portions of the area he drives through retained in their present form. I support the amendment because it could then be regarded as an enabling clause which will give carriage, or become a vehicle (for Mr. DeGaris's purposes), for the purpose of retaining much of the area from more intense agricultural pursuits. I do this on the basis that the re-afforested areas should be absolutely free from any form of sale, lease or anything else other than strictly selected recreational purposes —which does not include motor cycles.

The Hon. R. C. DeGaris interjecting:

The Hon. N. K. FOSTER: There is a necessity to graze certain types of stock in certain forest areas, given a form of undergrowth which is flammable. However, that is not the case here, because the natural growth will not be as flammable as many of the introduced species of plant we see in the Adelaide Hills. The growth in that area is the common brush used for fencing and horticultural purposes. That does not lend itself to being a flammable undergrowth. I am surprised that the Bill is being given carriage through this place in one day. I would have thought that the matters raised were such that they would require the Leader of the House or the Minister responsible for the carriage of the Bill to recognise the value of those contributions and to pause for at least a day to seek the advice of his department in respect of the matters raised, and of other departments, also, which would perhaps have resulted in a submission by him to Cabinet based on the sound reasoning of this Council. I ask the Minister not to seek full carriage of this Bill today if that is on his mind.

The Committee divided on the amendment:

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.

Amendment thus negatived; clause passed.

Clause 7 and title passed.

Bill read a third time and passed.

WANBI TO YINKANIE RAILWAY (DISCONTINUANCE) BILL

Adjourned debate on second reading.

(Continued from 20 November. Page 2086.)

The Hon. FRANK BLEVINS: The Opposition supports this Bill, but with some reluctance and a touch of sadness. I am sure that all members will agree, in regard to railways, that they are romantic, and at one time or another we all dreamt of being engine drivers. This closure restricts career opportunities in this direction. From what I have read about this railway I believe it was not a good one and that it was not ballasted at all. I understand it was laid with light secondhand rails, and it never reached its destination. It is a sad little tale of a sad little railway.

On a more serious note, the question of railways in South Australia and throughout Australia will be looked at because, in the face of the present fuel crisis, railways will become more and more a viable concern. I do not suggest that this line will ever become more viable although, if it is pulled up, it will seal its fate once and for all. I understand the rail can be sold for scrap and that some financial benefit will accrue to general revenue, or whoever receives those funds.

In regard to the railway sleepers, I believe in many trendy eastern suburbs they are still in great demand for garden decoration, and a few more dollars may be returned to the State from the expenditure incurred on this line. With those few words, the Opposition supports the Bill, although with some sadness and reluctance.

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

SOUTH-EASTERN DRAINAGE ACT AMENDMENT BILL (No. 2)

Second reading.

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

That this Bill be now read a second time.

Its object is to effect several further amendments of a minor nature to the South-Eastern Drainage Act which was extensively amended earlier this year. Since the passing of that earlier amending Act, Departmental officers have been involved in the preparation of the plans of the South-East area, the Millicent Council area and the Eight Mile Creek area required by the amending Act, and this work has brought to light several points relating to those areas, and the drains and drainage works within them, that require further amendment. It is proposed that the earlier amending Act and this Bill will be brought into operation at the same time. 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 provides for the commencement of the Act. Clause 3 amends the definition of "the Millicent area", as it has been discovered that a small portion of the council area is, for the purposes of the Act, part of the South-Eastern Drainage Board's area. The definition of "the Eight Mile Creek area" is amended to take account of alterations to section numbers resulting from the subdivision of sections in the hundreds of McDonnell and Caroline.

Clause 4 provides for the preparation of a plan of the Eight Mile Creek area for the purposes of vesting in the Minister the drains and drainage works delineated on the plan. This vesting mechanism was provided by the earlier amending Act for the South-East area and the Millicent area. Departmental officers now believe that there is sufficient uncertainty in the Eight Mile Creek as to which drains and drainage works are Crown drains and works, and which are private drains and works, to warrant such a vesting plan for this area as well.

Clauses 5 and 6 repeal a section and re-enact it in a form that has general application to all provisions of the Act and the regulations. The repealed section applied only in respect of Division IV of Part III. The new section provides that an authority may, on the default of any person, cause work to be carried out on any land in its area for the purpose of ensuring compliance with any requirement made of that person by or under the Act. The costs incurred by the authority in causing such work to be carried out may be recovered by the authority from the defaulting person.

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

WORKERS COMPENSATION (INSURANCE) BILL

In Committee.

(Continued from 20 November. Page 2084.)

Clause 5—"Claims against the fund."

The Hon. C. J. SUMNER: Mr. Chairman, is an amendment to be moved in addition to the amendment moved by the Minister of Community Welfare?

The CHAIRMAN: The existing amendment is still intact.

The Hon. R. C. DeGARIS: I also wish to move an amendment to this clause. To enable me to put my amendment, I will have to vote against the Minister's amendment, because once the Minister's amendment has been passed I will not be able to move my amendment. I thank the Minister for the consideration he gave to my submission last week, which was that payment should be 100 per cent of the liability in relation to Palmdale and not 80 per cent as proposed by this Bill.

The Minister's amendment ensures that an employee will always gain 100 per cent of the liability of Palmdale, but the employer must find 20 per cent of that liability. As far as I am concerned, the position is quite clear. If I do move an amendment, the Government will always have the final option of not proceeding with the Bill if it decides not to accept 100 per cent. As I have said, the position is reasonably clear. I have checked with all other States and have found that in relation to Palmdale all other States are meeting 100 per cent of the liability. In Queensland, of course, the question does not apply because that State has operated a single fund Workers Compensation Act for many years. No private insurance is involved in Queensland.

In New South Wales there is no ongoing fund as such but, every time there has been an insurance company collapse, the New South Wales Government has passed a Bill indemnifying the employers who have insured with that company to 100 per cent of the liability. That was done in relation to Northumberland, Standard and Riverina. In April this year it was done again in relation to Palmdale. I point out that there is no ongoing fund established in New South Wales to handle any future collapse of an insurance company. That State is left with the Government's option to introduce special legislation in each particular case. However, I am informed that the New South Wales Government is at present considering and is almost certain to introduce a Bill to establish an ongoing fund.

In Tasmania and Victoria there are ongoing funds indemnifying to 100 per cent the question of any collapse of a company insuring for workers compensation. I am also informed that in Western Australia the Government is introducing a Bill to meet 100 per cent of the claims of Palmdale and that it will establish an ongoing fund to indemnify employers to 100 per cent in the case of any financial collapse of an insurance company. In view of that information, the only State in Australia that will not be indemnifying to 100 per cent will be South Australia, where the Bill states 80 per cent. In itself, that is sufficient reason to ask the Government to rethink South Australia's position. I am uncertain whether other States have a provision whereby certain employers are given an exemption from insuring for workmen's compensation. In this State most large employers have an exemption.

The burden of this 20 per cent will be borne by small employers who happen to have a workman insured and the company is insured with Palmdale. That can be quite a dramatic impact on any small business where the employer must meet up to 20 per cent of a common law claim and 20 per cent of a workmen's compensation claim. As I have pointed out, at this stage, South Australia is the only State requiring employers to meet 20 per cent of Palmdale's liabilities. Of course, in this Bill South Australia is contemplating an ongoing fund to come into line with Victoria and Western Australia. Once again, the ongoing fund would meet only 80 per cent of an employer's liability, while in other States it will meet 100 per cent.

Several members, including the Hon. Mr. Milne, argued against that, and the Hon. Mr. Milne said that the temptation, if we were to meet 100 per cent, would be for companies to undercut with the knowledge that they could never be called upon to meet the 100 per cent involved.

I point out that, with all States meeting 100 per cent and South Australia only 80 per cent, that argument in this situation no longer holds water. If all States were on 80 per cent there might be an argument, but insurance companies do not operate solely in South Australia. Insurance companies operate pretty well over the whole field in Australia. Therefore, the argument that we will see a whole range of cut-price companies begin operating does not hold water. Another point was made that employers would take more care in selecting an insurer. I do not think that any employer, no matter how large the company, can guarantee that it could meet a commitment in two or three years time in relation to workmen's compensation. I ask the Government to reconsider the position and put South South Australian employers on exactly the same basis as that of all other employers in Australia in relation to the Palmdale debacle. Secondly, I ask the Government to bring all South Australian employers on to the same basis in relation to any future financial crash involving an insurance company.

In my second reading speech, I also claimed that it was time we rethought the whole question of workers compensation, and, if Parliament decides that we must underwrite to 100 per cent, that will be a much greater incentive for the Government to alter the system on which, I am informed reliably, there is a likelihood of further difficulties soon. I will be voting against the amendment moved by the Hon. John Burdett and, if that amendment is defeated, I will move the further amendment to subclause (8).

The Hon. J. C. BURDETT: To get the matter straight, the Bill in its present form provides for 80 per cent compensation from the fund for both employers and employees in the case of a failed insurance company. The whole of my amendments (we are on lines 26 and 28 now) proposes to follow the suggestion made by the Opposition in another place and to provide for a 100 per cent reimbursement from the fund for employees and to leave the percentage at 80 for employers.

I think it fair to refer to all the amendments, as a matter of clarity. The amendment moved by the Hon. Mr. Sumner, for the reasons he has canvassed, I think in his second reading speech, is that, in all future cases, to leave it at 80 per cent for employers and 100 per cent for employees but, in the case of Palmdale, for reasons he has given, to make it 100 per cent for both. The Hon. Mr. DeGaris's amendment is a third position, where the effect is to provide that both employers and employees would receive 100 per cent compensation from the fund.

I support my amendment and oppose the suggestions made by the Hon. Mr. Sumner and the Hon. Mr. DeGaris. The Hon. Mr. Laidlaw and the Hon. Mr. Milne have advanced strong reasons why, in the case of employers, the reimbursement from the fund should be only 80 per cent. Despite what the Hon. Mr. DeGaris has said, I believe that the reasons advanced by the Hon. Mr. Milne and the Hon. Mr. Laidlaw are sound. All parties have been consulted, including the employers, and the employers do not want there to be 100 per cent reimbursement, with the exception of the Master Builders Association, which believes that there should be 100 per cent reimbursement. The Chamber of Commerce, the Employers Federation, and others say that they will not wear this scheme if the amendments proposed by the Hon. Mr. Sumner or the Hon. Mr. DeGaris are passed.

The Hon. C. J. Sumner: Is that a threat?

The Hon. J. C. BURDETT: No, it is just a statement of fact. They have said that they agree with what the Government seeks to do regarding employers, namely, to provide for 80 per cent reimbursement from the fund and that there should be some obligation on employers. As I have said previously when debating a similar matter, it must be remembered that the basic principle under the Workers Compensation Act is that there is an obligation on the employer to pay workers compensation. More recently, it was made obligatory in the Act for the employer to insure with an insurance company, and that is where the insurance company comes in in both senses, but still the basic responsibility is with the employer. I think the Hon. Mr. DeGaris acknowledged that.

It seems to me not unreasonable or out of keeping with the original concept of the Act to retain, in the case of a failed insurance company, some obligation on the part of the person who was originally saddled with the responsibility, namely, the employer. The point of my amendments is to give the employee, the person who counts in all this, a 100 per cent reimbursement from the fund and to give the employer 80 per cent. The Hon. Mr. Sumner's amendment would carry that out in future cases but would give 100 per cent also for the employer in the case of Palmdale. The Hon. Mr. DeGaris's amendment would mean that in all cases, including the future, there would be 100 per cent for the employer and 100 per cent for the employee.

The Hon. D. H. LAIDLAW: I support the Minister's amendment. When I spoke in the second reading debate, I mentioned that one of the options open to the Government in deciding how to finance the reserve fund was to have a differing rate of levy imposed on various insurers. I realise that that is difficult to administer and could prove invidious as between insurers. At the second reading stage, I said I thought it essential to deter employers from accepting the lowest workers compensation premiums offered, irrespective of the financial viability of the insurer, and leaving an employer with a residual liability ensures that he should take some care before accepting the lowest quote on offer. I was focusing then on the liability of the employer.

In the amendment moved by the Government, the Treasurer is liable for 80 per cent of the claim arising out of the insolvency of the insurer, which means that the employer retains a residual liability of 20 per cent. However, with claims arising from the insolvency of the employer, the employee can claim up to 100 per cent. I support the Minister's amendment.

I wish to reply to the remarks made by the Hon. Mr. Sumner in the second reading debate that in the debate on amendments to the Workmen's Compensation Act in 1976 I had said that insurance matters were worthless.

The Hon. C. J. Sumner: That's what you said.

The Hon. D. H. LAIDLAW: Yes, I did say it. The Hon. Mr. Sumner relies on an interjection I made, reported in *Hansard* at page 2810, and it appears at the stage where members who were at a conference were reporting on the deadlock. I have read *Hansard* and the remark is there. If I made such a remark (and I certainly do not recall it), it was in support of comments by the Hon. Mr. DeGaris, who said that the core of the Bill was to amend the financial benefits available to workers and, if those amendments were not carried, the insurance provisions would be of secondary importance. How I said that they were worthless, I am not sure. As reported at page 2339 of *Hansard,* I commended the Government for introducing the innovation of a nominal insurer and insurer of last resort.

The Hon. C. J. Sumner: I said that.

The Hon. D. H. LAIDLAW: I am saying it, too. I moved amendments on the nominal insurer concept but I doubted at that time whether the concept would be used very much, and also, in regard to the insurer of last resort (this was in 1976), I said that the insurance people could not find examples of where the insurer of last resort would be used. Nevertheless, in 1976 as in 1980, I believed that an employee should be protected with respect to workers compensation where an employer or an insurer cannot meet the claim. I wished to have an opportunity to explain that. I repeat that I support the Minister's amendment.

The Hon. C. J. SUMNER: I would like to raise a couple of preliminary matters. The first is in regard to the Hon. Mr. DeGaris's amendment. If it is agreed to, is it his intention that it shall be retrospective so that employers who are placed in a position of financial disadvantage will receive 100 per cent indemnity from the fund? As I understand it, there would be a 100 per cent payment from the fund to any employer whether in the future or in the present situation involving the Palmdale insolvency. I would like that clarified by the honourable member.

The second point I wish to raise is one of procedure and deals with the sequence in which it is intended to put the amendments. I am wondering whether or not it is appropriate in terms of the logical sequence of events to put the Hon. Mr. DeGaris's amendment first. His amendment merely changes two words in subclause (8), whereas the Minister's proposal is to delete entirely subclause (8). I would have thought the procedure ought to be to put the Hon. Mr. DeGaris's amendment first. As he rightly pointed out, if his amendment is put after the Minister's amendment is carried, he has no opportunity to move it. I would have thought that his amendment ought to be put first, because the Minister's proposal is to do away with the subclause altogether. I at least think that the Hon. Mr. DeGaris ought to be given a chance of putting his amendment on the clause. If the Minister then wishes to remove the existing provision altogether, the Committee can consider that proposition. That is a matter of procedure. Perhaps I could obtain comments from you, Mr. Chairman, and from the Hon. Mr. DeGaris before making further remarks.

The CHAIRMAN: The Minister would have to withdraw his amendment temporarily.

The Hon. J. C. BURDETT: I do not propose to do that. I do not agree that such a course is logical. We get to the same conclusion, anyway, in whatever order they are moved.

The CHAIRMAN: I agree with that. My opinion would be that the easy way to deal with the Hon. Mr. DeGaris's amendment is to move it first.

The Hon. J. C. BURDETT: Supposing the Hon. Mr. DeGaris's amendment were carried. I would still move my amendment and we would get two votes instead of one. I do not propose to withdraw the amendment.

The Hon. C. J. SUMNER: I take it that the reason for that is that the Minister has moved his amendment and Mr. DeGaris's amendment has come at a later stage. Am I correct in saying that the Minister moved his amendment on a previous day's sitting?

The Hon. J. C. Burdett: Yes.

The Hon. C. J. SUMNER: I suppose we can only ask the Minister to withdraw his amendment to allow the Hon. Mr. DeGaris's amendment to have precedence. I do not know whether there is any power for you, Mr. Chairman, to adopt that course of action. I assume that, had these two amendments been placed on file before we arrived at the debate on this clause, you would have allowed the Hon. Mr. DeGaris's amendment to be put first, whch I believe is the logical and correct way to go about it. Do you, Mr. Chairman, have any authority under Standing Orders to reverse the procedure if the Minister does not agree?

The CHAIRMAN: If I have, I would need time to consider that matter.

The Hon. C. J. SUMNER: I take it that it is intended to put the Minister's amendment first. I wonder whether the Hon. Mr. DeGaris might like to respond to this matter.

The CHAIRMAN: Part of the Minister's amendment will be put, and it is to take out certain words; the next part of the amendment is to insert other words, but first we must take some out.

The Hon. R. C. DeGARIS: As I understand it, my amendment applies to a 100 per cent indemnity, the same as—

The Hon. C. J. Sumner: Including Palmdale.

The Hon. R. C. DeGARIS: Yes, there is no distinction between the two. Before the amendment is put, I would like to say that I gave a lot of thought to this question over a long period. The arguments that the Government has for 80 per cent are arguments that one must consider. Then, if one takes into consideration the arguments that I have put before the Committee, I believe that they are stronger than the arguments that the Government is claiming for 80 per cent, particularly when we will be the only State in Australia that will require a small employer to meet 20 per cent of the liability for Palmdale and any future insurance company that may collapse financially.

The Hon. C. J. SUMNER: The Opposition is prepared to support the Hon. Mr. DeGaris's proposition. In the House of Assembly, the Leader of the Opposition, Mr. Bannon, made quite clear that the preferred position of the Opposition was that there should be 100 per cent indemnity from the fund to workers disadvantaged by the collapse of an insurance company or an employer, and to disadvantaged employers also.

However, it appears that the Government was not prepared to countenance that suggestion, so that as a fall-back position Mr. Bannon suggested that there ought to be a scheme whereby workmen were guaranteed a 100 per cent indemnity from the fund. That meant that, in the case of insolvency of an employer and an insurer, 100 per cent indemnity would be paid from the fund. However, in the case of insolvency of an insurance company only, 80 per cent of the amount would be paid by the fund and 20 per cent by the employer, but in all circumstances the workman would receive 100 per cent. That is the proposition the Government is now proceeding with. However, I emphasise that the Opposition's view in the House of Assembly was that 100 per cent indemnity to employers should be paid. That is the position that has been taken by the Hon. Mr. DeGaris. Accordingly, we believe that the Hon. Mr. DeGaris's amendment ought to be acceded to. As he said, that will ensure that 100 per cent indemnity is paid to the employers and employees affected by the Palmdale collapse and that 100 per cent indemnity is paid for any future claim which arises out of the insolvency of an employer or insurance company.

That was our position previously. We did not think that that position would receive the support of Parliament in view of the Government's opposition to it. However, as there now appears to be support for that approach, we believe that we ought to revert to the original proposition and support the Hon. Mr. DeGaris's amendment. If by some chance that amendment is not carried, then we would certainly support a proposition to enable those employers affected by the Palmdale collapse to receive 100 per cent indemnity from the fund. If the Hon. Mr. DeGaris's amendment is defeated and the Minister's

proposition goes forward, that of 100 per cent indemnity for the workman, but in the case of an insolvent insurance company only 80 per cent to be paid to the employer, then we will be moving an amendment to ensure that the employers affected by the Palmdale collapse will receive 100 per cent. However, our preferred position is for 100 per cent indemnity across the board. For that reason we will support the amendment put forward by the Hon. Mr. DeGaris.

The Hon. N. K. FOSTER: I support the amendment. I understood from the Hon. Mr. DeGaris's last remark—

The CHAIRMAN: It is the Minister's amendment that is before the Chair. However, if the honourable member wants to speak to the Hon. Mr. DeGaris's amendment that is permissible.

The Hon. N. K. FOSTER: We are dealing with the Minister's amendment, but I can speak to either amendment?

The CHAIRMAN: Yes.

The Hon. N. K. FOSTER: I do not have the figures before me giving what percentage of the total work force small businesses represent, but it is considerable; in fact, it is astounding. I previously received a reply in this Council to a question about bankruptcy. From the exercise I performed in connection with that question, I know that many people are affected by the non-payment of wages because of the collapse of a small industry. We saw the collapse of the Bank of Adelaide recently, which affected a certain number of people. However, if one took the Bank of Adelaide and F.C.A. *in toto,* it represented a large number of employees.

If there are 20 employers and 10 bankruptcies and the employees average three dependants each, then we are getting into high figures, measured in terms of individual suffering, if those people are denied their rights. If an honourable member drives down the street tonight and hits someone in his motor car he is not deprived of his rights to compensation, nor rights to wages.

The Hon. D. H. Laidlaw: You're missing the point.

The Hon. N. K. FOSTER: People are being deprived of compensation where there is a business failure, for a whole number of reasons.

The Hon. D. H. Laidlaw: We are not depriving them.

The Hon. N. K. FOSTER: You are limiting them. The Young Liberals conference over the weekend said that any one member of the Liberal Party should be restricted to being on 10 boards. I got that in, because the Hon. Mr. Laidlaw is on about 38 boards, so he should divest himself of 28 of them. I have been involved with companies which have failed, where workers compensation has been involved. The number of absentee employers has become quite horrific. If you deprive one person you deprive the lot.

The CHAIRMAN: The honourable member is a long way from the amendment before the Committee.

The Hon. N. K. FOSTER: It is a pity that there has not been an enactment by the Government to adequately protect the self-employed in this country, because they are the people who lose. Those people should be taken care of.

The Hon. R. C. DeGARIS: I thought I should explain to the Hon. Mr. Foster that he was on the wrong tram. The amendment of the Hon. Mr. Burdett ensures 100 per cent payment to an employee in all circumstances. My amendment ensures 100 per cent payment to the employee and the employer. If the amendment of the Hon. Mr. Burdett is passed no employee will get less than 100 per cent, but an employer could have to find 20 per cent.

The Hon. C. J. SUMNER: I should like to emphasise one point in replying to the Hon. Mr. Burdett, who says that employer organisations were requesting the 80 per cent indemnity only. True, some employer organisations have opted for that, and the Chamber of Commerce and Industry is one and the Employers Federation may be another, although I am not sure. As the Minister said, the Master Builders Association was not in favour of it, and certain other groups with an interest in this matter are not in favour of the 80 per cent proposition.

I understand that the Insurance Brokers Association of South Australia, although not an employer group in the sense that the Hon. Mr. Burdett was using it, favours the proposition advanced by the Hon. Mr. DeGaris. It is not true to say that there is unanimity amongst all the parties interested in this matter. There is division between the employer organisations. I emphasise that it may be all very well for the Chamber of Commerce to support the Minister, representing as it does, the larger employers in the community, but who speaks out on behalf of smaller employers, the farmers?

The Hon. D. H. Laidlaw: The Chamber of Commerce and Industry.

The Hon. C. J. SUMNER: I am not sure that it speaks on behalf of small farmers, and I bet it does not speak in favour of small businesses, shopkeepers and the like.

The Hon. D. H. Laidlaw: Most members are small employers.

The Hon. C. J. SUMNER: I will bet that they are not small business men in the sense of the small shopkeeper or small farmer. While they support the Government, I would like to know who is speaking on behalf of the small business people and small farmers. It would not be the Chamber of Commerce. Has the Minister consulted the United Farmers and Graziers Association? I do not know, but probably not. Surely that is one group that would be directly affected.

What about a small business man or small farmer who employs one person and who has not a great deal of capital assets? If such a person is hit for a large claim, say $100 000, and he has to pay out 20 per cent of the claim—

The Hon. J. E. Dunford: Through no fault of his own.

The Hon. C. J. SUMNER: Yes, that could cause enormous financial hardship and could cause such a small business to go into liquidation or cause that person to go bankrupt. It is another attack by the Government on small business.

The Hon. D. H. Laidlaw: Nonsense!

The Hon. C. J. SUMNER: The Government is certainly discriminating between the fat cats in the employer world and small business people, because the fat cats can always afford to pay out the 20 per cent. One claim, if it is $20 000 for Perry Engineering, is no problem but, if it is $20 000 for a dairy farmer on the river outside Mannum, it could be pretty difficult. That is the position that the Government is putting to Parliament. It suggests that those people can be placed in a situation where not only their livelihood could be threatened by having to make these payments, but also they could be forced into liquidation and bankruptcy. Small business people employ most employees in South Australia.

The Hon. J. C. Burdett: It is 30 per cent, not most.

The Hon. C. J. SUMNER: They employ a large number, and I find it difficult to understand what the Government is intending to achieve. It claims to represent the farming community, and indeed it gets many of its votes from that community. But what is it doing in return? It claims to be a supporter of small business, yet here is another attempt to discriminate against small business people, which the Government has done on several occasions since it attained office.

We believe that the 100 per cent is the right solution; we

believe that any alternative solution would potentially place small business people and small farmers under considerable pressure. It is not as if small business people and small farmers overly shop around to try to obtain the cheapest workers compensation rates, and do it to the detriment of their own business. Normally, they place the business with a broker with whom they undertake most of their insurance. The only people who can be prejudiced by this are those smaller business people and farmers in the community. I am surprised that the Government is prepared to discriminate against them in this way.

The Hon. D. H. LAIDLAW: I would like to refute a few of the comments made by the Hon. Mr. Sumner. First, the United Farmers and Stockowners Association is assocated with the Chamber of Commerce and Industry. Secondly, the employers—

The Hon. C. J. Sumner: Associated?

The Hon. D. H. LAIDLAW: They are part of the decision and of the association. The Employers Federation represents many small businesses and they are in favour of the 80 per cent. The Federation of the Chambers of Commerce represent business people in country towns and they are in favour of the 80 per cent. There are about 3 500 members of the Chamber of Commerce and Industry, and about 2 500 of them fall into the normal category of small employers.

Also, the large employer is the one who suffers under this Bill. If a large employer happens to be an exempted employer and there is no way that he will go out of business or be unable to meet his commitment, he will still probably have a levy imposed on him. For a large employer who insures with a large insurance company there is no way that the insurer will go out of business, but it will still have a levy imposed on it. If it discriminates against anyone, this Bill discriminates against large employers.

The Hon. J. E. DUNFORD: I was interested to hear what the Hon. Mr. Laidlaw said. It is quite evident that he is concerned about the cost burden on large employers.

The Hon. D. H. Laidlaw: I did not say that.

The Hon. J. E. DUNFORD: That is the impression that I gained. Being associated with large employer associations, his attitude is understandable. The Hon. Mr. Laidlaw also said that the United Farmers and Graziers is associated with the Chamber of Commerce and Industry, but he did not say that it supported this proposition. It has often been questioned in this Chamber whether a vote of the membership was taken in various matters. I will wager that no vote was taken by the membership of the United Farmers and Graziers in South Australia. I believe that no-one should be disadvantaged, whether it be an employer or an employee, because of the failure of this insurance company. It is about time that the Government legislated to introduce a bond situation similar to that existing for bookmakers. Insurance companies should have to put up a certain amount of money to insure against their becoming insolvent. I concede that it is hard to assess the pay-out figure because no-one can know the number of accidents, but an average figure could be assessed through the use of a computer. The Government should draft legislation to cover this situation. Mr. Laidlaw also said that small businesses cannot go broke.

The Hon. D. H. Laidlaw: I did not say that.

The Hon. J. E. DUNFORD: Or would not go broke. The Hon. Mr. Laidlaw is very hard to follow, but I will read his speech tomorrow. I am not concerned with only large employers, but also middle-size and small employers. The Hon. Mr. Sumner stated that an employer who has to pay 20 per cent of a $200 000 claim could be put out of business. If the employer goes out of business he has to put off his staff. Unemployment in this State has reached a record level under the present Government, and I believe it is 7·7 per cent of the workforce. However, if the Government proceeds with this legislation it will put employers of labour at risk. The Hon. Mr. DeGaris should be congratulated, because it is not advisable to speak against one's own Party's proposition, but I believe he weighed the risk he has taken.

The Hon. M. B. Cameron: I haven't noticed you doing that.

The Hon. J. E. DUNFORD: I probably do not have as much spirit or fortitude as the Hon. Mr. DeGaris. He would not take this action lightly. In the 5½ years that I have known the Hon. Mr. DeGaris I have not known him to take things lightly. When he has put propositions to this Council he has been honest, and that reinforces my opposition to this Bill and my support for his amendment. Incidentally, of course, it also reinforces my support for the Hon. Mr. Sumner's amendment. The fact that brokers oppose this Bill also reinforces my argument.

The Hon. D. H. Laidlaw: That has nothing to do with it.

The Hon. J. C. Burdett: You have not got one thing right.

The Hon. J. E. DUNFORD: I wager that the proposal I am supporting will go through, while the Hon. Mr. Burdett's proposal will fail. My first point is that employers or employees should not be disadvantaged because an insurance company goes bankrupt. Secondly, when an employer goes broke, in most cases he has to sack his employees. This proposal is an attack on employed labour. I do not know whether the Hon. Mr. Burdett can understand what I am saying, but at least I can understand it.

The Hon. D. H. LAIDLAW: I wish to assure my friend the Hon. Mr. Dunford that the United Farmers and Stockowners are members of the Council of the Chamber of Commerce and Industry.

The Hon. C. J. Sumner: It is the United Farmers and Stockowners.

The Hon. D. H. LAIDLAW: Yes, thank you. This matter was debated in the Council of the Chamber of Commerce and Industry and a vote in favour of the 80 per cent provision was carried.

The CHAIRMAN: I point out that the amendment foreshadowed by the Hon. Mr. DeGaris is to line 27. Therefore, if his amendment is to be considered, the amendment now before the Chair would need to be defeated.

The Committee divided on the amendment:

Ayes (10)—The Hons. J. C. Burdett (teller), M. B. Cameron, J. A. Carnie, L. H. Davis, M. B. Dawkins, K. T. Griffin, C. M. Hill, D. H. Laidlaw, K. L. Milne, and R. J. Ritson.

Noes (11)—The Hons. Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, R. C. DeGaris, J. E. Dunford, N. K. Foster, Anne Levy, C. J. Sumner (teller), and Barbara Wiese.

Majority of 1 for the Noes.

Amendment thus negatived.

The Hon. R. C. DeGARIS: I move:

Page 4, line 27—Leave out "eighty per centum" and insert "the whole".

I point out clearly that I do not very much care which particular employer groups want 80 per cent or which want 100 per cent. I believe that there is a position here where the argument for 100 per cent indemnity is much stronger than that for 80 per cent. I do not want to repeat the argument, except to say that every member must realise that, by my amendment, we are placing the employers in this State in exactly the same position as employers in

every other part of Australia. That is reasonable.

The Governments of Western Australia and Victoria have taken the view that the indemnity should be 100 per cent, and they are both Liberal Governments. The Governments of New South Wales and Tasmania have taken the view that it should be 100 per cent, the Government of New South Wales from time to time and the Government of Tasmania always. New South Wales has passed a Bill providing for 100 per cent in the case of a collapsed insurance company. There has been no ongoing fund in New South Wales, but that State has never introduced a Bill for less than 100 per cent. If the amendment is not carried, this will be the only State in Australia in which the small employers will be left to carry 20 per cent of the burden in the case of a collapsed company.

The Hon. J. C. BURDETT: I oppose the amendment. As the Hon. Mr. DeGaris has said, this matter has been gone over in the second reading stage and in Committee, and I do not intend to speak for very long. It appears that most people have overlooked the fact that the obligation is on the employer.

The Hon. R. C. DeGaris: It is in other States, too.

The Hon. J. C. BURDETT: All right. It seems to me not unreasonable to allow the employer, in the case of a failed insurance company, to carry some responsibility. I think it worth reiterating that the vast majority of those who represent employers have said that they should bear some responsibility and that they will not have a bar of 100 per cent.

The Committee divided on the amendment:

Ayes (11)—The Hons. Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, R. C. DeGaris (teller), J. E. Dunford, N. K. Foster, Anne Levy, C. J. Sumner, and Barbara Wiese.

Noes (10)—The Hons. J. C. Burdett (teller), M. B. Cameron, J. A. Carnie, L. H. Davis, M. B. Dawkins, K. T. Griffin, C. M. Hill, D. H. Laidlaw, K. L. Milne, and R. J. Ritson.

Majority of 1 for the Ayes.

Amendment thus carried; clause as amended passed.

Clause 6 passed.

Clause 7—"Regulations."

The Hon. J. C. BURDETT: I move:

Page 5, after line 7—Insert subclause as follows:

(2) The powers conferred by the Industrial Conciliation and Arbitration Act, 1972-1979, to make rules of court shall be deemed to include power to make rules of court in relation to appeals under this Act.

This is a commonsense amendment. It is obvious that the powers ought to be so regulated.

Amendment carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 3)

Returned from the House of Assembly without amendment.

WORKMEN'S COMPENSATION (SPECIAL PROVISIONS) ACT AMENDMENT BILL

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

PLANNING AND DEVELOPMENT ACT AMENDMENT BILL (No. 4)

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

PLANNING AND DEVELOPMENT ACT AMENDMENT BILL (No. 5)

The Hon. J. R. CORNWALL obtained leave and introduced a Bill for an Act to amend the Planning and Development Act, 1966-1980. Read a first time.

ADJOURNMENT

At 6.10 p.m. the Council adjourned until Wednesday 26 November at 2.15 p.m.