LEGISLATIVE COUNCIL

Wednesday 4 March 1981

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

MINISTERIAL STATEMENT: MEAT HYGIENE LEGISLATION

The Hon. J. C. BURDETT (Minister of Community Welfare): I seek leave to make a statement.

Leave granted.

The Hon. J. C. BURDETT: On 12 February, the Meat Hygiene Act, its regulations and schedules and the consequential amending Act were proclaimed so that the public of South Australia has access to a supply of wholesome meat. Generally, the legislation has been well received by all sections of the meat industry, local government and the community. Yesterday, there was a meeting of the Meat Hygiene Authority's Industry and Local Government Consultative Committee, at which this general acceptance was reinforced.

However, there are some aspects of the legislation which have caused concern in the industry, and the Government recognises that every new legislative initiative, particularly of this magnitude, has teething problems. I intend to take steps to rectify these problems promptly and as they arise to allow the legislation to be better understood and appreciated by the industry and, thereby, achieve the Government's stated objectives.

One matter of concern has been expressed by South Australian wholesalers trading interstate, particularly to Victoria, which has abolished reinspection fees, but still maintains a physical reinspection of meat entering that State. Officers of the Meat Hygiene Authority have reached agreement with their counterparts in Victoria on means of removing this obstacle, and I am awaiting confirmation of this arrangement from the Victorian Minister of Agriculture. Under the proposed system, meat to be exported from South Australia to Victoria will be certified by M.H.A. officers, and forward notice will be given to the Victorian authorities. Negotiations to achieve similar arrangements with New South Wales and Queensland are proceeding.

The second area of concern is the reaction of some slaughterhouse operators to certain of the procedural requirements. There also appears to have been a degree of over-enthusiasm by M.H.A. officers in their efforts to implement the regulations forthwith. For example, many butchers have chiller facilities at their shops, and to have it as a mandatory requirement to install a chiller on every slaughterhouse site is unnecessarily expensive, and in my view should be optional as in the case of freezer installations.

I propose, rather than exercise Ministerial exemption under section 57 of the principal Act, to modify the wording of regulation 3.09, which requires every slaughtering works to have a chiller on site. Clearly, it is not practical to apply that regulation across the State. It should, however, be recognised that the principal object of the legislation is to upgrade, realistically, the standards of hygiene at all slaughtering premises, where applicable, across the State. It is not the policy nor the objective of the Government to remove people from the industry or dictate the number of slaughtering works required to service any given area of the State.

Quite the contrary, it is the Government's policy to stay out of the way of private industry wherever possible and, with respect to slaughterhouses, allow the respective local government authorities to deal with the day-to-day administration and *ad hoc* inspections of such premises, all of which were undertakings given to the industry during the introduction and passage of the current legislation.

After all, the Local Government Association requested, on behalf of its member councils, retention of these powers and to have its own draft hygiene regulations adopted by the Meat Hygiene Authority. This request has been fulfilled to the letter. Local government must, therefore, accept full responsibility for these hygiene regulations produced by its association and tabled in the Parliament on 17 February 1981.

The Government, through the Meat Hygiene Authority, will maintain an overview of hygiene standards in slaughterhouses and will intervene at the local government level only when requested to do so by local government or if and when a council fails to fulfil its role. With the benefit of regulations based on their own association's submission, I believe we will now receive full co-operation from councils which in recent years were reluctant to enforce the old Health Act requirements on many slaughterhouse premises, which has resulted in the shocking deterioration of standards in some instances. I also intend:

(1) to rationalise requirements where there is duplication between the Building Act and the Meat Hygiene Act schedules relating to plans and specifications submitted at the time of rebuilding, altering or extending the premises; and

(2) to reconsider the slaughterhouse and abattoir licence fee structure. There appears to be an anomaly, particularly as it currently applies to application fees as required to accompany applications from premises to the Meat Hygiene Authority for the first time.

Having initiated this major legislative innovation which has involved consultation with industry and local government, and as a result introduced new concepts, I expect to receive full and realistic co-operation between authority officers, local government and the industry.

QUESTIONS

MEAT HYGIENE LEGISLATION

The Hon. B. A. CHATTERTON: I seek leave to make a short explanation before directing a question to the Minister of Community Welfare, representing the Minister of Agriculture, about his Ministerial statement.

Leave granted.

The Hon. B. A. CHATTERTON: The Ministerial statement just given by the Minister of Community Welfare on behalf of the Minister of Agriculture is in direct response to a number of questions I have been asking in this Council over some weeks. In those questions I pointed out the fact that slaughterhouse owners in this State are very confused about the situation regarding the new Meat Hygiene Authority. They are not sure at all how the regulations will be implemented and how the policies of the Government will work. The Minister admitted this in his statement, in which he explained that there has been considerable confusion over the whole matter. It is disgraceful that he has blamed this on his officers, by saying that it has been due to a "degree of over-enthusiasm by M.H.A. officers". The Minister then goes on to explain that it will be necessary for him to change the regulations because they do not show the position as the Government in fact wants it to apply. The Minister said that the regulations require certain things to be done in

slaughterhouses which the Government now considers to be unreasonable.

Surely, it is the job of the officers to implement the regulations as they are approved by Cabinet and Executive Council. Will the Minister clarify as soon as possible the Government's policy on slaughterhouses, produce a simple pamphlet outlining all the requirements that need to be fulfilled by slaughterhouse owners and distribute that pamphlet as widely as possible to slaughterhouse owners so that the present state of confusion can be overcome?

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

OFF-ROAD VEHICLES

The Hon. J. R. CORNWALL: Has the Minister of Community Welfare a reply to the question I asked on 18 February about off-road vehicles?

The Hon. J. C. BURDETT: The Minister of Environment advises that a decision is to be made when a review of the matter of off-road recreational vehicle legislation has been completed. He advises that adequate arrangements can be made for registration and insurance should legislation be introduced.

FOREIGN OWNERSHIP OF LAND

The Hon. J. R. CORNWALL: Has the Minister of Local Government a reply to the question I asked on 18 February about the foreign ownership of land?

The Hon. C. M. HILL: No records are kept which readily convey the information sought, and to obtain the information would be too time consuming. No pastoral leases have been transferred to foreign ownership since 1979. Foreign ownership and investment in not only South Australia but the whole of Australia is a Federal matter which is controlled by the Foreign Investment Review Board, which would take into account the State's interest.

FRUIT AND VEGETABLE PRICES

The Hon. N. K. FOSTER: I seek leave to make a brief statement before asking the Minister of Community Welfare a question about fruit and vegetable prices.

Leave granted.

The Hon. N. K. FOSTER: A moment or so ago, I received a telegram in response to the question that I asked yesterday in this Council about fruit and vegetable prices in this State.

The Hon. L. H. Davis: What does it say?

The Hon. N. K. FOSTER: If you will be patient, comrade—

The PRESIDENT: Order! The Hon. Mr. Davis can listen to the question and make points later.

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

> Dear Sir, With regard to your comments on scandalous retail prices charged in South Australia we wish to protest about your referral to the profits made by the middle man. The members of the South Australian Chamber of Fruit and Vegetable Industries Wholesalers in the East End Market wish to advise you that our wholesale prices are published in the *Advertiser* each Tuesday, Thursday and Saturday for every reader to see. With regard to consumer index on figures from each State our wholesale prices compare favourably. We humbly suggest you spend some time checking your figures and facts before blaming wholesalers in this State.

In asking my question yesterday, I stated:

> Will the Minister have his department carry out an investigation of the profit made by the multiple middlemen in the fruit and vegetable industry in South Australia, and can the Minister inform this Council why this State has had an increase in this particular area double that of any other State in the Commonwealth? Also, what influences have been brought to bear that mean that the public in this State have got to suffer the result of so-called "free enterprise"?

There is no comparison between the suggestion of Mr. T. Alfred, President of that group of fruit and vegetable wholesalers, and the question I asked yesterday. I made some reference in my question to the middlemen—those gentlemen bludging on the public, who never get their hands soiled by the soil in which the vegetables grow but who get a far greater return than the fellow who does just that. An article in Monday's *Advertiser* stated:

> Figures for the food group in the Consumer Price Index issued yesterday by the Australian Bureau of Statistics show that prices in Adelaide rose by 1·2 per cent in January, making an annual rate of increase of 11·1 per cent. Price increases in January in other cities, with the annual rate of increase in brackets are: Sydney 1·1 per cent (9·9 per cent), Melbourne 1·2 (12·7), Brisbane 1·1 (9·2), Perth 0·9 (9·1), Hobart 0·3 (9·1), Canberra 0·5 (10·4).
>
> Nationally, fruit and vegetable prices were 2·5 per cent higher in January than in December, carrying the annual rate of increase to 22·1 per cent . . . In Adelaide, the prices of fresh fruit and vegetables rose 7·4 per cent for the month to be a staggering 43·2 per cent higher than in January 1980.

That is not in accord with the telegram I have quoted. Will the Minister, in compliance with his reply yesterday to my question, have officers of his department closely check the books of the members of the Fruit and Vegetable Industries Wholesalers in the East End Market so that the officers are able to comment on the telegram, a copy of which I will give the Minister and which asserts that their prices are comparable when clearly they are not?

The Hon. J. C. BURDETT: It will not be necessary for the honourable member to give me a copy of the telegram, because a copy was sent to me. I am sorry that the honourable member got so uptight about the telegram, when the South Australian Chamber of Fruit and Vegetable Industries Wholesalers took him to task.

The Hon. N. K. Foster interjecting:

The PRESIDENT: Order!

The Hon. J. C. BURDETT: Yesterday I gave the honourable member an assurance that I would have my officers make an inquiry, and that I will do and would have done, in any event.

The Hon. N. K. FOSTER: Does the Minister consider that the percentages that I have just related to the Council are comparable? In fact the costs borne by housewives in this State are almost 100 per cent greater than applying in the other States.

The Hon. J. C. BURDETT: The reply to that question will await the outcome of the inquiry.

MOTOR VEHICLE INDUSTRY

The Hon. J. E. DUNFORD: Has the Minister of Community Welfare a reply to my question of 24 February about the motor vehicle industry?

The Hon. J. C. BURDETT: My colleague the Minister of Industrial Affairs has provided the following reply:

> The South Australian Government will continue to fight to make sure that our automotive industry is efficient and changes with world demand, but that at the same time job

opportunities are protected. In March 1980 the South Australian Government took the unique step of leading a delegation of trade union officials and component manufacturers to the Federal Government to put forward the views of those within the South Australian motor vehicle industry.

Further, the Minister of Industrial Affairs, in the two weeks prior to the release of the I.A.C. report, discussed the subject of long-term assistance to the motor vehicle industry with both the Prime Minister and the Minister for Commerce and Industry. Accordingly, talks which the honourable member requests have already taken place. The South Australian Government is confident that the Federal Government will reject the I.A.C. recommendations and has publicly called upon it to do so.

LIQUID PETROLEUM GAS TANKS

The Hon. J. E. DUNFORD: I believe that the Minister of Community Welfare has a prompt reply to the question I asked yesterday about liquid petroleum gas tanks.

The Hon. J. C. BURDETT: The Hon. Mr. Dunford commented that it was a quick reply, and I point out that that is because it is a matter of public safety. My colleague the Minister of Industrial Affairs has replied as follows:

L.p.g. tanks in South Australia are very strictly regulated to ensure that they do not become a safety hazard. They are required to be made to an approved design, their manufacture must be to approved safety standards, they are required to be tested at a pressure of 1½ times their design pressure before use, and their installation must be in accordance with the provisions of the Standards Association of Australia code on l.p.g. tank installations.

The Chief Inspector, Industrial Safety, Department of Industrial Affairs, arranges for the inspection of every installation of l.p.g. tanks, and approval for the use of any installation cannot be given until he is satisfied that it complies with all safety requirements. There is no danger to the public unless l.p.g. tanks have been installed or are being used in an illegal state or manner.

ELECTRICITY ACCOUNT DEPOSITS

The Hon. G. L. BRUCE: I seek leave to make a statement before asking the Attorney-General, representing the Minister of Mines and Energy, a question about the interest on electricity account deposits.

Leave granted.

The Hon. G. L. BRUCE: I have been approached by a constituent who has gone into a small business not having previously had an account with the Electricity Trust of South Australia. This person has been asked for a $500 deposit as a safeguard against the chance of his becoming bankrupt and not being able to meet his business commitments.

I telephoned ETSA, and was told that this was a reasonable state of affairs and that, even though the trust was following this practice and had this safeguard, it had still lost hundreds of thousands of dollars. However, that is not what concerns me. I am concerned that, after a period of two years, during which time bills have been met satisfactorialy, no problems being experienced with payments, the person concerned is refunded his $500 deposit with only 5 per cent interest paid thereon. That seems to me to be an exceptionally low rate of interest in this day and age.

I realise that ETSA is still losing a vast sum of money, but surely people should have a greater incentive to invest their $500 and receive a rate of interest greater than 5 per cent. Is it correct that only 5 per cent interest is paid on ETSA accounts at the end of the two-year period? If it is, will the Minister consider reviewing the matter? Also, will the Minister say why the interest rate is so low?

The Hon. K. T. GRIFFIN: I shall be pleased to refer that question to the Minister of Mines and Energy and bring back a reply.

MULTI-CULTURAL EDUCATION ACTIVITIES

The Hon. ANNE LEVY: I seek leave to make a brief statement before asking the Minister of Local Government, representing the Minister of Education, a question regarding multi-cultural activities in the Department of Further Education.

Leave granted.

The Hon. ANNE LEVY: I have been reading with great interest a report produced last year by the Australian Institute of Multi-Cultural Affairs, which is a Federal body. The report, entitled "A Review of Multi-Cultural and Migrant Education", comments favourably indeed on projects in multi-cultural education that are being conducted by the Education Department in South Australia. It refers, for example, to the 10-schools project, which I think now covers 29 schools, as well as the Multi-Cultural Resource Centre, which has been set up by the Education Department in Grote Street, the curriculum writing schemes, and so on, all of which are run by the South Australian Education Department.

I note with concern that there is an absence of any specific references to the Department of Further Education in South Australia, although there are many references to technical and further education bodies in other States that have projects related to multi-cultural and migrant education. For instance, there are references to courses in community languages and cultures for specified occupational groups such as police, lawyers, teachers, social workers, and medical staff.

In some States the TAFE area runs courses in community language covering such topics as automotive techniques, fruit block management, dressmaking and understanding local government. Furthermore, I understand from the report that in other States TAFE areas have multi-cultural perspectives in the courses they offer, such as child care, architecture, journalism, psychiatry, hotel management, and catering.

The Hon. C. J. Sumner: What's the name of the report?

The Hon. ANNE LEVY: It is the Review of Multi-Cultural and Migrant Education, produced by the Australian Institute of Multi-Cultural Affairs, and it is reviewing these education programmes throughout Australia. Our own Department of Further Education is notoriously lacking in references within this publication. In fact, it is not mentioned at all that I can find. I know that the Department of Further Education has courses which teach community languages to Anglo-Australians. Can the Minister say what else the Department of Further Education is doing, if anything, for the 20 per cent of their potential students who are not native English speakers?

The Hon. C. M. HILL: I shall be pleased to refer that question to the Minister of Education and bring down a reply.

The Hon. C. J. SUMNER: I desire to ask a supplementary question. When considering the question asked by the Hon. Miss Levy, will the Minister of Education also provide the Council with details of what action has been taken on a report prepared in the Department of Further Education on future multi-cultural programmes in that department? I believe that that report

has been prepared by a Mr. Whitten, who is a research officer in the department.

The Hon. C. M. HILL: I will refer that question to the Minister and bring down a reply.

VINDANA WINERY

The Hon. B. A. CHATTERTON: I seek leave to make a short explanation before asking the Minister of Consumer Affairs a question about the Vindana winery.

Leave granted.

The Hon. B. A. CHATTERTON: Last year Parliament passed amendments to the Prices Act which laid down the terms of payment for wine grapes. Under that legislation a winery could not take grapes unless it had paid for the previous vintage. That legislation also covered the possibility of a new company being set up, and it used the definitions of the Companies Act with regard to related companies to ensure that a winery could not set up a new company structure each year to by-pass the Act.

It has come to my attention from a very reliable source that the Vindana winery is in fact taking grapes this year. It seems to me that there is a *prima facie* case that it may be in breach of the amendments that were passed last year. To my certain knowledge, Vindana winery still owes a great deal of money to grapegrowers in the Riverland area. Unless it has been able to find a legal loophole around the matter of related companies, it appears that by taking grapes this year it is in breach of the provisions of the Prices Act as amended last year. Has this matter been reported to the Minister at all and, if it has not, will the Minister ask his officers to investigate the situation at Vindana winery to see whether it is in breach of the amendments that were passed by Parliament last year? If it is in breach, will the Minister take immediate necessary action to avert that breach occurring in the future?

The Hon. J. C. BURDETT: This matter has not been reported to me. The Act which was passed last year was to prevent wineries from taking grapes when they had not paid for the previous year's crop. Members will recall that the Hon. Mr. Chatterton introduced a private member's Bill dealing with the same area, but withdrew it to enable a Government Bill to proceed which it appeared would be more effective in achieving the same purpose. I would be most concerned if the Act was being breached or if any attempt was being made to get around it. I will certainly have my officers inquire and report on what is happening in this matter.

COMPANY DIRECTORS

The Hon. N. K. FOSTER: I seek leave to make a short statement before asking the Attorney-General a question about the age limitation on directors of company boards in Adelaide.

Leave granted.

The Hon. N. K. FOSTER: I think it is fair to comment on the concern felt in South Australia about yet another company take-over, even though in this particular case the company involved has interstate interests, and I am referring to John Martin's. I think it is also fair to say that not so long ago S.G.I.C. was used by the present Government in an attempt to save John Martin's from a take-over bid and from undue outside share trading. It appears on the reports available that S.G.I.C. was either grossly misused or led up the garden path merely as a stop-gap in the machinations of the person who now claims to be the majority shareholder and virtual owner of John Martin's. That person used the usual tactic of hiding his identity behind a nominee until forced through his own business interests to reveal his true identity. If my observation in relation to S.G.I.C. is correct, I think this situation is deplorable.

I am very concerned about this matter because all of these take-overs have a direct bearing on the changing structure of employment within companies subject to take-over or rationalisation, which is the terribly misquoted word that is used in these moves. There has not been one occasion in the last two years when companies subject to take-over have not raced into print to say that there will be a programme of rationalisation and that job security will be preserved. The Hon. Mr. Geddes, when he was a member of this Council, had a bitter experience in relation to a very old firm which bore his name and which was given an undertaking in respect of a take-over. He expressed disappointment to me about this, not in this Council during debate but privately.

The Hon. D. H. Laidlaw: It happens everywhere.

The Hon. N. K. FOSTER: It happens everywhere, as the honourable member just said. In fact, it has happened to some 37 companies as the Hon. Mr. Laidlaw informed me one night after taking a quick count. There are many companies in Adelaide which are ripe for take-over. Unfortunately, Elder Smiths, which is almost a South Australian institution, is also in that situation. The Executor Trustee Company was subject to share raiding by a man whose name I will not mention at the moment. I have endeavoured to obtain information about the average age of directors on company boards in this State, and my findings are rather disturbing.

This Parliament has set a retiring age for Parliamentarians, judges and other professional people including public servants. Yet we have not had a look at the fact that some people at the head of boards of directors are so aged and incompetent that they have failed to grasp the significance of the vast commercial and economic changes within the structure of the business and commerce world today. They are losing their grip and are ripe for the infiltration of take-overs and of people who want to use their influence through the medium of the Stock Exchange as far as their *modus operandi* will permit them to do so. Will the Attorney have the matter raised with the appropriate Minister (I believe, the Premier) to have those companies in Adelaide which are from time to time reported in business journals as being ripe for takeover, maybe as a result of ineptitude on the part of those known to be on the boards of those companies, investigated?

The Hon. K. T. GRIFFIN: The honourable member may recollect that last year we passed legislation to deal with company take-overs. That was interim legislation because we were concerned about the delay in implementing the national companies take-over scheme. The company take-over legislation we enacted was designed to ensure that there was greater disclosure of persons who were seeking to promote a company take-over in the public arena. A number of provisions are contained in that Act, as in the proposed national legislation, which will give greater information at an earlier time in respect of prospective take-overs. Under the Companies Act there is already a provision that a shareholder who acquires a substantial interest, which is presently 10 per cent, I think, is required to disclose that holding to the company. A person or group which acquires more than 20 per cent of the company's shareholding must undertake a formal take-over, either through a market operation, as was done with the John Martin's take-over, or through a Form A take-over proposal which, again, provides greater information to the shareholders and the

public.

What we are endeavouring to do in the South Australian legislation, and the national scheme, is not so much to make take-overs more difficult but to get greater disclosure of information to shareholders and the public at an earlier time so that action can be taken. In many cases, it is not appropriate for defensive action to be taken, but in others an earlier warning about the persons who are embarking on that sort of undertaking will enable defensive action to be taken where it is appropriate. So far as the boards of companies are concerned, there is provision in this State (which has still not been proclaimed and come into effect) that company directors must retire at 70. They can continue from year to year, if that is approved by a meeting of shareholders of the company. That is a provision which will be in the national scheme legislation, as well, so the point that the honourable member has made is, in fact, recognised as a desirable objective. Because the national scheme legislation is expected to come into effect no later than 1 January 1982—that is, the Companies Act—the Government has not thought it appropriate to proclaim the age of directors under the South Australian Companies Act. I am prepared to look at that matter and the other matters which relate to company structures. Whilst I think it will be difficult to get the information because it is generally not available through any Government agency, even the Corporate Affairs Commission, I will see what information can be obtained and, if possible, bring back an answer to the honourable member.

SOUTH PARK LANDS TIP

The Hon. L. H. DAVIS: I seek leave to make a brief explanation before directing a question to the Minister of Local Government about the south park lands tip.

Leave granted.

The Hon. L. H. DAVIS: The Minister will recall that on 2 December I asked a question about the south park lands tip bordering Greenhill Road, which was the earliest extensive tip in Adelaide covering the period 1885-95. Some problems had arisen because the Dressage Club of South Australia leases an area overlapping this old tip and nocturnal diggers seeking objects from that tip were making the area inaccessible for that club. However, because the tip contains many excellent examples of earthenware, glassware, bottles and other objects from that period it seemed sensible to dig the area over and recover those valuable historical items, which could be retained by the appropriate bodies.

It was quite obvious that this was a matter of some urgency, both from the point of the dressage club and the protection and collection of artifacts of historical significance. The Minister, in his reply to this question in early February, indicated that there was to be a meeting between representatives of the Adelaide City Council, South Australian Museum and the State Archives to discuss this matter. Therefore, I am surprised and disappointed that three months after my first inquiry, in the absence of any positive action, the plundering of the south parklands tip has become an even more popular pass-time. Not only are there nocturnal diggers but also back-hoeing of the area in the day-time. In this latter example the diggers were chased away by council employees. The sad aspect of this affair is that beautiful examples of stoneware, glassware, bottles, pots, jugs, decanters, and other artifacts are being taken from the site to be sold interstate, or find their way into local antique shops or private collections.

Mr. Dennis Ayles, who is spokesman for the antique bottle collectors in South Australia, is concerned at the lack of action in this matter. He finds it ironic that he has received a phone call from the Art Gallery expressing its interest in early South Australian pottery and bottles, when in recent months he has been seeking to ensure that the State's collection of such items will be enhanced by digging out the south park lands tip.

He has discussed this matter with officers of the Adelaide City Council on several occasions. He assures me that he knows of several experienced antique bottle collectors who would be happy to dig out this area in three or four days under supervision. He believes that this whole operation would involve no more than several hundred dollars. I appreciate that this matter is not under the Minister's direct jurisdiction and that he has acted promptly by bringing it to the attention of the Adelaide City Council. However, the preservation of artifacts of historical significance is quite clearly a matter of public interest and I ask the Minister whether he could again make contact with the council to ensure that this area is dug up under supervision, so ensuring that nocturnal diggers are no more.

The Hon. C. M. HILL: I am disappointed to hear the honourable member say that no action has been taken by the Adelaide City Council in this matter. Soon after I passed the previous question on to the Town Clerk of the City of Adelaide I received a reply and, as I recall, I advised the honourable member that the Town Clerk intended to form a committee of officers from the various areas that the Hon. Mr. Davis has just mentioned.

I thought that the investigation was under way and that the matter would have been under complete control. Apparently, from the information given today, that has not occurred, and I will certainly look into the matter. Perhaps I should contact the Lord Mayor and not the officers at the Town Hall, because the Lord Mayor is a man of considerable action and I am sure that, when a matter of such historical significance is brought to his notice, we will see something done. I hope that the damage occurring down there and the situation in regard to antique glassware will be rectified. I hope the Hon. Mr. Davis will be satisfied with the action that will be taken in the immediate future.

The Hon. J. R. CORNWALL: I desire to ask a supplementary question. All honourable members are conversant with the terms "old digger", "little digger" and "dirty digger". Can the Minister explain what is a "night digger"?

The Hon. C. M. HILL: The Hon. Mr. Davis referred to people who may be sneaking into the parklands late at night in search of an antique bottle or two. The Hon. Mr. Cornwall should be well versed in the question of digging, because he has been digging for answers for a long time in this Council. His questions have been so weak that he might have thought that he was unsuccessful.

MINISTER'S STAFF

The Hon. ANNE LEVY: I seek leave to make a brief explanation before asking the Minister of Local Government, representing the Minister of Education, a question about the Minister's staff.

Leave granted.

The Hon. ANNE LEVY: On 19 February I asked a question of the Minister regarding the appointment of a grass roots adviser to the staff of the Minister of Education. I received a reply to my question yesterday but, as Question Time expired as the Minister was reading

the answer, I was not able to follow it up with a supplementary question. The answer that I got yesterday referred only to the position of a private secretary being appointed to the Minister of Education. *Hansard* shows that I did not ask any question at all about a private secretary to the Minister of Education. Consequently, I would like to repeat the specific questions that I asked of the Minister of Education on 19 February, and I hope that this time I can get a reply to the questions that I actually asked. I asked:

> First, can the Minister say whether it is true that a new advisory position to the Minister of Education is being created despite the extensive advisory capabilities of the whole Education Department? Secondly, has the person for this position already been selected and, if so, who? Thirdly, how can the Minister justify the expenditure in creating such a new position, given the current reduction of 4 per cent in teachers' aides?

I hope that this time I can get answers to my questions.

The Hon. C. M. HILL: I will obtain an explanation of this whole matter from the Minister of Education and bring back a reply.

INSURANCE BROKERS

The Hon. D. H. LAIDLAW: I seek leave to make a brief explanation before asking the Attorney-General a question about insurance brokers.

Leave granted.

The Hon. D. H. LAIDLAW: In the press today there is a report that one further firm of insurance brokers has gone insolvent, in this case Kinloch (Insurances) Pty. Ltd., with estimated debts of $3 000 000. Can the Attorney make inquiries as to whether any or many South Australians are involved in the collapse? Secondly, in view of the fact that in Queensland regulations have been introduced to control insurance brokers and that in New South Wales and Western Australia, I understand, regulations are about to be introduced, is anything proposed to be done in South Australia to control insurance brokers, because I understand there is absolutely no compulsion on these people who handle huge sums of money to place them in trust funds pending their passing such moneys on to insurance companies?

The Hon. K. T. GRIFFIN: The Minister of Consumer Affairs is already gathering information about the likely effect on South Australians of that collapse. In regard to insurance brokers generally, the Minister is also considering what action should be taken in relation to insurance brokers generally, and that has been in train for quite some time, but it was held up because the Australian Law Reform Commission was preparing material on that particular subject. It was believed that, if there could be a national approach to insurance brokers, that would be desirable approach. These sorts of questions are already under consideration, but I will endeavour to obtain more detailed answers for the honourable member.

WOOD CHIPS

The Hon. B. A. CHATTERTON: Has the Minister of Community Welfare a reply to the question I asked on 12 February about Punalur Paper Mills Proprietary Limited?

The Hon. J. C. BURDETT: My colleague, the Minister of Forests, has provided the following reply:

> The South Australian Timber Corporation bought out the 40 per cent interest of Punalur Paper Mills Proprietary Limited in Punwood Proprietary Limited following arrangements to terminate the agreements. Consequently, Punalur Paper Mills Proprietary Limited were refunded all moneys advanced to Punwood Proprietary Limited together with expenses, incurred on that company's behalf as set out below:

	$
advances to company	100 000·00
advances to company	90 000·00
expenditures	18 687·05
	$208 687·05

TRAFFIC SIGNALS

The Hon. N. K. FOSTER: I seek leave to make a brief statement before asking the Attorney-General, representing the Minister of Transport, a question about carriageways.

Leave granted.

The Hon. N. K. FOSTER: During the course of the life of the previous Government I was often critical of the Highways Department and the Minister. I realise that the Highways Department is a body that has certain powers that it takes unto itself. One matter which concerned me and which still does is the proliferation of traffic signals where they can be avoided, especially in open-space areas where the contours and the natural fall of the land lend themselves to the construction and provision of deviation roadways and systems which reduce the necessity for the installation of traffic lights.

The Hon. J. A. Carnie: You had trouble with the previous Minister.

The Hon. N. K. FOSTER: True, I had much trouble with my mate Geoff Virgo. I refer to the installation of electronic traffic signals adjacent to Flinders University and on other roads, including Tapleys Hill Road and Majors Road, where there are ample contours and rises and falls to allow some form of tunnelling and where the natural landfall could make the provision of such signals unnecessary. Another classic example is the Darley Road and Gorge Road intersection in the eastern suburbs. Another beauty is the intersection of Montague and Bridge Roads in Pooraka where, about 200 yards from the lights, there is a steep incline. If one cycled down the hill and did not apply the brakes one would almost fly off the road and over the traffic travelling north and south on Bridge Road. That elevation is high and would allow almost a natural bridge, which would then allow a complete free flow.

Much public concern has been expressed about the extension of Blacks Road and the Grand Junction Road deviation to the rear of the Royal Blind Institution, connecting at the top of a high rise in Grand Junction Road at the Walkleys Road intersection, which takes a sudden dip to take the traffic north over Montacute Road and the like. That deviation road has been completed for some years but there is no visible sign that it will be put into use. Had the road planners used a deviation scheme to sweep that road westwards at the intersection with Grand Junction Road, they would have found a deep gully which sweeps around and connects with Walkleys Road.

There is a necessity for bridges not electronic devices. Electronic devices are to be installed at the junction of Fosters Road and Grand Junction Road. It is one of the busiest roads in the north-eastern suburbs and carries a large volume of traffic, not only in terms of numbers but also in terms of weight. Once again we have a sweeping gully that will allow access by bridging. I do not accept

what the Highways Department has said in regard to the cost factor being prohibitive. Will the Attorney-General take up the matter with the Minister of Transport in regard to the proposed electronic devices to be installed at the intersection of Fosters Road and Grand Junction Road and also at the intersection of the completed unnamed road from Blacks Road on the southern end and the intersection of the Grand Junction Road and Walkleys Road on the northern end? Will he investigate the possibility of rerouting the intersections at the top of Tapleys Hill Road and South Road, as they are the cause of a number of accidents? Two sets of traffic lights are only about 500 yards apart. Will he have the whole matter taken up with the Highways Department?

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

BOOK SALES

The Hon. ANNE LEVY: I seek leave to make a brief explanation before asking the Minister of Local Government a question on book sales.

Leave granted.

The Hon. ANNE LEVY: On 17 February I asked the Minister a question on book sales which took place in Norwood when the Libraries Board disposed of about 80 000 books. I received an answer on 25 February which appeared very straight-forward and satisfactory. However, it has been drawn to my attention that a letter has been received by Mr. Bannon on the same topic from the Minister, and there appears to be some contradiction between the statement made to me and that made to Mr. Bannon. The letter to Mr. Bannon states:

> The books were all priced at 20c per copy but the board was prepared to negotiate a bulk price for lots of 300 or more, and I am given to understand that a large number of the booksellers who attended the sale did avail themselves of those special offers. No conditions were imposed on dealers with respect to reselling.

I stress that the letter states that a large number of booksellers availed themselves of the special offer. In his reply to me the Minister stated:

> Only in one case did a bookseller purchase more than 300 and he was allowed to purchase the books at 15c each.

The reply further states:

> The booksellers were offered the opportunity of purchasing books that remained after the public sale and two or three sellers did take advantage of that opportunity. In these cases cheaper prices were negotiated with the booksellers if they were prepared to buy large quantities.

It seems that there is a slight discrepancy between "a large number" of booksellers who availed themselves of the special offer and three or four booksellers who received books at less than 20c each, as mentioned in the reply to me. Will the Minister clear up the matter and explain the ambiguity between the two replies on the same subject?

The Hon. C. M. HILL: I will have a close look at the reply that I gave the honourable member and the copy of the letter which I forwarded to Mr. Bannon. The information in the two advices is obtained from the Public Library. If there has been an error in any respect I will be happy to correct it as quickly as possible. I can recall in the letter I sent to Mr. Bannon (and I do not think I made this point in the reply) that the number of books actually sold to booksellers was approximately 3 000 from a sale in which approximately 80 000 books were offered overall. So, irrespective of the question of the number of booksellers who took advantage of the opportunity to acquire books, the number of books purchased by booksellers was not very large compared with the total number of books offered. I will look closely at the matter that the honourable member has raised. I thank her and will let her have an answer as quickly as possible.

SELECT COMMITTEE ON URANIUM RESOURCES

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

> That the time for bringing up the report of the Select Committee on Uranium Resources be extended to Wednesday 3 June 1981.

Motion carried.

CONSTITUTION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 25 February. Page 3160.)

The Hon. R. J. RITSON: In order to examine the merits of this Bill it is first necessary to examine some of the political and social peculiarities of the State Legislative Council as distinct from the House of Assembly. The House of Assembly provides a reasonably current expression of political and social attitudes of the electorate. The electoral mandate of the House of Assembly is updated every three years and, in recent years, much more frequently. Occasional vacancies in the House of Assembly are filled by candidates representing—

The PRESIDENT: Order! I draw honourable members' attention to the fact that there is too much audible conversation in the Chamber. I ask them to be seated next to the people with whom they are conferring. Also, will the departmental officers confer outside the Chamber.

The Hon. R. J. RITSON: Thank you, Sir. I could hear so little that I was not sure whether I was speaking myself until you drew my attention to it. The House of Assembly consists of members representing current or reasonably current political attitudes. It consists of single-member electorates, and a relatively small swing can produce total dominance of the House of Assembly by one major political Party over the other, to the theoretical annihilation of the voice of the Opposition. It is merely a matter of convention rather than of law that in general Governments do not use their numbers totally to take away the voice of the Opposition in another place.

On the other hand, the Legislative Council performs different functions. It provides an additional forum for debate, and is a House of Review, where legislative mistakes can be picked up sometimes. It does indeed, however, do much more than that, because it is elected on a proportional representation system and so ensures that, regardless of swings in another place, the Opposition always has a reasonable proportion of voices in the Legislative Council. It also provides a reasonable chance that minor Parties will find some voice in the Parliament.

In addition, it provides something that is not provided for in the House of Assembly, namely, a voice of the politics of yesteryear. Because of the longer term of office and the staggered retirement, there are always in this Chamber, whatever happens in the House of Assembly, some members who represent current political attitudes and some members who represent the politics, in this case, of 1975. For example, the presence of some honourable members on my side of the Chamber represents the

politics of the early to mid 1970's, and the presence of the Hon. Mr. Sumner represents the serendipidous consequences of the conflicts of those days. The Hon. Mr. Milne represents current political attitudes, and these attitudes will be represented in this Chamber for about another five years, even if the Australian Democrats cease to exist in the meantime.

So, when discussing the principles of replacing casual vacancies, the first question is whether or not it is desirable that this Council should represent the most current electoral attitudes, in which case casual vacancies should be filled by means of by-election, or whether the ongoing stabilising influence of politics of previous years is a desirable ingredient at least in this House of the Parliament of this State, in which case casual vacancies should be filled by a person whose attitudes reflect the wishes of the electorate at the time of election of the retiring member.

I prefer the second view. Indeed, I am sure that most honourable members do so, because for many years they have observed the convention whereby casual vacancies have been filled by people representing the politics obtaining at the time of the retiring member's election. The real question is whether conventional practice is satisfactory or whether legislative control would be a better system. I wish to argue against legislation and oppose the Bill.

Some political theorists would hold that Parliamentary convention is an important part of the democratic process and of the political maturing process of Western societies. Of course, while the conventions are observed by all Parties, there is no need for consideration of legislation. So, the question arises only when conventions are disregarded. When conventions are abandoned and motives of immediate gain take precedence, the question of a more legalistic procedure arises. Indeed, given the substantial observance of conventions in this State, there appears to be little need for legislation. I am not really sure that we can argue the need for legislation in South Australia in terms of the break-down of conventions in other Parliaments, States and nations. But, even if we did have a breach of convention in South Australia, it could be argued that, in terms of public controversy, electoral backlash and media criticism, justice would ultimately be done. Indeed, some people hold the view that such controversy surrounding convention contributes positively to the political development and maturity of a country. It is interesting to note that the British Government has plenary powers and not a written Constitution.

The Hon. Frank Blevins: It does have some written Constitution. That is not strictly correct. It is a mixture.

The Hon. R. J. RITSON: That is a separate issue. I don't want to be sidetracked.

The Hon. Frank Blevins: It is a mixture.

The PRESIDENT: Order! The Hon. Dr. Ritson does not need to be sidetracked by interjections.

The Hon. R. J. RITSON: It is a general truism that Britain has no written Constitution. It has some case law and some judiciable matters in small areas of manner and form. People have written big books on it that the Hon. Mr. Blevins has not read. I will leave his interjection at that point. Britain has survived centuries of conflict politically rather than legally. It has developed a body of unwritten constitutional practice and convention, and that body of convention has served Great Britain well.

It can be argued that the history of conflict within British society has forced that society to come to grips with the question of how it will politically resolve dispute, and that political resolution of this conflict has a maturing effect on society and contributes to growth towards the level of political morality and ethic that has been achieved in many Westminster systems.

The value of political rather than judicial resolution of conflict arising from the breakdown of conventions can be a positive factor which I wish to emphasise. Furthermore, legislation may positively inhibit the benefits that can flow from such conflict. For example, a convention disrupted will produce widespread public debate, controversy and media comment. But, once that convention is enshrined in legislation, the immediate reaction is litigation, and the immediate consequence is suppression of debate because the dispute is *sub judice*.

The Hon. Frank Blevins: Why did your Party support the referendum, then?

The Hon. R. J. RITSON: Mr. President, that little man is terribly rude. Do you mind if I ignore him?

The Hon. Frank Blevins: I would prefer that you answer me.

The PRESIDENT: Order! The Hon. Mr. Blevins has repeated himself several times, and it is obvious that the Hon. Dr. Ritson does not intend to reply to his interjections.

The Hon. R. J. RITSON: There is a further danger that, if Parliamentary attitudes become legalistic rather than moralistic, the victorious recipient of a favourable judicial decision may feel over justified in having observed the letter of the law rather than its spirit. This would seem to me to be a regression away from the more mature and highly evolved British attitudes. Perhaps that has something to do with cricket. I wonder whether, had the Cricket Board not outlawed the grubber, we would ever have seen another one in those circumstances.

The Hon. Frank Blevins interjecting:

The Hon. R. J. RITSON: The acoustic qualities in this Chamber have deteriorated. There seems to be an extraordinary echo from the corner. The case for this Bill might be strong if we assumed that this Parliament was too immature to treat convention with the respect that it deserves, and that the Hon. Mr. Milne's Bill was so perfect that it contained within the plain meaning of its words the ideal solution to all future disputes and so created no problem and removed the need for the continuing observation of conventional Parliamentary ethics. I remind the Council that whenever we make law in this Chamber we are simultaneously creating loopholes, whether we realise it or not. I caution all members that, if we replace the ethic and spirit of conventions with a set of loopholes loosely held together by the framework of a statute, there is the great danger that, with the regression from the higher form of self-discipline to an imposed constitutional legalistic mental approach, the loopholes will become weapons with which to beat each other, and the ethic presently existing will be lost.

I now turn to some of the loopholes and deficiencies in this Bill. I will not argue them at length because I do not wish to delay the Council. Perhaps this debate could be adjourned until June, when it could be debated in depth and not treated lightly. I notice that public recognition of an endorsed candidate is mentioned in the Bill. What is an "endorsed candidate"? Is an endorsed candidate a candidate recognised by the public as being endorsed, or is it public recognition of someone endorsed by a Party? If it is the latter, and there is a dispute within the Party as to the validity of that endorsement in terms of the Party's rules, the resolution of that dispute will require a judicial inquiry into the Party, into its rules and into who was entitled to vote and who was not entitled to vote. Furthermore, a court would have to determine that status of endorsement as at the time of the election.

I am not sure whether the word "election" means

polling day, which is what it means in the minds of most people, or whether it means the declaration of the poll or the swearing in. Perhaps some of the constitutional lawyers in this Chamber can answer that question. I am not sure whether one is elected when one attends the declaration of the poll, when one is sworn in or whether one's election occurs on polling day. That is not as fanciful a question as it might seem. For example, a member in the House of Assembly stood as an Independent Labor member opposing the endorsed Labor candidate. As a result of a subsequent dispute his Party membership was either terminated or in doubt for a short time. I think his membership was terminated and that he became an Independent instead of an unendorsed Labor member. Subsequently, he rejoined the Labor Party. It is unlikely that that situation could occur in this Council, but if it did I would never suggest for a moment that a casual vacancy of a member in such circumstances should not be filled by a nominee of the Labor Party.

This Bill requires the court to address its mind to the validity or otherwise of endorsement and, indeed, of the nomination of the replacing candidate and, secondly, to determine that status at the time of the election of the retiring member (whatever the word "election" may mean). The meaning of the word "Party" is also not clear. I would be very worried indeed if the word "Party" ever became legally defined or if the registration of political Parties was ever required. The freedom of association is a very rare, precious and democratic freedom. At present that freedom is virtually unlimited. The freedom to form a political Party, even if it is the silliest and smallest Party, is limited only by the number of beatings that that Party is prepared to take at the ballot-box.

When the word "Party" is enshrined in a Bill, sure as eggs, one day someone will ask a judge what it means. The judge will either have to say that it means anything one wants it to mean, or he will have to give it a legal meaning. I believe that would be the beginning of a grievous inroad into an important principle of freedom. I do not believe that it is necessary in South Australia to create those sorts of problems by drafting a Bill which is a lacework of loopholes. Leaving aside the loopholes for a moment, there are other questions upon which the Bill is silent and which leaves us with important deficiencies that fail to relieve us of the need to resort to conventions.

What would happen if a political Party by which a retiring member was endorsed had ceased to exist at the time of a casual vacancy? What is the situation where a Party retains its name but changes its policies, its attitudes and its members so radically that it no longer resembles in any real way the Party that formerly bore that name? How do we legislate for that occurrence? I believe that every member of this Council has enough morality and ethical sense to come to grips with a problem such as that without seeking self-advancement. In many of these circumstances, as in the case of the former Independent Labor member that I mentioned, we are not relieved by this Bill of the problem of having to face substantial moral and ethical decisions and apply conventional standards of Parliamentary ethics to our decisions.

The Hon. C. J. Sumner: What do you do about Bjelke-Petersen?

The Hon. R. J. RITSON: That the honourable gentleman is so successful in breaching conventions is not because of the restraining effect of electoral censure. He is protected by virtue of dubious electoral boundaries. If those electoral boundaries were revised to the extent that he was not permanently immunised against electoral backlash, one might see a more conventional and ethical approach. This Bill has a number of interpretative difficulties and, because it may result in a nightmare of intrusion into the rules of Party voting practices and nominations for preselection procedures, and because it does not relieve us in many cases of the obligation to observe conventional Parliamentary ethics, I oppose it.

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

SELECT COMMITTEE ON ASSESSMENT OF RANDOM BREATH TESTS

The Hon. M. B. CAMERON brought up the report of the Select Committee, together with minutes of proceedings and evidence.

Ordered that report be printed.

SELECT COMMITTEE ON LOCAL GOVERNMENT BOUNDARIES OF THE CITY OF PORT LINCOLN

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

> That the Joint Address to His Excellency the Governor as recommended by the Select Committee on Local Government Boundaries of the City of Port Lincoln in its report and laid upon the table of this Council on 3 March 1981 be agreed to.

Members will recall that, on 4 December 1980, the Legislative Council appointed a Select Committee to inquire into the boundaries of the City of Port Lincoln. The Council directed the committee to examine whether the present boundaries of the City of Port Lincoln adequately encompass the present and potential residential, commercial and industrial development of the Port Lincoln urban area, and assess their effect on the planning, management and provision of works and services and community facilities for the urban area. In carrying out this examination, the Select Committee was directed to take into account any operational, financial and management issues it considered appropriate as well as community of interest in its determination of the question.

If the Select Committee considered that any adjustment to the present boundary between the city of Port Lincoln and the district council was deemed necessary, it was directed to prepare a joint address to His Excellency the Governor pursuant to section 23 of the Local Government Act, 1936-1981, identifying the area, or areas, to be annexed to and severed from either council, the necessary adjustment between the city and district council of liabilities and assets, the disposition of staff affected by any change, and all other matters pursuant to the Local Government Act, 1936-1981.

Yesterday, I brought down a report and tabled the joint address, which I now seek to have passed. The committee has met on six occasions. Following its appointment, advertisements were inserted in four newspapers, namely, the *Advertiser,* the *Port Lincoln Times,* the *West Coast Sentinel* and the *Eyre Peninsula Tribune.* The committee met at Port Lincoln so that interested persons residing in the areas under consideration would have adequate opportunities to give evidence. The committee, having carefully considered all the evidence, is of the opinion that the boundaries of the city of Port Lincoln should be extended to include areas to the south, south-east, west and north of the city, and these areas are detailed in the joint address.

The committee recommends that the boundaries be

altered to include within the city of Port Lincoln areas occupied by the urban community. The new area also provides for further growth and for the proper planning of drainage and the provision of community services. The committee in its report acknowledges the past involvement of the district council of Lincoln and the services provided by that council in the administration of the areas affected by the change.

The committee recommends the abolition of the present four wards of the city of Port Lincoln and the division of the enlarged municipality into five wards. The committee further recommends that any proclamation issued to give effect to the matters set out in the joint address should have effect from 1 July 1981.

The committee gave consideration to the question of councillor representation for the municipality and its new wards and received advice that it was not necessary for these matters to be dealt with in any address or subsequent proclamation, as provision for this exists in the Local Government Act under section 20 (2). The determination of the number of councillors for each of the wards is a matter which is also adequately provided for in section 49 of the Act. In view of these provisions, the present councillors and the Mayor in the municipality will continue in office until the next annual election in October this year when they will all cease to hold office.

All, of course, would be eligible to renominate, but the requirement would then be for 10 councillors, not the present eight, with two councillors in each of the wards, which would then number five. No alteration is necessary to the number of councillors in the area of the Lincoln District Council. Necessary adjustments between the city and the district council of assets and liabilities will be the subject of further inquiries by officers of the Department of Local Government and a separate proclamation by His Excellency the Governor. This process is provided for under the provisions of section 8 of the Act.

I take this opportunity to thank the members of the Select Committee for the work they have carried out and also to place on record the committee's thanks for the co-operation received from numerous people on Eyre Peninsula including members of the city and district councils. The committee reached the very definite view that, as the boundary issue has extended over many years without resolution, the councils were incapable of resolving the problem by mutual agreement.

The Hon. C. W. CREEDON: I support the motion. I had the privilege of working as a member of the Select Committee. I have no hesitation in saying that the view expressed in the report was completely unanimous. The pity of it is that we have to work in this way, dealing selectively with two or three councils in local government areas at a time. In many places there is very great maladjustment of local government boundaries, and it would be of great satisfaction to know that they could all be looked at and settled at the one time and their future decided in the one report. I know from experience that that ideal is impossible to achieve on a voluntary basis.

A lot of these people in local government areas jealously guard their parishes to the extent that they refuse to consider the neighbouring councils in any matter. Because of disputes over matters such as subdivisions, drainage, and community facilities, these two councils seem to have no dialogue at all. We believe that the corporation boundary should be extended to take in the urban area as we found from the evidence that there was no possibility of the boundary extension claim of the Corporation of Port Lincoln being settled by mutual agreement. We have recommended along the lines that we believe to be in the best interests of the area.

Finally, I wish to put on record that the witnesses were helpful and forthright and that a good number of individuals appeared in their own right. I did find it disconcerting in regard to some of the methods used to inveigle people to come along to give supporting evidence. Whether the evidence was for or against the question of having the City of Port Lincoln boundaries extended, I hope that they will accept the decision and work together for the benefit of the area.

The Hon. M. B. DAWKINS: I wish to endorse the comments of the Minister, who was Chairman of the Select Committee, and those of the Hon. Mr. Creedon, who spoke briefly and indicated that the final decisions of the Select Committee were unanimous. In discussing this matter I would like to pay tribute to the District Council of Lincoln and the work it has done. The district council has looked after the area of Port Lincoln well. Certainly, there are mixed feelings about whether some ratepayers would prefer to stay with the district council or go into the area of the city council.

It is always regrettable when a decision like this has to be made but, nevertheless, as members have heard from the Minister and the Hon. Mr. Creedon, there appears to be no likely solution that will be arrived at by mutual consent involving both parties. The boundary issue has been something of a running sore in that area for a long time. I believe that this is the only way in which the problem can be solved.

Certainly, I would have been happier if on an earlier occasion the matter could have been resolved by a poll of ratepayers or the like. I have always been in favour of some transfer of obviously urban areas to large country towns or cities. In some cases a country town, which could have a population of 7 000 or 8 000 people, would become a country city as a result of such acquisition.

I have always felt that, when that sort of thing has happened and a town has grown out into the rural area, some of the area should be transferred to the country city or country town. However, I do not agree that very large rural areas should be transferred to the large country towns or cities such as Port Lincoln and similar places, because that would result in a considerable conflict of interest.

Of course, that does not obtain in the case of a small country town of about 1 000 people, which is based on an agricultural and rural community and which is obviously suitable as a centre for a rural local government area. In this case, however, the time was overdue for a transfer to take place. The Select Committee went into the matter in great detail. It had the benefit of considerable evidence being given to it in a forthright and objective manner, in most cases, and the committee was also helped in coming to its decision by the information that was provided by the members of both councils and the various interested ratepayers who gave evidence.

As much as I regret in one sense the fact that the district council has to lose some area, area that it has looked after well, I believe that the solution to which the Select Committee has come is the only reasonable solution of what has been, as I said earlier, a running sore for a long time. As I have said, there have always been mixed feelings in this sort of transfer, because often district councils are just as good as, if not better at their job in looking after these outer areas, than are city or large town councils, and sometimes they look after such areas in an even more economical manner. Subsequently, one finds that there are mixed feelings about the transfer of these

areas from one council to another.

Whilst I regret in one sense that the District Council of Lincoln will lose some of its area, I have no doubt that the council will continue to be viable, because it has managed its affairs very well. Its financial structure is good and, without doubt, it would be better than the way in which the city council has managed its affairs. Nevertheless, I believe that the addition of this area to the city council will make that council more viable, and this will provide a solution to this long-standing problem. I support the motion.

The Hon. L. H. DAVIS: I would like to concur in what the Minister, the Hon. Mr. Dawkins and the Hon. Mr. Creedon have said. The findings of the Select Committee show that in the area under dispute about 10 per cent of what could be said was the population living in the city of Port Lincoln are residents beyond the city council boundary. Evidence given showed that the population growth in the last five years and projected population growth over the next few years in this area was several times greater than the rate of growth within the existing city boundary. A significant majority of the residents of these areas beyond the city boundaries, such as Rustlers Gully, work in Port Lincoln and use the many community services available from the city council; in other words, there is a strong community of interest. It was quite obvious that there had been a difficulty in negotiating new boundaries between the city council and the district council, stretching back over a decade. Some of these difficulties have been genuine differences of opinion, as one would find anywhere, and some others, perhaps inevitably, involved personalities.

There were examples of a break-down in, or in some instances a total lack of, communication between councils, and also several examples of confusion amongst residents on or near the boundary about which council they should turn to for service or advice. The findings of the committee were based not on observations of the personalities involved or assertions as to one council's financial or management competence over the other but, rather, on the assessment of the interest of the residents of the area under dispute, the future population growth within that area, and the present and likely future links between that area and the city of Port Lincoln.

The findings of the committee in no way reflect, or should be taken to reflect, that one council is better than the other. In fact, the committee found many features that it was impressed with in regard to both councils. We were asked to deal with a matter which had remained unresolved for many years, as other members have already observed. Evidence taken by the committee pointed strongly to the fact that this matter could not be easily resolved by the councils themselves. Therefore, the committee had no alternative but to act in the manner outlined in the report.

The Hon. G. L. BRUCE: I rise briefly to support the remarks of the Minister and place on record some of the observations I made while on the Select Committee. I believe Select Committees are the proper way to deal with some of these subjects that come before the Council. They are dealt with in a non-political way and arrive at the best solution for the people concerned. I thank the residents of Port Lincoln and witnesses who came forward to give their views. The evidence was given with the best of intentions although, understandably, some views did differ. It was up to the committee to try to sort the wheat from the chaff; it was an insight into local government. I believe that we do not place enough importance on local government. It is a very strong section of the community which seems to be overlooked by many people. I admire the people I met in Port Lincoln who gave evidence. A lot were councillors who gave their time freely and willingly to try to better the community in which they live. I appreciate their efforts to make the town and community generally a better place. The committee had a hard task before it. The report of the Select Committee states:

> There is evidence from your committee and from the evidence given that the boundary issue was incapable of being resolved by mutual agreement between the councils.

I believe that to be true. I think they have entrenched themselves so far into a position that it was incapable of being resolved. I believe that the Select Committee has done both councils a favour to the extent that neither council was getting the benefits that should have been going to local residents. It was in their best interests to see that one area, overlapping into another area, had the proper facilities and flow-on services that councils could make available to these areas. I believe the Select Committee served a useful purpose. I appreciate the help of the Minister's staff in connection with the Select Committee and the efforts and courtesy of both councils in showing us around Port Lincoln, particularly the areas of contention. I hope that the residents of Port Lincoln benefit from our efforts.

Motion carried.

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

> That a message be sent to the House of Assembly transmitting the aforementioned address and requesting its concurrence thereto.

Motion carried.

PITJANTJATJARA LAND RIGHTS BILL

Second reading.

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

That this Bill be now read a second time.

Members are no doubt aware that this Bill reflects extensive negotiations and discussions between the Government and the Pitjantjatjara Council and subsequent consideration of it by the House of Assembly and a Select Committee of that House.

The negotiations between the Government and the Pitjantjatjara Council commenced in February last year, and the Bill was introduced in the House of Assembly on 23 October and referred to the Select Committee on 25 November. The Bill is thus the output of a very thorough process and seeks to deal adequately with matters that are likely to arise under it. With one exception, the Bill is the result of agreement between, first, the Government and the Pitjantjatjara Council and then, more recently, the Select Committee of the House of Assembly and the Pitjantjatjara Council. In that sense, the Bill represents a major achievement and has been welcomed by a wide spectrum of interests concerned with Aborigines and relationships with them.

The Bill establishes a body corporate (Anangu Pitjantjatjaraku), which will comprise the Pitjantjatjara people as defined in the Bill. The lands defined in the first schedule will be granted to Anangu Pitjantjatjaraku in fee simple and will be inalienable. While there is a requirement for present holders of interests in those lands to give their consent, it is expected that this will be a formality. Special provisions are included relating to Granite Downs reflecting the present occupancy of that

land as a pastoral lease, and provision is made for the Crown's reversionary interest to vest in the Pitjantjatjara subject to the present lessee's right of occupancy continuing for the balance of the terms of the various leases which expire between 1996 and 2008.

The Bill provides for the control of access to the lands. In the case of access for purposes other than exploration and mining, an application for permission to enter must be made to Anangu Pitjantjatjaraku. Exemptions from the requirements of this section are provided for the police, certain officials, members of Parliament and genuine candidates, the lessees of Granite Downs and their families, employees and visitors, and entry in case of emergency. Special additional provisions are included in the Bill with respect to the Mintabie opal field. The provisions regarding access for purposes of exploration and mining are, as one would expect, more complicated.

The scheme in this regard in the Bill provides that: companies whose application for a mining tenement has been accepted for consideration by the Minister of Mines and Energy will negotiate with Anangu Pitjantjatjaraku as to the terms and conditions under which they could enter the lands; if agreement is reached with Anangu Pitjantjatjaraku, the Minister will proceed to the granting of a tenement; in the event of disagreement or if no agreement has been reached at the end of 120 days, the dispute may be referred by the applicant to an arbitrator who will be a judge of the Supreme Court of a State or Territory, or the Federal Court of Australia, or the High Court of Australia, and the arbitrator will determine the dispute, having regard to the effect of the grant of the mining tenement on, *inter alia*, the preservation and protection of the Pitjantjatjara and their culture and their wishes as to the development of the lands, the suitability of the applicant, the preservation of the natural environment and the economic and other significance of the proposed operations to the State and the nation. The arbitrator's decision will be binding on the applicant, Anangu Pitjantjatjaraku and the Government.

One aspect of the Bill that should be mentioned in this context is the provision which it makes for compensation payments that may be negotiated by a mining company with the Pitjantjatjara should exploration and mining be allowed. As part of their negotiations with Anangu Pitjantjatjaraku, mining companies may agree to make payments to Anangu Pitjantjatjaraku, but only if those payments are reasonably proportioned to the disturbance to the lands, the Pitjantjatjara people and their way of life that has resulted or is likely to result from the granting of the mining tenement. Indeed, the Minister is required to refuse to grant a tenement, or to cancel it if it has already been granted, if payments are made otherwise than in accordance with the provisions of the Bill.

On the other hand, the Bill provides that, subject to an upper limit to be fixed by regulation, any royalties received by the State from mining on the lands will be split three ways; namely, one-third to Anangu Pitjantjatjaraku, one-third to the Minister of Aboriginal Affairs to be supplied to the health, welfare and advancement of the Aboriginal inhabitants of the State generally, and one-third to the general revenue of the State. It is not possible to fix the upper limit in advance of any mining operation taking place, because of the difficulty of estimating the value of royalties that may be forthcoming from mining activities on the lands. However, in our discussions with the Pitjantjatjara Council, we have undertaken that this limit will be fixed by the Government, having regard to the desire of the Pitjantjatjara to construct and maintain their own community amenities, such as education and health facilities, after discussion with and in continuing association with the relevant State authorities.

With regard to the possible participation of Anangu Pitjantjatjaraku in mining ventures on its own account, we believe that the powers given to it as a corporate body by this Bill will be more than sufficient should it wish to become so involved. Once again, the exact nature of such involvement cannot be determined unless and until mining takes place.

We believe that these provisions balance very fairly the desire of the Pitjantjatjara to preserve their culture (and yet enable them to derive some economic benefit from any exploration and mining activities that take place) and the interest of the State and applicants in having exploration and mining proceed. Indeed, I can report that these clauses of the Bill have generally been well received throughout Australia.

One aspect of mining that has received special attention in the Bill is the opal mining currently taking place at Mintabie. Mintabie is situated on Granite Downs and is thus part of the lands to be granted by the Bill. It also happens to be close to some especially important and sensitive areas, from the Pitjantjatjara point of view.

It is intended that opal miners, operators of legitimate businesses on the field and their families will have virtually unfettered rights of access to the field. Other persons with genuine reasons for being on the field will be subject to a notification procedure, which is not expected to interfere greatly with their freedom of movement. All other persons will be required to obtain permission to enter the lands under the provisions described earlier. Mintabie was recently proclaimed as a precious stones field. This ensures that all the supervision, controls and protection applicable to precious stones fields under the Mining Act are available at the Mintabie field.

In addition, the Bill contains provisions designed to minimise social friction between the white and the Aboriginal communities and, in fact, to encourage communication between them. A magistrate's court will be given a discretion to prohibit individuals from remaining on the field if certain offences are committed. The Bill establishes a Mintabie Consultative Committee comprising representatives of the miners, the Government and Anangu Pitjantjatjaraku. A representative of Anangu Pitjantjatjaraku will chair its meetings. Its role will be to advise the Government in relation to the management of the field and to provide a forum for consultation between all major groups having an interest in the field.

With regard to tenure of residents on the field, the Bill provides that a lease of the settlement area at Mintabie is deemed to have been granted to the Crown for a period of 21 years. Under the terms of this deemed lease, the Crown is able to issue annual licences to residents wishing to reside on the field. This arrangement ensures that Mintabie residents obtain adequate security of tenure while title to the Mintabie lands passes to the Anangu Pitjantjatjaraku. This approach follows very careful consideration of the situation by the Select Committee of the House of Assembly on the Bill and its recommendation to this effect. Indeed, the term of 21 years in the lease to the Crown, instead of the 15 years preferred by the Pitjantjatjara Council, is the only area of disagreement that has not been able to be resolved during the process that has brought the Bill to this point. However, to reiterate, the recommendation of the Select Committee of the House of Assembly on this point followed very careful consideration of all the circumstances regarding this sensitive matter.

Following the conclusion of the statutory lease to the Crown, it is expected that residents on the field will be able to obtain five-year leases that will be renewed from

time to time from Anangu Pitjantjatjaraku.

Other provisions relating to Mintabie deal with the right to use and maintain existing and future matter supplies and the airstrip. The Outback Areas Community Development Trust is enabled to continue funding the provision of amenities at Mintabie. These provisions also result from the recommendations of the House of Assembly Select Committee and were included with the concurrence of the Pitjantjatjara Council. They will ensure the continuation of mining and community activities at Mintabie.

That concludes the explanation of the Bill. It remains to say that it represents a major step forward in relations between Aborigines and whites in this country and, given goodwill on all sides, should work well. It is very pleasing to be able to report from comments received from many quarters that this goodwill will be available in abundance. I commend the Bill to the Council, and seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1, 2 and 3 are formal. Clause 4 contains a number of definitions necessary for the purposes of the new Act. Honourable members should note that "Pitjantjatjara" is defined to include members of the Yungkutatjara and Ngaanatjara people who are traditional owners of the land. "Traditional owner" means an Aboriginal person who has, in accordance with Aboriginal tradition, social, economic and spiritual affiliations with, and responsibilities for, the lands or any part of them. The "lands" are defined by reference to the schedule.

Clause 5 establishes a body corporate under the title Anangu Pitjantjatjaraku and provides that all Pitjantjatjaras are to be members of the body corporate so established. Clause 6 sets out the powers and functions of the body corporate. Clause 7 provides that Anangu Pitjantjatjaraku shall, before carrying out proposals relating to the administration, development or use of the lands, consult with and obtain the consent of traditional owners who are affected by the proposal.

Clause 8 provides for annual general meetings of Anangu Pitjantjatjaraku. Clause 9 establishes an executive board of Anangu Pitjantjatjaraku. This board will consist of a Chairman and 10 other members elected at an annual general meeting of Anangu Pitjantjatjaraku. Until the first annual general meeting, the Pitjantjatjara Council is to act as the board. Clause 10 provides for the meetings and procedure of the executive board.

Clause 11 requires the executive board to act in conformity with resolutions of Anangu Pitjantjatjaraku and provides that no act of the board done otherwise than in accordance with such a resolution is binding on Anangu Pitjantjatjaraku. Clause 12 deals with proof of actions by Anangu Pitjantjatjaraku. It states that an apparently genuine document purporting to be under the common seal of Anangu Pitjantjatjaraku, to be signed by five more members of the executive board and to certify that a specified act of the board has been done in conformity with the Act, shall be conclusive proof that the Act is binding on Anangu Pitjantjatjaraku.

Clause 13 requires the executive board to keep proper accounts of the financial affairs of Anangu Pitjantjatjaraku and provides that the accounts are to be audited and lodged with the Department of the Corporate Affairs Commission. Clause 14 provides that the proceedings of Anangu Pitjantjatjaraku are to be governed by a constitution approved by the Department of the Corporate Affairs Commission. The constitution must specify an address which legal process, notices and other documents may be served on Anangu Pitjantjatjaraku or the executive board and must be in conformity with this Act and the law of South Australia.

Clause 15 empowers the Governor to issue a land grant in fee simple of the whole or any part of the lands to Anangu Pitjantjatjaraku. The land grant is not to be issued (except in the case of Granite Downs station) unless all persons with a legal or equitable interest in the land have surrendered or agreed to surrender their respective interests. When the Governor issues a land grant in respect of land comprised in Granite Downs station, any pastoral lease then in force continues as if Anangu Pitjantjatjaraku had leased the land to the Crown and the Crown had subleased it to the lessee. However, on surrender or expiration of the lease, the land is not to be relet by the Crown. Upon the Act coming into operation, the lessee is to be entitled to compensation from the Crown for diminution in value of the lease as a result of the loss of expectation of renewal. This compensation is to be calculated as if the land subject to the lease were unimproved. Upon surrender or expiration of the lease, the lessee is to be entitled to compensation from Anangu Pitjantjatjaraku for the value of improvements on the land.

Clause 16 deals with the land grant that is to be issued. It provides that it shall be expressed in the English language and the Pitjantjatjara language, but that the interpretation of the land grant shall be governed by those portions of the land grant expressed in the English language. Subclauses (2) and (3) empower the Minister of Lands, on the recommendation of the Surveyor-General, to correct any error resulting from incorrect or inadequate description of the land.

Clause 17 provides that the land that has vested in Anangu Pitjantjatjaraku in pursuance of Part III is to be both inalienable and free from compulsory acquisition pursuant to the Land Acquisition Act. Clause 18 provides that all Pitjantjatjaras are to have unrestricted rights of access to the lands.

Clause 19 makes it an offence for a person who is not a Pitjantjatjara to enter the lands without the written permission of Anangu Pitjantjatjaraku. There are certain exceptions to this principle. For example, a police officer acting in the course of his official duties, a statutory officer acting in the course of his statutory functions, a person acting on the authority of the Minister of Aboriginal Affairs, or a member of Parliament, a candidate for election, or a person accompanying and generally assisting such a member or candidate, may enter the lands without permission. This also applies to entry in the case of emergency. Where a pastoral lease remains in force in relation to a part of the lands, the holder of the lease, members of his family, employees, and members of an employee's family, and other persons authorised in writing by the lessee, may enter land comprised in the lease without permission from Anangu Pitjantjatjaraku.

Clause 20 provides that any person who carries out mining operations on the lands or who enters the lands for the purpose must have the permission of Anangu Pitjantjatjaraku. But where Anangu Pitjantjatjaraku refuses permission or grants permission subject to conditions that are unacceptable to the applicant, the applicant may request the Minister of Mines and Energy to refer the application to an arbitrator. The clause deals with the appointment of the arbitrator and the criteria to which he is to have regard in determining the matters in dispute. The arbitrator's determination is to be binding on Anangu Pitjantjatjaraku, the applicant and the Crown. Subclauses

(20) and (21) provide that, where the application is for permission to prospect and mine for precious stones within a prescribed area, no permission granted by Anangu Pitjantjatjaraku shall require payment of compensation.

Clause 21 deals with the interaction of the Mining Act and the Petroleum Act (both of which will continue to apply to exploration and mining authorised according to the provisions of the Bill) with the proposed new Act and contains a number of provisions to ensure that mining operators do not pay bribes or make unauthorised gifts in connection with obtaining permission for carrying out mining operations.

Clause 22 deals with royalty. It provides that royalty in respect of minerals recovered from the lands should be paid into a separate fund maintained by the Minister of Mines and Energy. Of these moneys, one-third is to be paid to Anangu Pitjantjatjaraku, one-third is to be paid to the Minister of Aboriginal Affairs to be applied towards the health, welfare and advancement of the Aboriginal inhabitants of the State generally, and one-third is to be paid into the general revenue of the State. Where the income from the fund exceeds the prescribed limit in any financial year, the whole of the excess is to be paid into the general revenue of the State.

Clause 23 makes it an offence to give or offer a bribe in connection with obtaining the permission of Anangu Pitjantjatjaraku for carrying out mining operations. Clause 24 provides that payments or other consideration made or given to Anangu Pitjantjatjaraku in respect of carrying out mining operations on the lands must be reasonably proportioned to the disturbance to the lands, the Pitjantjatjara people, and their ways of life, that has resulted or is likely to result from the grant of the relevant mining tenement.

Clauses 25 to 29 deal with the Mintabie precious stones field. Clause 25 deals with entitlement to be on the Mintabie precious stones field. Clause 26 provides for the appointment of the Mintabie Consultative Committee. The committee is to consist of two Pitjantjatjaras nominated by Anangu Pitjantjatjaraku, a nominee of the Commissioner of Police, a nominee of the Minister of Mines and Energy, and a nominee of the Mintabie Progress Association. Thus, the committee will be representative of those who have a major interest in the field. The committee will discharge statutory functions under clause 27 and will also act as an advisory committee to the Minister of Mines and Energy on matters related to the field.

Clause 27 empowers a court of summary jurisdiction, on the application of the consultative committee, or of Anangu Pitjantjatjaraku, to make an order prohibiting a person from entering or remaining on the Mintabie precious stones field. It sets out the kinds of offence or conduct that must be established in order to ground an order. Clause 28 deals with residential tenure at Mintabie and related matters. It provides for a lease by Anangu Pitjantjatjaraku to the Crown for 21 years of the settlement area at Mintabie. The Crown is empowered to grant annual licences to persons lawfully on the field. Provision is made for continued use, access to and right to maintain existing and future water supplies and the airstrip.

Clause 29 provides that the consent of Anangu Pitjantjatjaraku is not required for the pegging out of a precious stones claim on the Mintabie precious stones field. Clause 30 deals with the premises occupied by the Crown for purposes connected with the health, education, welfare, or advancement of the Pitjantjatjara people. Where such premises were occupied before the commencement of the new Act, the Crown may continue in occupation for a period of up to 50 years without payment of rent or compensation to Anangu Pitjantjatjaraku.

Clauses 31 to 34 deal with the construction and maintenance of roads on the lands by the Commissioner of Highways. Clause 31 provides that the consent of Anangu Pitjantjatjaraku is required for the purpose of carrying out road works on the land. Clause 32 deals with the submission of detailed proposals to Anangu Pitjantjatjaraku in respect of proposed road works and provides that any dispute between the Commissioner of Highways and Anangu Pitjantjatjaraku may be referred to arbitration. The proposals relating to the construction of the new Stuart Highway which have been approved by the Pitjantjatjaraku Council are to be regarded as approved proposals for the purposes of this new provision.

Clause 33 provides that land within 100 metres to each side of the centre line of roads referred to in the second schedule is to constitute a road reserve. The Commissioner of Highways is entitled to unrestricted use of the road reserve for purposes related to road works. The public will have access to the roads referred to in the second schedule and also to land comprised in a road reserve. Clause 34 provides that the permission of Anangu Pitjantjatjaraku is not required for the purpose of routine maintenance of roads referred to in the second schedule.

Clauses 35 to 37 deal with the resolution of disputes involving Anangu Pitjantjatjaraku or its members. Clause 35 provides for the appointment of a tribal assessor. Clause 36 provides that a Pitjantjatjara who is aggrieved by a decision or action of Anangu Pitjantjatjaraku or any of its members may appeal to the tribal assessor against that decision or action. The tribal assessor may give such directions as he considers just or expedient to resolve any matters in dispute.

Clause 37 provides that a local court of full jurisdiction may, on the application of a party to proceedings before the tribal assessor, make an order compelling a person to comply with directions of the tribal assessor. Clause 38 provides for the summary disposal of offences. Clause 39 provides that a court may award compensation to Anangu Pitjantjatjaraku for damage suffered by it as a result of commission of offences. Clause 40 exempts the lands from land tax. Clause 41 is a financial provision. Clause 42 provides that the Outback Areas Community Development Trust Act does not apply to the lands, except with regard to Mintabie precious stones field. Clause 43 is a regulation-making power.

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

EDUCATION ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

Its purpose is to amend the provisions for the registration of non-government schools. A Bill was before this House last December, and certain amendments proposed by the Opposition in the House of Assembly were accepted in good faith by the Government. Subsequently, representatives of the non-government schools expressed concern with those amendments. The Act has therefore not been proclaimed, and the purpose of these amendments now before the House is to restore the Act to the form of the original Bill.

Clauses 1 and 2 are formal. Clause 3 increases the

representation of the Catholic and non-Catholic independent schools on the Registration Board from one each to two each. Clause 4 makes a corresponding amendment to the provision for a quorum. Clause 5 removes the provision under which a registration fee was to be payable. Clause 6 removes the provision for periodic renewal of registration. Clause 7 expands the categories of persons who may be sent by the Minister to assist and advise the administrators of non-government schools. Clause 8 makes an amendment for the purpose of administrative convenience. It will make it possible for numbers of inspectors to be authorised by the Minister to carry out inspections of non-government schools.

The Hon. G. L. BRUCE secured the adjournment of the debate.

WORKERS COMPENSATION (INSURANCE) 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.

Late last year Parliament considered and passed legislation to protect the rights of injured workers arising under the Workers Compensation Act in the event of certain insolvencies. This legislation came about mainly as a result of the collapse last year of Palmdale Insurance Limited with outstanding claims for workers compensation payments in excess of $2 000 000. The resulting Workers Compensation (Insurance) Act, 1980, provides for the establishment of a statutory reserve fund from which approved payments will be made in the event that:

(a) an insurance company becomes insolvent and is unable to meet its liabilities under the Workers Compensation Act;

(b) an employer exempted from the requirement to hold workers compensation insurance subsequently becomes insolvent; and

(c) an employer has failed to take out insurance in accordance with his obligation under the Workers Compensation Act and is unable to meet any claims made against him.

The new legislation further provides for the scheme to be financed by a levy placed upon the premiums paid by employers for workers compensation coverage, or, in the case of an exempted employer, upon the premiums that the Commissioner of Taxation assesses would have been paid had there been no exemption. The levy is treated as an addition to the stamp duty payable under the Stamp Duties Act, 1923-1979, and is prescribed by regulation.

In view of the important financial implications of the legislation to the various individuals and companies disadvantaged by the inability of Palmdale to meet claims under its workers compensation policies, every effort was made to bring the legislation into force as soon as possible. The Act was subsequently proclaimed to operate from 23 December 1980, and an advance of $500 000 made to the fund by the Treasurer as provided in the Act.

The General Manager of the State Government Insurance Commission recently advised me that as of 9 February 1981 over $335 000 had been paid out to 28 companies in settlement of some 56 claims under the legislation, and that it is anticipated that a further $400 000 will have been expended by the end of this financial year. These figures vindicate the Government's initiative in setting up the scheme with obvious benefits to those who were suffering financially as a result of the Palmdale failure.

However, there have arisen some administrative problems in respect to the funding of the scheme. Throughout the discussions held with interested organisations during the formulation of the original legislation (which I outlined in some detail when introducing that Bill), it was generally understood that the levy prescribed under section 4 (3) of the Act was to apply to all workers compensation premiums falling due after the commencement of the legislation. With that intent in mind, a levy of 1 per cent was subsequently prescribed by regulations, which came into force on 1 January 1981. However, when a proper interpretation is placed upon the interrelationship of the provisions of the Workers Compensation (Insurance) Act and the Stamp Duties Act, the Commissioner of Taxation is required to add the prescribed levy to the stamp duty that is currently due with respect to premiums payable under policies of workers compensation during 1980.

This is contrary to the intention of the Government which was that, whilst insurers would collect the levy on insurance premiums from 1 January 1981, the amounts so collected would not be payable to the Statutory Reserve Fund via the Commissioner of Taxation until January 1982. Unless the legislation is amended, insurers collectively will be required to outlay in advance payments to the fund totalling over $800 000. This would obviously only further aggravate the difficulties currently being experienced in the industry. The effect of the first amendment proposed is thus to defer payment of the initial levy until 1 January 1982.

Subsection 5 of section 4 of the Act currently provides that, if the amount of the fund exceeds $5 000 000 on 31 December of any year, then no levy shall be payable in the following year. Two problems of timing arise from the present provision. First, insurers need to know some weeks before the commencement of a new year what level of levy they should collect on workers compensation premiums paid during that year. Accordingly, it is proposed to make 31 October the datum point. Secondly, insurance companies will collect the levy throughout a calendar year in anticipation of having to pay the sum so collected to the Commissioner of Taxation in January of the next year. If on 31 October (or on 31 December as is currently specified) it is determined that no levy will be payable in the next year due to the fund exceeding $5 000 000, under the current provisions insurers would be left holding the moneys already collected on premiums paid by employers. The effect of the second amendment proposed in this Bill is therefore to introduce a one-year lag such that, for example, if on 31 October 1983 the fund exceeds $5 000 000 there will still be a levy payable in January 1984 (based upon premiums paid in 1983) but no levy will be applied in January 1985. Insurers will therefore know what individual insurance premiums need not be levied in 1984.

Apart from the two amendments already outlined, the Bill contains a consequential amendment to subsection 6 of section 4. This concerns the arrangements for collection of the levy from employers who have been granted an exemption by me as Minister from insuring against workers' compensation claims under the provisions of the Workers Compensation Act, 1971-1979. I recognise that the proposed amendments are somewhat of a technical nature, but assure members that they are essential to clarify the original intent of the legislation and to facilitate its smooth operation. I seek leave to have my explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides that the amendments shall be deemed to have come into operation immediately after the commencement of the principal Act. Clause 3 amends section 4 of the principal Act. The present subsection (5) is replaced by two new subsections. New subsection (5) provides that the additional levy is to commence on 1 January 1982. New subsection (5a) provides that if on 31 October in any year the fund exceeds $5 000 000, there shall be no additional levy in the year commencing 14 months after that date. Consequential amendments are made to subsections (3) and (6).

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

NATIONAL COMPANIES AND SECURITIES COMMISSION (STATE PROVISIONS) BILL

Adjourned debate on second reading.
(Continued from 3 March. Page 3308.)

The Hon. C. J. SUMNER (Leader of the Opposition): This Bill and the subsequent Bills, the Companies and Securities (Interpretation and Miscellaneous Provisions) (Application of Laws) Bill, the Securities Industry (Application of Laws) Bill, and the Companies (Acquisition of Shares) (Application of Laws) Bill, all form part of the national companies scheme which has been under negotiation for several years. It seems that it is finally coming to some conclusion. These Bills were initially introduced by the Attorney-General several months ago and have been left on the Notice Paper pending further discussions in Ministerial Council. The Attorney-General now informs us that he and his Ministerial colleagues in Ministerial Council have finally reached some agreement and that the Bills will now go before each of the State Parliaments.

In my contribution during the second reading debate when the original Bills were introduced I made some general comments about the scheme, so I will not repeat them today. The South Australian Parliament has to accept this complex of Bills, which is the same scheme as negotiated by the States and the Commonwealth, or oppose all of them entirely and opt out of the scheme. Presumably, if the South Australian Parliament refused to pass these Bills, the South Australian Government would have to give appropriate notice under the agreement signed by the various Governments and withdraw from the national scheme. If the Council accepts the validity of some kind of national scheme, we are really being presented with a *fait accompli* and we must approve of these Bills. Certainly, for our part, the Opposition supports a national scheme governing companies and securities. Indeed, following the Rae Report, Labor's initial approach was to try to legislate through Federal Parliament and use Federal constitutional power to achieve a national uniform scheme. That approach was not favoured by the Fraser Government when it was elected and we now have this complicated procedure which involves the States and the Commonwealth in a co-operative arrangement.

The South Australian Parliament should be under no misapprehension that, by passing these Bills through both Houses and their becoming law in South Australia, from then on the South Australian Parliament will have virtually no legislative authority over the regulation of companies and securities in South Australia. In other words, we are giving up our responsibilities in this area. However, we are not giving them up constitutionally. If South Australia wished, it could withdraw from the national scheme and go it alone. If we accept the need for a national scheme, once these Bills have been passed by the South Australian Parliament and they become law, that is really the end of our authority over the regulation of companies and securities in this State. The Opposition supports that position. However, Parliament should be clear about what it is doing.

Once these Bills are passed the National Companies and Securities Commission, the national body, will be able to make recommendations to Ministerial Council on changes to the law. Those changes will then be effected by amendments to the Federal legislation which forms part of the co-operative scheme. Future South Australian input will be through its Government representatives on the Ministerial Council. Apart from that, the South Australian Parliament and South Australia generally will not be in a position to influence decisions taken in this area. In other words, we are giving up our power in relation to companies and securities. The residual authority or power will remain with the South Australian Government and not with the South Australian Parliament. The South Australian Government will be represented on the Ministerial Council by the Minister of Corporate Affairs. He will have a vote on that council on whether Federal legislation should be amended, which will then effect a change to the South Australian law. The point I raised in the previous debate on this matter revolved around the fact that the South Australian Parliament was giving up its capacity to legislate in this area if it accepts the national scheme.

This is a point I have raised on a number of occasions previously with respect to Ministerial meetings, not just the Ministerial Council on the National Companies and Securities Scheme, but other conferences of Ministers in Australia, that conferences of State and Federal Ministers (the Standing Committee of Attorneys-General, for instance, the Agricultural Council and the Australian Transport Advisory Council) are conferences and meetings of State and Federal Ministers. As a general rule, the South Australian Parliament has no idea what the Government is doing at these meetings and the Minister can go over and put the position on behalf of South Australia without the Parliament knowing about it. We can be committed to certain courses of action without the Parliament knowing about it.

I have asked the Attorney on previous occasions whether he would be prepared to see that some information is given to the Parliament about these meetings. I suggested that the minutes of the meetings ought to be tabled from time to time in the Parliament so that we knew what the position was that the South Australian Government was adopting on behalf of the South Australian Parliament and people. It would also assist, I believe, if Parliamentarians (even if there were some matters of confidence that could not be disclosed) knew the areas that the Ministers were discussing. The Attorney, in his reply to my question on this matter, has refused to make available any of this information to the Parliament. So, the Parliament, the people who are supposed to make the laws and comment on what the Government is doing, is in a position of doing that with one hand tied behind its back, because it does not have adequate information on what the Government is doing at the Federal level in its negotiations with the other States and the Commonwealth.

In this particular area, the situation is even further aggravated, because not only will we not know what the Minister is doing in the Ministerial Council, but we do not

know what attitude he is adopting. Yet the law in South Australia will be changed as a result of decisions taken at the Ministerial Council. The point I raised was that there ought to be some mechanism whereby the Minister keeps the Parliament informed. The Parliament cannot force the Minister or the Government to take a particular attitude, but if the Parliament were in a position to do that, then, obviously, it would be a matter of confidence in the Government, and in the Lower House the Government would fail if it lost the confidence of the people. Surely there ought to be an opportunity in the Lower House for matters of this kind to be debated. Also, these matters ought to be debated in this Council, because there is not a question of confidence involved here which would involve the fall of the Government. The Chamber ought to be free to express an opinion to the Government about a particular policy that is being adopted, not just at the Ministerial Council on the National Companies and Securities Scheme, but also in other areas.

Today, of course, we are concentrating on the National Companies and Securities Scheme and the Ministerial Council. That being the case, as the South Australian Minister is involved in decisions at the Federal level, we, as South Australian Parliamentarians, the South Australian public and the South Australian business community ought to know what the Minister is doing when he goes to Canberra, Melbourne, or Sydney to have these high level negotiations. What I propose is an amendment which would require the Minister to report to Parliament. It would be an amendment to this Bill I am debating at present, the National Companies and Securities Commission (State Provisions) Bill. The amendment would be as follows:

> That where a proposal to amend the Commonwealth Act is put to the Ministerial Council the Minister shall as soon as practicable report to both Houses of Parliament—
>
> *(a)* details of the proposed amendment; and
>
> *(b)* whether he intends to support or oppose the proposal.

"Commonwealth Act" means the legislation passed by the Commonwealth Parliament in accordance with the agreement once this legislation is passed by the South Australian Parliament. I believe that that is not a wildly radical departure from the Bill. I do not think that it will interfere with the uniformity, which is desirable, because it is not a matter of substance in the Bill; it is a matter of form and it is a matter that places a requirement and an obligation on the South Australian Minister and does not impinge in any way on the position in the other States or at the Federal level.

If the Minister made such a report as soon as practicable without any proposal, then this Council and the House of Assembly would be given an opportunity to express an opinion to the Minister on the proposal as to whether the attitude the Government is adopting is the one favoured by the Parliament. Whether the Minister accepts that or not would be another matter, but at least we would have some small say in what our Minister is doing at the Ministerial Council. I support that scheme. The Labor Party firmly believes in a National Companies and Securities Scheme and has done so for many years. The former Minister of Corporate Affairs in the Labor Government was involved in the early part of the negotiations. That was subsequently taken up by the Hon. Mr. Griffin. The other Bills on the Notice Paper which I have mentioned and spoke about at the beginning of my contribution I will not speak on now. They are all related, in a sense. It is probably just as easy to treat this as a cognate sort of debate. With that one qualification, I support the passage of this legislation.

The Hon. K. T. GRIFFIN (Minister of Corporate Affairs): I thank the Leader for indicating his support for this Bill and the other three Bills which form part of the uniform companies package.

It must be remembered that a previous Attorney-General and Minister of Corporate Affairs (Mr. Duncan) was the person who committed the South Australian Government to the formal agreement in December 1978 between South Australia, the other States and the Commonwealth which set the scene for the present Bill. It was that formal agreement which locked the South Australian Government and Parliament into accepting the diminution in power and authority which is inherent in the scheme.

The fact is that, if the Whitlam Government's scheme had been pursued, supported as I understood by the then Labor Government in South Australia, South Australia would not at this stage have any involvement at all in companies law and administration in this State, not even at the Ministerial Council level, because the Commonwealth would be the only legislative body; it would be the only body which had all the power in relation to companies and securities.

To some extent we have to recognise that, in the co-operative scheme under the concept of federalism, this Government does have an important say in the Ministerial Council, because we are represented by one Minister among seven. For the initial scheme legislation, there must be unanimous agreement of the Ministerial Council before legislation can be introduced into any Parliament of the States or the Commonwealth. Subsequently, amendments to the substantive legislation can be made by a majority decision of the Ministerial Council.

I think that we ought to recognise also that under the terms of the formal agreement which was entered into by this State in December 1978 with the other States and the Commonwealth, there is an express provision that no legislation shall be introduced and passed unless it is in a form which has been approved by the Ministerial Council. If the Leader of the Opposition's amendment is accepted by this Chamber, and subsequently by this Parliament, it would need to be recognised that it would be in breach of the terms of the formal agreement, because the clause has not been unanimously approved by the Ministerial Council.

The Hon. C. J. Sumner: It is the Federal legislation that has to be unanimously approved.

The Hon. K. T. GRIFFIN: It is the Federal and State legislation which needs to be approved unanimously by the Ministerial Council. That was the reason why the 1980 Bills were on the Notice Paper from August to yesterday, because we were still trying to get final resolution of the form of the Bills at Ministerial Council level. We now have that approval. It was obtained last Friday at the Ministerial Council meeting, when the four South Australian Bills which are now before us were approved unanimously by the Ministerial Council.

Any departure from the form of the Bills which have been approved in that way would be in breach of the formal agreement. I would find considerable difficulty if this Parliament accepted the amendment in whatever form to this legislation. If this legislation does not pass, it means that the objective of implementing the securities industry legislation and the acquisition of shares legislation by 1 July 1981 would be seriously threatened. Accordingly, I ask the Council not to agree to the proposed amendment in Committee.

I recognise that by entering into the formal agreement and by passing these Bills the involvement of the South Australian Parliament becomes somewhat minimal, but that is one of the consequences of having entered into the

formal agreement; although when I became Minister I sought to have that part reviewed, I was not successful in doing so. Accordingly, we were locked into the system that we now have. I am prepared to consider proposing some amendments to the Ministerial Council at a later stage which may take up the point which the Leader has raised, and a point about which many members of Parliament will have some concern.

I see no reason why decisions of the Ministerial Council, so far as legislation is concerned, should not be reported to each Parliament of the participating States and the Commonwealth. It is a matter that needs to be discussed at Ministerial Council level before I can commit the South Australian Government to that course. I suggest it would be difficult to report deliberations of the Ministerial Council, because the success of that council necessarily depends upon the confidentiality of discussions which take place and, if there is confidentiality, there is then not the danger that there will be public posturing by any members of the Ministerial Council for their own respective political purposes, and thus prejudice the spirit of co-operation which is vital to the success of this co-operative scheme.

I would not be prepared to even suggest that those deliberations should be reported to Parliament but I am prepared to consider a suggestion that decisions, when taken, which result in amendments to the Commonwealth legislation, which is the base legislation, should be notified to the South Australian Parliament. I would not be prepared to give an unequivocal undertaking that that reporting process will occur. It is a matter that I will have to take up at the Ministerial Council meeting.

The Leader has made some other comments about Ministerial meetings in other areas. I do not want to spend much time on that, except to say that the Ministerial Council on Companies and Securities is established under a formal agreement and is constituted under this legislation, whereas all the other Ministerial meetings are not so consitituted. Other Ministerial meetings are forums for Ministers to share views and to reach decisions which then will be the subject of consideration by the Governments of the respective Ministers. Decisions at other Ministerial meetings do not pre-empt a State Government or the Commonwealth Government taking any particular course of action on matters that have been discussed at any of those Ministerial meetings.

Again, for the reasons I have indicated in relation to the Ministerial Council meeting on Companies and Securities, I do not believe that it is a good thing for the discussions at these meetings to be publicly aired, that in fact there is a great deal of benefit in maintaining the confidentiality of those discussions. I thank the Leader and other members for their support of this important piece of legislation.

Bill read a second time.

In Committee.

Clauses 1 to 21 passed.

New clause 22—"Minister to report to Parliament."

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

Page 14—After line 37 insert new clause as follows:

22. (1) Where a proposal to amend the Commonwealth Acts is put to the Ministerial Council, the Minister shall, as soon as practicable, report to both Houses of Parliament—

(*a*) details of the proposed amendments; and

(*b*) whether he intends to support or oppose the proposal.

(2) In this section "the Commonwealth Acts" means the legislation of the Parliament of the Commonwealth that is provided for by the Agreement.

The position is, from what the Attorney-General said, that if any amendment is made to these Bills the national scheme will not go forward. I said in a second reading debate that Parliament is being presented with a *fait accompli*. This has been more than amply confirmed by the remarks of the Attorney-General. As I understand it, if any amendment (no matter how minor or how much it may relate to form and not to substance) is made to any of these Bills that we are discussing today the National Companies and Security Scheme would be held up. Will the Attorney-General respond and indicate whether that is the case.

The Hon. K. T. GRIFFIN: I draw the Committee's attention to clause 9 of the formal agreement which is the schedule to this Bill. It states:

> Each State will as soon as practicable after the passage of the Commonwealth Acts submit to the Parliament of the State and take such steps as are appropriate to secure the passage of legislation which has been unanimously approved by the Ministerial Council and which—

It goes on to deal with various matters that are going to be dealt with under that legislation. The interpretation of that clause by me and other members of the Ministerial Council is that any amendment to this legislation is contrary to the provisions of the formal agreement. If any amendment is made I would not be proceeding with these Bills through the Pariament, because to do so would be in breach of the formal agreement and would prejudice the operation of the scheme.

The Hon. C. J. SUMNER: Can the Attorney-General clarify the situation and say what the programme of the scheme is likely to be and whether or not the other States intend to adhere to the present practice? I think it would probably be true to say that in the past programmes have been laid down but not always adhered to.

The Hon. K. T. GRIFFIN: It is correct that time tables have been extended periodically. The present intention of Ministers, reaffirmed last Friday, is that we should aim for 1 July this year as the date upon which the securities industry legislation and the acquisition of shares legislation should come into effect with the Companies Bill coming into effect from 1 January 1982. That means that we need these four Bills passed in South Australia as soon as possible to ensure that the target date of 1 July is achieved. The Commonwealth passed the remainder of the Bills last week. The other States are taking steps to introduce the legislation, which has been agreed by the Ministerial Council. They hope to introduce and pass such legislation within the next month or two with the objective of having the respective States' legislation passed by the beginning of May.

The advice which the Ministerial Council has received is that there needs to be an eight-week lead time before the passing of all the Bills and the date of proclamation to ensure that all the proclamations in the Commonwealth and throughout the States are in proper order and are properly co-ordinated to enable the scheme to start on 1 July. The present intention is for the legislation to come into effect in all States on the one date. If the legislation comes into effect in only some States there would need to be amendments to all the legislation yet again.

The Hon. C. J. Sumner: What happens?

The Hon. K. T. GRIFFIN: If the legislation is to come into effect only in some States with others following at a later stage, it will mean that all the Bills will need to be amended further. The Ministerial Council has taken the view that this is undesirable for that reason and more particularly for the reason that if the Bills come in on a staggered basis considerable difficulties will be experienced by the commercial community from State to State depending on when the legislation comes into effect.

The Hon. C. J. SUMNER: If the South Australian

Parliament passes these four Bills, will South Australia, up to the present time, have accorded with all the requirements of the Ministerial Council and other requirements for the implementation of the national scheme?

The Hon. K. T. GRIFFIN: That is correct. If we do not pass them this week, even if we were to consider them in June, the target date of July would pass.

The Hon. C. J. SUMNER: In view of the Attorney-General's comment and the fact that at present the scheme has been agreed to between the States and the Commonwealth, we support it. I would not wish to take any action which would delay the implementation of South Australia's obligation under the scheme and certainly would not want to do anything that would delay the operation of the scheme beyond 1 July.

The Attorney-General has referred to clause 9 of the agreement between the States and the Commonwealth, and certainly, on the face of it, it seems that the legislation needs the unanimous approval of Ministerial Council. The Bills are a *fait accompli*, and the only alternative that we have, even with my minor amendment, is to improve the Bills on the ground that we want a national scheme, or to object to them and say that South Australia will not participate. On that basis, and given the Opposition's firm support for the scheme, I seek leave to withdraw my new clause. I do so on the basis of the Attorney-General's undertaking that he will look at a proposal and let members know what it is all about at a future time.

Leave granted; new clause withdrawn.

Schedule and title passed.

Bill read a third time and passed.

COMPANIES AND SECURITIES (INTERPRETATION AND MISCELLANEOUS PROVISIONS) (APPLICATION OF LAWS) BILL, 1981

Adjourned debate on second reading.

(Continued from 3 March. Page 3312.)

The Hon. C. J. SUMNER (Leader of the Opposition): I have indicated that these Bills are all part of the same scheme. I do not wish to make a further contribution to the debate, and feel that all the Bills can usefully be treated as a cognate debate.

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

SECURITIES INDUSTRY (APPLICATION OF LAWS) BILL, 1981

(Second reading debate adjourned on 3 March. Page 3311.)

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

COMPANIES (ACQUISITION OF SHARES) (APPLICATION OF LAWS) BILL, 1981

Adjourned debate on second reading.

(Continued from 3 March. Page 3309.)

The Hon. D. H. LAIDLAW: I support the second reading of this Bill. As the Attorney-General has pointed out, when each State passes comparable legislation we shall achieve much needed uniformity with respect to company take-overs. Although the Government introduced an almost identical Bill last October as sunset legislation, it must be remembered that, until the national scheme takes effect, it only protects shareholders, wherever they may be located, of target companies registered in South Australia. It does not protect South Australians holding shares in companies registered in other States from the abuses that have applied with respect to take-overs.

One abuse which will be eradicated is the practice of a predator offering to buy shares from a few large holdings, such as life companies and superannuation funds, with escalation clauses attached. He states a price and agrees that, if during the course of bidding he raises the price, the vendor will receive the benefit. A large vendor is in a privileged position, because the predator rarely offers escalation clauses to small shareholders who must guess at what time or price to sell. I speak with feeling on this matter.

Under the new legislation a predator must offer the same terms to all shareholders in the target company. Furthermore, if he makes a partial take-over bid and receives acceptances more than required, he must take the same proportion from each acceptor.

As the Attorney-General pointed out, this legislation does not stop locally based companies from being taken over. However, it does ensure that a take-over operation shall take place in a more orderly manner. Shareholders, especially those who are small and ill-informed, should have a chance to assess an offer or compare any alternative proposition at their leisure.

During lightning market raids in the past a predator could acquire a majority of shares in a company, sometimes quite a large company, in a matter of days. Very often surviving shareholders felt compelled to sell at a lower price than was being offered previously to avoid being locked into a minority position and possibly being deprived of dividends as a result.

Under the new uniform code, which is established under the Federal Act, there are three ways to take over a company. In each instance a holding of 20 per cent is the bench mark at which point the predator must determine his course of action. He can stand in the market by means of a take-over announcement; he can make a formal offer by means of a Part A statement; or he can adopt a creeping device whereby he can buy not more than 3 per cent of the issued capital above the threshold of 20 per cent every six months.

If a predator makes a take-over announcement, he must prepare a Part C statement giving relevant details and serve it on the target company within 14 days. The target company must then prepare a Part D reply, and both are then served on shareholders of the target company. That is the course chosen last Monday by Mr. Solomon Lew, after having acquired nearly 20 per cent of John Martins. He instructed his broker to stand in the market at $1·30 for any shares up to 100 per cent of the capital offered to him. In the event, Mr. Lew, during the day, raised his bid to $1·40. According to the Act each vendor is entitled to the higher price. After the 14-day period, during which time the Part C statement is prepared, Mr. Lew must remain in the market for a further one month. Therefore, under this course, a shareholder effectively has six weeks from the time of the take-over announcement in which to choose whether to sell.

Alternatively, a predator may decide to make a formal take-over offer. This procedure is used only when shares or shares and cash are offered as consideration, or when the predator wants to acquire only part of the issued capital. The predator first gives notice of intention to make an offer. Four weeks elapse, during which time he

sends a very detailed Part A statement of offer to the target company, which in turn prepares a Part B reply. Both of those statements are then dispatched to the shareholders of the target company. The offer must then remain open for a period of between one and six months. Therefore, a shareholder will have at least two months and sometimes up to seven months in which to assess the offer and any competitive proposals.

This procedure was adopted by Boral Limited when it made a take-over bid for Quarry Industries Limited last November, and I think it was the first take-over under the sunset legislation. I think it was the first formal offer made under the new uniform acquisition of shares code. Boral offered an exchange of shares or cash for all the issued capital of Quarry Industries Limited. I could speak at length about the care needed to be taken by participants in take-over bids, having been involved as Chairman of Quarry Industries Limited during this take-over. Take-over bids are rarely simple. The share exchange offered by Boral was matched by buying sprees on the Stock Exchange by unknown buyers, by threats in the press from other would-be predators, and finally by a Supreme Court action taken by Mr. Holmes a'Court of Perth seeking an injunction to prevent the directors of Quarry Industries Limited from registering Boral as a holder in Quarry Industries Limited.

The Hon. Frank Blevins: That is more inflammatory language than I use when I speak about these people.

The Hon. D. H. LAIDLAW: I speak with feeling. In view of the large amount of business on the Notice Paper, I shall confine myself to two further observations. In an amendment to the Commonwealth Acquisition of Shares Act late last year, it was laid down that a company making a formal take-over bid must in its Part A statement state whether the operations of the target company are to be continued, whether any fixed assets will be redeployed, and whether the employees' jobs will be preserved. I think this provision is most desirable because, unless the predator reassures existing employees that their jobs will be protected in the future, I suspect that his offer will be greeted with considerable public hostility. It is noteworthy that when Boral announced its offer for Quarry Industries Limited this was the largest take-over offer in financial terms that had occurred in South Australia. Boral gave far-reaching assurances to employees of Quarry Industries in regard to the future in this section of its Part A statement. During the two-month period of the take-over I did not see one public comment by the Government, the Opposition or the trade unions on this take-over of a local company. That was a unique experience.

My second observation relates to nominee shareholdings, whereby a prospective predator can acquire up to 10 per cent of the issued capital of a company before having to declare his identity as a substantial shareholder under the Companies Act. In contrast, under the present Acquisition of Shares Bill, during a take-over bid any party holding more than 5 per cent of the issued capital must notify the Stock Exchange of changes in his holding. The offerer making a formal bid must report daily any purchases, whilst other parties that either sell or buy must report any changes in holdings up or down of more than 1 per cent of the issued capital, that is, if they hold 5 per cent.

I do not like the concept of nominee shareholdings because it is used in the main as a device to build up a substantial holding prior to making a take-over bid. Something could be achieved by reducing the bench mark in the Companies Act at which point a holder must declare his identity from 10 per cent to 5 per cent, thereby achieving uniformity with the 5 per cent bench mark within the present Bill for notifying changes in holdings. I ask the Attorney-General to give the matter consideration and, if possible, discuss this matter at a future meeting of the Council of Ministers. I support the second reading.

The Hon. K. T. GRIFFIN (Minister of Corporate Affairs): I have noted what the Hon. Mr. Laidlaw said. Certainly, I will have the matters which he has raised examined.

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

INDUSTRIAL AND COMMERCIAL TRAINING BILL

Adjourned debate on second reading.

(Continued from 24 February. Page 3078.)

The Hon. FRANK BLEVINS: The Opposition supports the second reading of this Bill. It makes significant changes to the framework of the State's apprenticeship system and industrial training of the work force. The Opposition, in the main, welcomes the changes and hopes that they will assist in providing more skilled workers in the State, not just as factory fodder, but also to give people personal satisfaction in attaining the highest possible level of skill achievable by that person. As this Bill has been dealt with extensively in the House of Assembly by the Opposition spokesman on industrial matters, the Deputy Leader (Hon. J. D. Wright), I do not intend to take a great deal of the Council's time with an extensive review of the Bill. I will refer only to one or two features of the Bill that I feel should be highlighted. I suppose that one of the measures in the Bill that will attract a great deal of comment is the provision that removes any age restriction on persons undergoing apprenticeships. The previous position, as most members of the Council would know, was that it was virtually impossible for a person to obtain an apprenticeship after attaining the age of 23 years. I do not condemn that position totally, although it is one with which I disagree because the rationale behind it, for a large number of people, was that our prime responsibility was to the youth of the country, and that on the question of allocation of apprenticeships, where they were limited (and they are limited, although they should not be of course), youth should have some preference. I do have some sympathy with that point of view. I think it is a respectable point of view, although I happen to disagree with it, and always have, because it is discrimination on behalf of young people. Like most examples of discrimination, it cannot stand up to scrutiny. I have seen very few examples of discrimination that can.

It does not seem to matter how fervently the proponents of discrimination put their case, when you look at it in the cold light of day it very seldom stands up. Now there is no age restriction on people going for apprenticeships and training, nor should there be. I think that, before we get carried away, the result will be minimal. I do not think that we will see a flood of adult apprenticeships because restrictions on age have been removed. I think it will be useful in what we might call difficult cases where, for example, there is a family concern and an adult has the opportunity of obtaining an apprenticeship because of the involvement of his or her brother or sister, or whatever may be the case. I think that family relationship will be used most in relation to clause 22. If there was a flood of apprenticeships being allocated to adults rather than to young persons, I think we would see a very bad reaction to that. However, I just do not think that that will happen. I do not think it is a practical proposition. I think that the fears people hold about this question, whilst I understand

those fears, are more imagined than real. I wish also to comment on clause 24, which provides that an apprenticeship or period of training can be on a part-time basis. This is opposed strongly by the Opposition, and I will be moving some amendments in an attempt to make that clause more acceptable. The question of part-time work is a very topical one, but I do not think that this is the debate to go into it extensively. However, briefly, the Labor Party, and indeed almost the entire Labor movement, is opposed to the concept of part-time work.

At every meeting that I have been to over the past 15 years of the A.L.P. and the trade union movement, whenever this concept has been raised it has been opposed. We do not oppose it capriciously, but we do oppose it for a number of good reasons. We do not oppose it in isolation; we oppose it in times when there are 400 000 people at least looking for full-time work. If there was a genuine choice between a person having full-time work and part-time work, then perhaps we would reconsider our decision, but for an enormous number of people, that is not the choice at all. The choice may be for many thousands of people a case of part-time work or nothing. That is totally opposed. That is part-time unemployment, and the Labor Party and the trade union movement are not in the position of promoting part-time unemployment, or unemployment of any kind.

As I say, if full-time jobs were available for all who wanted them, then we could have a look at the question of part-time work. There are many aspects to part-time work and I will speak at length on it one day, but not on this Bill. For example, the deskilling which is involved means that jobs are broken up into small sections which can be done with little or no training by people, and these are generally the jobs that attract this kind of part-time work. Previously, someone would have a particular occupation with a variety of skills and would have full-time work but now skills are being broken down and the work force is being deskilled, and part-time work is one method by which the employing class is doing this.

As I say, the Opposition and the trade union movement generally oppose this concept. We are strongly opposed to the concept being advanced in regard to apprenticeship. If there is any place for part-time work, it is certainly not in regard to apprenticeships. I can see little place for it at all, but certainly not there. Difficult cases do arise, and the Opposition in its amendments that I will move in Committee is attempting to make provision for difficult cases, say, where there is a down-turn in the particular workshop or factory for a short period of time and the only solution may be to have the apprentice continue on a part-time basis.

We are not going to agree to any proposition that means that an apprentice can be told that he has now a part-time apprenticeship or he can leave. This can happen. Theoretically, it has to be by agreement between the employer and the apprentice, but anyone who has worked in industry knows how that will work. An apprentice will be told or even sat on and told of the situation, and that is happening in the part-time employment area as a whole. It is happening in Whyalla now. People are being told that they will do a smaller number of hours or they will leave: if they do not, the companies will get someone who will work fewer hours. That is an example of the viciousness that is coming into part-time work. I will be moving an amendment to clause 24.

Another provision in the Bill that I wish to comment on is one that I approve of totally. In fact, I am so enamoured with this provision that I want to extend it. It provides that, where an employer for certain reasons cannot continue to employ an apprentice, that apprentice can be made an employee of the Apprenticeship Commission. That is a good idea. Apprentices are particularly vulnerable, and it is a good idea that the commission takes over that role, acting as the employer until such time as it hopefully can provide another employer to take over the apprenticeship. This is an excellent feature in the Bill. The Opposition does not believe that it goes far enough, and believes that it should be mandatory on the commission to do this, and not that it may voluntarily do so.

I would now like to make a couple of general comments on the Minister's second reading explanation. He made great play about the resources boom, which we hear is just over the hill, if it is not already with us, and which is going to create untold thousands of jobs, spend untold millions of dollars and make everyone in the community wealthy and solve all our problems. Again, at some time in the not too distant future in this Council I would like to go into the question of the resources boom, how it will affect Australia and in particular how it will affect this State. I want to do that in detail, but I will only make a few comments here.

People like the Hon. Mr. Davis, who is one such person that I know, and Mr. Anthony, the Leader of the National Party, and other people who have a rather simplistic view of life say that the resources boom is all going to be good. I imagine that the Hon. Mr. Laidlaw, the Hon. Mr. DeGaris, myself, and I am sure many others, do not see it in that way. While there may be some plusses in the resources boom, it will create many problems.

In regard to trained and skilled workers, the boom will obviously create a demand in the short term. Hopefully, in a small way this Bill will assist in meeting that demand, but in the long run the boom will do very little for skilled tradesmen in this country. It will do little because what will happen, as anyone would know who had the slightest knowledge about economics, will be a huge inflow of capital, export markets and enormous capital-intensive projects, and all this will have an adverse effect on manufacturing industry in Australia, even more so in this State. As honourable members know, the manufacturing industry is the area where most metal tradesmen are employed, and anything that damages the manufacturing industry in this State is going to have a detrimental effect on trades people generally. The Minister of Community Welfare, when introducing this Bill waxed eloquent about the resources boom, but I do not think that he knows what he is talking about. It is not quite as easy as that.

It is claimed throughout the Bill, and it is the conventional wisdom in Australia, that there is a shortage of tradesmen in Australia, and I am sure that the Hon. Mr. Laidlaw when he speaks after me in this debate will agree that that claim is absolute nonsense. Generally, there is not a shortage of tradesmen in Australia, but there may be a shortage of people working in their trades, but that is a different thing altogether. I maintain, and I know the metal industry unions maintain, that Australia has ample tradesmen. The only problem is getting them to work at their trade. The reason why they do not work at their trade is very simple—there is not enough money in it. The employers of tradesmen have not paid them enough. It is as simple as that. Some iron laws of economics operate in this area, just as they operate in other areas. The law of supply and demand, unless interfered with, generally speaking always operates.

If the metal industry employers will not pay the appropriate rate for tradesmen, then tradesmen will go elsewhere. The journal *Australian Business* on 15 January published an article by Richard Blandy, Professor of Economics and Director of the National Institute of

Labour Studies, Flinders University. He is a well respected professor of that well respected organisation. He puts the case that I have just outlined relating to low wages for tradesmen and why they are not working at their trades. I want to refer to part of that article. Professor Blandy starts his article by referring to a communique that was issued by Commonwealth and State Labour Ministers (I assume that that includes the Hon. Dean Brown) who had agreed to take urgent action to increase the supply of skilled tradesmen into Australia. According to Professor Blandy, that was quite a fatuous communique that was issued by State and Federal Ministers. The article states:

> Their decision was taken after the Ministers had considered, and unanimously endorsed, a specially prepared report on shortages of skilled labour. The communique grandly claimed that the report provided "a comprehensive analysis of skilled labour requirements" and "a blueprint for change". This must be considered remarkable, since the report took less than six weeks to prepare (Professor Bruce Williams took two-and-a-half years on *Education, Training and Employment*).
>
> A synopsis of the report is available. Some manpower forecasts are briefly and baldly presented. In summary, a "shortfall" of skilled tradesmen in the metal, electrical and building trades of between 3 300 and 9 500 each year for the next four years is anticipated. This spread is said to depend on whether non-farm GDP grows at 3·5 per cent a year (as at present) or increases to 5·5 per cent a year in four years time. The synopsis concludes that it seems necessary to increase apprentice intakes (in the metal and electrical trades particularly) and to permit more people to gain recognition as tradesmen through upgrading. Increased immigration of tradesmen is dismissed as a solution.
>
> No doubt the perception of a serious tradesmen shortage is widely shared in business, and the intention of Governments to do something about it will be correspondingly applauded, at the taxpayers' expense. Nevertheless, there are some decided curiosities in the situation that are worth mentioning.
>
> The required annual increase in tradesmen to eliminate the "shortfall" is identified as 3 300-9 500. Now, consider the following (see *Williams Report,* Chapter 8):
>
> ■ An extra 3 000 tradesmen would become available each year if the issuance of Trade Certificates under the Tradesman's Rights Regulation Act were restored to 1971 levels. But 75 per cent of these trade certificates are issued to immigrants seeking to have their skills recognised. As immigration has declined so has this source of tradesmen. It is not obvious why more TRRA tradesmen might rapidly emerge if tradesmen immigration does not increase.
>
> ■ An extra 6 000 tradesmen would become available each year if the "drop-out" rate from apprentice training were reduced from its present one-third to, say, one-fifth.
>
> ■ About 40 per cent of apprentices plan to leave their trade after completion of indentures.
>
> ■ More than 300 000 males with tradesman qualifications are working in non-tradesman jobs; 20 000 are working as bus, car, truck or taxi drivers (1976 Census).
>
> In the light of these data, there appears to be a very simple and effective policy for responding to whatever prospective tradesman "shortfall" may emerge—increase the pay of tradesmen relative to other groups in the workforce. But, unhappily, this proposition failed to obtain a mention in the "blueprint for change". Instead, recommendation 22 calls for a study of the reasons for losses of tradesmen to other employment . . .
>
> At the risk of belabouring the obvious, increasing the pay of tradesmen *relative* to other groups will increase immigration (and reduce emigration) of skilled tradesmen, will induce more young people to train to become tradesmen, will reduce the drop-out rate of apprentices, will reduce the loss of new tradesmen to other occupations, and will induce some of those 300 000 males not using their trade skills to return to their former trades.
>
> Mr. Viner's "blueprint for change" is, unfortunately, bureaucratic business as usual, filled with "co-ordinated campaigns", "active steps", "encouragement", "exploration of possibilities", "urgent action to collect statistics", and a continuation of the $1 000 apprentice bounty. There may well be good reasons for not attempting a "market" solution to the shortage. If so, they deserve spelling out.

Professor Blandy should be commended for putting that viewpoint in the manner he did. It is a very good summary of the problem facing tradesmen and people working away from the trades in Australia today. While 300 000 cannot afford to work in the trade, they have to obtain work driving taxis, buses and working as builders' labourers. I maintain that that is a condemnation of the metal trades employers who have not given sufficient recognition to the skills of their workforce who are not being paid accordingly. The metal industry unions have said time after time that we are going to have a shortage of tradesmen and that members will leave and will not work in the trade. The response of the Metal Industries Association to the metal industry employees is that they should take it to the arbitration commissioner. Now they are complaining that they cannot get enough tradesmen. Who is to blame? They are to blame. They want to push the burden on to the taxpayer to train their apprentices. I believe that that is completely wrong.

I know that the Hon. Mr. Laidlaw, who is going to speak in this debate, has said in this Council that he agrees that tradesmen have not been paid sufficient relative to other work. I commend him for saying that. What the Hon. Mr. Laidlaw does not want to tell the Council is that he is a significant employer of tradesmen. There has been nothing to stop the Hon. Mr. Laidlaw in that role paying his tradesmen more. I know from many years experience with Perry Engineering in Whyalla that he gave them nothing. Every time one knocked on the door for an increase in wages or improved conditions one might get a cup of coffee from the Hon. Mr. Laidlaw with his millions but that would be all. Mr. Laidlaw was doing the nice gentlemanly thing and goes on saying how he loves old tradesmen and how they do not get enough money. He employs a large number of tradesmen, and I ask honourable members to bear in mind how much he pays them relative to others.

I do not see this Bill as tremendously significant. I do not believe it is going to make a great deal of difference. It has the potential to do so, but good intentions do not always come to fruition. It has the general agreement of the trade union movement, the employers and obviously the Government. With the one or two qualifications that I have made, it has the agreement of the Opposition. We hope that it will be successful in assisting people to upgrade their skills, to develop skills and become more fulfilled. I suspect that an increase in wages would do more than this Bill to increase the number of tradesmen in South Australia. My final remarks are in relation to the Minister's second reading explanation. The Minister made the remark that he did not mind whether the trade union movement accepted this Bill or not. That remark would be more appropriate to a petulant child. It was not a remark appropriate to a Minister of the Crown.

The trade union movement is far too mature to be provoked by the Hon. Dean Brown, who cannot, because of his immaturity, resist making snide, half-smart remarks like that. The trade union movement will not be provoked. Indeed, it is careful and takes very measured steps. I state here and now that, unless the Hon. Dean Brown curtails

that petty, petulant type of attitude—

The Hon. J. E. Dunford: He's very young, you know.

The Hon. FRANK BLEVINS: So am I, but I do not have the same attitude that he has. That Minister's petulant, spoilt, little-boy attitude will react to the detriment of industrial relations in this State, and that would be a great pity. Generally, the Opposition supports the Bill but will move a couple of amendments in Committee to strengthen it. I look forward to honourable members supporting those amendments.

[Sitting suspended from 5.52 to 7.45 p.m.]

The Hon. D. H. LAIDLAW: I support the second reading of this Bill. It is the culmination of 2½ years of work by the Minister of Industrial Affairs and others to review the entire industrial and commercial training system in South Australia. It provides the framework for training skilled and semi-skilled persons for the future. The details of how it will function in the main are yet to be determined. At present there is consensus between the Government, the Opposition, most employers and most trade unions that change is essential in order to meet the changing requirements for skilled and semi-skilled labour. I hope that this spirit of co-operation remains during the more difficult period when the details are negotiated.

In essence the Bill makes four changes to the system of trade training. First, it abolishes the Apprentices Act and with it the Apprentices Commission. In its place it establishes the Industrial and Commercial Training Commission, which will have far broader powers. Secondly, it permits the commission to nominate certain semi-skilled trades as being trades for which persons can be taught under a contract of training, as distinct from an apprenticeship indenture. Thirdly, it abolishes the age limits for training so that in future adults will be able to enter into contracts for training. Finally, it provides for a system of pre-vocational training so that a youth upon leaving secondary school can be given general technical training for a period of, say, one year prior to entering an apprenticeship in a specified trade.

This Bill grants far wider powers to the commission in South Australia than exist in the Federal Territories and other States. Queensland and Western Australia have industrial training commissions to control training beyond trade apprenticeship, but their powers are restricted. New South Wales has adopted pre-vocational courses. There is an urgent need for uniformity in the field of trade training. Today this Council passed Bills to provide for uniform national securities and take-over legislation. I hope that in the near future the same can be achieved with trade training.

In relation to the contracts of training, the apprenticeship system of training persons for a four, or in special circumstances, a three-year period to qualify as skilled tradesmen will be retained. That will protect the status of tradesmen. However, there are many semi-skilled trades for which no formal training is available. It is envisaged that the commission will correct that. An employer with suitable training facilities will be encouraged to accept persons under a contract of training for a two-year or, in some cases, a one-year period. The commissioner is empowered to reduce the period where it is established that the trainee has sufficient work skill, as long as he has completed at least 75 per cent of his contracted period of training. During the contract period it is envisaged that the trainee will be given time off by his employer to attend trade school, as occurs under an apprenticeship.

There are three semi-skilled trades which will probably be suitable for contracts of training. One is a brake mechanic. Motor mechanics are presently apprenticed for a three-year term. The Automobile Chamber of Commerce conducts a course for brake mechanics, but it has no official status. It is envisaged that the commission will establish contracts of training over, say, a two-year period for brake mechanics. Upon satisfactory completion of the work, the trainee will be given a certificate to that effect.

Another trade is second-class welders. There will be a great shortage of first-class welders to handle construction on industrial sites during the next decade. Much of the shortage will be caused because these persons are often engaged in fairly repetitive work which could be handled by those who are less skilled. By creating certificates of training for second-class welders, this shortage may be overcome to some extent. Meanwhile, first-class welders can be trained or encouraged to specialise in sophisticated welding tasks such as the legs of an oil-drilling platform. No doubt for this skill they should and probably will be properly remunerated. If this scheme evolves as conceived there will be less need to import welders from overseas.

The third trade is plastic injection moulding. The use of rigid plastics is increasing very quickly in Australia. However, except for toolmakers who make or repair dies, and some maintenance tradesmen, production workers in these plastic factories usually have no formal training.

Clause 22 of the Bill purports to abolish the age limit for training and is long overdue. Until 1978 a provision of the South Australian Apprentices Act stated that a person could not remain indentured as an apprentice after he reached the age of 23. That meant that in the past when a five-year indenture applied, a boy had to start training before reaching the age of 18. During the past decade, four years has been the maximum term of training, but the apprentice still had to start before reaching 19.

In 1978 the Labor Government abolished a 23-year age restriction from the Apprentices Act. However, this age limit has been written into many Federal and State industrial awards. Because the former are proclaimed pursuant to Federal legislation, they override the State Act. This is a deterrent, but it is hoped that the Federal Minister of Employment will take action to have this age limit removed from all or most of the Federal awards. The same age limit appears in several State industrial awards. As yet, little has been done, despite amending the Apprentices Act, to have them removed. When this Bill passes and the commission is created, I trust that it will take initiatives in this regard.

The 23-year age limit has been extremely unfair to many working people. The member for Adelaide, during debate in another place, said that to discriminate on the basis of age is a clear and proper case on which a discrimination commissioner should adjudicate, and I concur with his sentiments.

The Hon. Frank Blevins: You can be President of the United States—

The PRESIDENT: Order! The Hon. Mr. Blevins has had his say.

The Hon. D. H. LAIDLAW: Apparently the limit was imposed initially because the community believed that adults with work experience would be given priority for jobs over school leavers. That may be so, but it must be remembered that adults will be paid a higher award rate during training than a youth, which will tend to restrict any preference for experience. During my time as an executive in industry, I was involved with the training of more than 500 (possibly up to 1 000) apprentices.

The Hon. Frank Blevins: You trained them well.

The Hon. D. H. LAIDLAW: Thank you, and we often won the award for the Apprentice of the Year.

The Hon. Frank Blevins: You didn't pay well, though.

The Hon. D. H. LAIDLAW: We did get the Apprentice of the Year four years out of five. Even if we did not pay them well, we received about 40 applicants for every vacancy. Often a boy, having just left secondary school, had little idea whether he wanted to be, say, an electrician, a boilermaker, a moulder, a carpenter or a fitter and turner. Having accepted indentureship in one trade, it was usually impossible for him to transfer to another preferred trade at a later stage because of the 23 years of age rule.

The abolition of the age limitation in clause 22 will make it possible for an indentured apprentice to change trades. Furthermore, it will allow semi-skilled adults to gain first-class tradesmen status by serving a period of formal training or, alternatively, it will allow a tradesman in a stagnant or declining trade to switch to one with a demand for skilled labour.

I think this is very important. I have seen so many tradesmen in declining trades who would like to be able to change to another trade for which there is demand, but they cannot do so. The only alternative for them is to drive a truck for Patra, or work in a delicatessen. It is not only because of wages; it is also because they cannot change their trade.

The Hon. Frank Blevins: Why single out Patra?

The Hon. D. H. LAIDLAW: On one occasion we lost two highly skilled tradesmen who went to work for Patra. Clause 28 provides that the commission may approve forms of pre-vocational training. This normally would be offered to youths after leaving secondary school. They would be given a general technical education for a period of, say, one year prior to being indentured in a specific trade. After completion of this pre-vocational training they could be given credit for this and so reduce the period of indentureship.

I am very much in favour of this scheme, which conforms to the practice in some Western European countries where a trainee is given general training so that he can be in a better position to select a trade of his liking at a later stage. He is more likely to stay in such a trade for the rest of his working life in those circumstances. This Government hopes to arrange for several hundred youths to be given one year's technical training in 1981 by the Department of Further Education. They will be paid the equivalent of unemployment relief plus $6 per week during this training, and it is hoped that the Federal Government will fund this project under its school to work transition programme.

The Minister stated in his second reading explanation that the intake of apprentices in South Australia between 1977 and 1979 fell by 30 per cent, and this is of grave concern. Members of the Opposition during the debate have alleged that this drop is mainly due to the low level of tradesmen's wages which has caused them to leave their trades. There is no attraction for younger people to serve an apprenticeship in that trade. It is quite true that in some instances the take-home pay of semi-skilled and unskilled workers is higher than the pay of a tradesman. The Hon. Mr. Blevins said that the level of tradesmen's wages was too low, which was causing them to leave their trades. I recognise that the take-home pay now in some of the semi-skilled and unskilled jobs in the maritime industry, transport driving and builders labourer area is higher than the pay of first-class tradesmen. The situation is well known and is due to several factors.

During the Whitlam Administration from 1972 to 1975, as the Hon. Mr. Foster knows, his friend Clyde Cameron, the then Minister of Labour and National Service, strove to obtain flat increases in wages for all workers. This reduced the margins for skill. In certain cases unskilled unions have been able to extract large increases in wages from employers, or to prevail upon industrial commissioners who seem more interested in conciliation than arbitration. Of course, some are designated conciliation commissioners and others are arbitration commissioners.

I remind members that the take-home pay of skilled tradesmen in Australia (that is, including over-award payments, sick leave, annual leave, long service leave and workers compensation entitlements) is as high as or higher than that paid to comparable trades in other Western industrialised countries except Norway and Switzerland.

The Hon. Frank Blevins: That's not the point.

The Hon. D. H. LAIDLAW: Yes, it is. In a period of near zero population growth, Australian manufacturers depend upon overseas trade for their expansion. We must be ever mindful of overseas wage structures, and I suggest that it is the unduly high wages structures in Australia of certain semi-skilled and unskilled trades rather than the low wage level of tradesmen which is the main cause of concern.

The Hon. N. K. Foster: Why didn't you pay them more?

The Hon. D. H. LAIDLAW: Why did we have to close our works at Whyalla—because there was no work at our wage structure.

The Hon. J. E. Dunford interjecting:

The PRESIDENT: Order! The Hon. Mr. Dunford has the call to speak in this debate later.

The Hon. J. E. Dunford: But I forget what they're saying.

The PRESIDENT: Order! We do not want the same trouble as we had last night. The Hon. Mr. Laidlaw.

The Hon. D. H. LAIDLAW: The member for Semaphore has claimed that the PAYE system whereby weekly wage employees have tax deducted from each pay is a reason why tradesmen seek other forms of remuneration. The field over the next hill often looks greener, and no doubt tradesmen hear of activities where income tax allegedly can be deferred, evaded, avoided or minimised. I agree with the member for Semaphore, and I can recall several instances where employees of mine have departed for just this reason. It is unfortunately beyond the power of this State Legislature to remedy the situation.

A third reason for the shortage of tradesmen is due to the error of employers some years ago in indenturing youths who had reached matriculation standard at secondary school. The authorities had agreed to reduce the period of apprenticeship from the normal four to three years if students were of higher academic standard. This appealed to employers who engaged such youths. In many cases these youths used apprenticeship as a means of getting some practical training before moving to higher class jobs. In some cases this was what they had been advised to do by their teachers at school before they even sought to obtain indentures.

The employers, having given the necessary training, were left without young tradesmen to work with tools on the shop floor and became disillusioned about engaging apprentices. It was the fault of the employers. Recently employers have reverted to taking 16-year-olds or the like with a lesser academic standard believing that they are more likely to chose a career on the shop floor as a blue collar worker.

A fourth reason for the shortage of tradesmen is that the training of apprentices depends mainly upon private employers. It must be remembered that these companies are, in the main, first generation small and middle-sized companies without the financial resources to train apprentices in the long-term needs of the community. The member for Florey, during debate in another place, quoted from a report on manpower, prepared in Canberra in 1966 on behalf of Sir William McMahon, the then

Minister of Labour and National Service, which agrees substantially with this contribution. To quote:

> One fundamental problem in relation to the shortage of tradesmen is that, whilst the community must have a supply of tradesmen sufficient to supply its needs, the provision of that supply under the apprenticeship method is dependent on separate decisions of individual potential employers faced with their own individual problems. What is even more important is that the supply of tradesmen in any given year is dependent upon circumstances that were, five years earlier, influencing potential employers in their decisions whether or not to engage apprentices.
>
> Thus, if business prospects and other general economic factors influence employers not to take apprentices or great numbers of apprentices in 1961, the results will only be noticeable in 1966 when it must be assumed that the conditions could be radically different.

These remarks made in 1966 apply with equal force today. The Federal and State authorities at long last are subsidising employers to train people. To train apprentices properly is not a way to get cheap labour and make a profit out of the deal. Proper forward manpower planning is essential and the Minister of Industrial Affairs is taking action in this Bill in that regard. Governments in this country, as in Western Europe, must eventually meet most of the cost of trade training, whether skilled or semi-skilled. This Bill is a step in the right direction, and I support the second reading.

The Hon. J. E. DUNFORD: I did not intend to speak on this Bill, but I have received a letter from the Secretary of the Electrical Trade Union (Mr. R. M. Glastonbury), with whom, as a past trade union official, I was associated on the Trades and Labor Council. Our union interests coincided. Prior to reading Mr. Glastonbury's letter, I read the Minister's second reading explanation and was very impressed with its contents and the Bill. When I was a union secretary I did not cover skilled workers, that is, tradesmen. It was very difficult for me to make a proper assessment about people changing their jobs and, on reading the Bill, I am greatly impressed with the opportunity for older people to undertake trade training.

When I say that I never had much to do with tradesmen, I mention that a lot of tradesmen that joined the organisation I represented did so because they were underpaid. Mr. Laidlaw would know, and would have heard in negotiations with trade union officials, that the Metal Trades Award, which covers both skilled and unskilled metal trade workers, is recognised by unions and employers as the most depressed award in the world. When I first started working for the Australian Workers Union representing the workers at B.H.P., it was difficult to represent them outside the Metal Trades Award. It was a B.H.P. document—a scurrilous document—and even in those days—

The PRESIDENT: Order! Again I make the request that members, including the Minister, who wish to hold discussions with other members be seated. The Hon. Mr. Dunford.

The Hon. J. E. DUNFORD: It seems that this has flowed through into the good times, and that the bad times still exist in regard to the treatment of and wages for apprentices. The employer will say that he cannot afford to put an apprentice on. My son is an apprentice, and it seems that things have not changed over the years right up until the present. For the first 12 months an apprentice is the billy boy and does all the menial tasks around the place.

The Hon. D. H. Laidlaw: He does not have to be.

The Hon. J. E. DUNFORD: I am saying that from information I have received. I do not know what happens at Perry Engineering. I spoke to union officials today and they agree that that still happens. In the first 12 months the apprentice is not trained in any skill whatever and his time is spent being the roustabout in the workshop or the factory.

The other aspect that impressed me with the Bill was that if the apprentice does 75 per cent of his term he will be able, with the consent of the employer and the commission, to become a qualified tradesman. Knowing the employers and having had much dealing with them over the years, I am pleased to see that once a lad comes out of his apprenticeship he becomes a fully-fledged tradesman. There is a considerable difference in money terms between the third year and when he becomes a tradesman at the end of the fourth year. It is well known that many employers in the metal industry have complained that when a boy does his trade he gets out. I cannot see many employers agreeing to give a lad his trade papers in three years instead of four years and, at the same time, giving him a right to leave if he wants to or giving him an increase in pay from $30 to $40 a week.

The Hon. D. H. Laidlaw: It is intended to cover the mature age person who has been, say, a second-class welder all his life. He can become an apprentice.

The Hon. J. E. DUNFORD: It also applies to the young apprentice, as I read the Bill. I cannot see an employer giving a lad his indenture after three years and an increase in pay of between $30 and $40. It is just not on.

In saying that, however, I repeat that I am impressed with the Bill; I think that for once the Government's intention is good and that the Minister of Industrial Affairs has woken up to the fact that something must be done about the training of tradesmen.

I think that the Minister realises that it is not sensible to recruit people from overseas. Construction jobs such as that on the North-West Shelf do not go on forever. Common sense will show that, if we bring these people here from other countries, without training our own people, we will be in a double jeopardy situation. Our own people will be upset because they are not being trained, and on the other hand we are not being fair to the people whom we are bringing in and who must eventually be put on the scrap heap, so to speak.

I agree with the Deputy Leader of the Opposition in another place (Hon. J. D. Wright) that tradesmen get $200 a week. The Hon. Mr. Carnie interjected by saying that wages are too high, but I do not know whether the honourable member has lived on $200 a week in 1980. Indeed, his income would be $600 or $700 a week. I get the same rate of pay, but I could not meet my mortgage commitments if I received only $200 clear each week. A tradesman with two children would receive $170 take-home pay each week, and such a person must usually use a motor car to get to and from work. As a result, having to pay $20 or $30 a week for petrol, he would end up with only $140 with which to keep his family. It is therefore not true for one to say that the worker is pricing himself out of a job.

Young men of 18 are working on the Tarcoola railway line, and one young man who works for Readymix Concrete is earning $350 a week. My young son, who is a third-year apprentice earning $134 a week, said to me, "I would like to go up there with my mates." However, I told him that it was essential to learn a trade. The Bill provides that a lad can change his trade. Indeed, I have seen at the smelters and at B.H.P. that much of the work is inter-related. This is evident when one sees so many demarcation disputes in a shipyard. It seems feasible that a

lad who has done a boilermaker's course could become a welder in perhaps two years. That is, therefore, another part of the Bill that I encourage.

I read in the 16 February edition of the *Advertiser* a report headed "Apprentice Bill inadequate: U.T.L.C." I was indeed concerned when I read the article. However, as I went through it I saw that Mr. Gregory was reported as saying that, when the Government had first distributed the draft of the Bill, the U.T.L.C. had been highly critical of it because it had made no specific reference to apprenticeship training. Apparently, talks with the Minister (Hon. D. C. Brown) had led to specific references being made, and in that connection the U.T.L.C. was satisfied with the Bill.

It is, therefore, another credit to the Minister that he conferred with the United Trades and Labor Council. Although the Bill in its draft form was considered inadequate and unsatisfactory, as a result of the submissions that were made I believe that 12 changes were effected. I should like to know what those changes were, so that members can see what contribution the U.T.L.C. made in relation to the document. We could therefore give credit where it was due. The Bill, with a few amendments thereto, is acceptable to the Opposition, and I should appreciate the Minister's giving credit to the U.T.L.C. for its negotiating ability. On 25 February, six days after the second reading explanation was given, I received the following letter:

> Dear Sir,
>
> At the State conference of this union held Thursday and Friday 19 and 20 February 1981, the following motion was carried unanimously:
>
> The union views with alarm the proposed Industrial and Commercial Training Bill to be introduced soon into State Parliament by the Minister of Industrial Affairs.
>
> The proposed Bill, which is intended to replace the Apprenticeship Act, will adversely affect the apprenticeship system of training and as a consequence lower the standard of the tradesman.
>
> Conference resolves that the union oppose the implementation of this inferior training scheme by every means available.
>
> The delegates at the conference who represent a wide cross section of the membership, both industrially and geographically, were gravely concerned with many aspects of the proposed legislation. Some examples of the delegates' concern are as follows:
>
> The intentions outlined in the document "Main features of the proposed Industrial and Commercial Training Bill", together with the lack of detail contained in the draft Act—

This is where the letter may conflict. The U.T.L.C. saw the draft Bill, met with the Minister and made recommendations. It appears that, even though the letter was written on 16 February, they talked about the draft Act on 25 February. I cannot therefore guess when the conference was held. The letter continues:

> —suggested very strongly to the delegates that the procedure followed under the Apprentices Act of having advisory committees for each trade, reporting directly to the Apprenticeship Commission, will be replaced by committees operating on an industry basis (ex. building, motor vehicle repair, etc.) which will each cover a variety of trades. The delegates, aware of the likely adverse effect on the training of electrical apprentices, completely condemned this obviously intended departure from the long standing and well proven practice.
>
> The underlying assumption throughout, that the Act will over-ride award provisions; for example, the commission to determine the number of trainees an employer may have at any one time and allowing employers to engage trainees on a part-time basis.
>
> The authority given to an employer to suspend a trainee without first obtaining permission from the Disciplinary Committee.
>
> The absence of "the right of appeal" from decisions of the Disciplinary Committee.
>
> The union respectfully asks that you give careful consideration . . .

I ask the Government whether these propositions were dealt with by the United Trades and Labor Council and whether they were considered by the Minister when he had the final draft of the Bill. Mr. Jack Wright said that he had figures taken out three or four years ago showing that 165 000 tradesmen had left the industry in which they had been trained, and that this was because of the low wages paid under the Metal Trades Award.

The Hon. D. H. Laidlaw: In many cases, it was because they were engaged in trades that were declining.

The Hon. J. E. DUNFORD: I realise that, but the Bill makes provision for men of mature age to take the course for two years, and then they get a trainee certificate.

The Hon. D. H. Laidlaw: They would be indentured and would do 75 per cent of the time.

The Hon. J. E. DUNFORD: I appreciate that. I have travelled extensively throughout Australia in many occupations, and it is marvellous for one to meet in the bush men who can pull down a car or tractor, build boats, and so on.

I often inquired why they were not in a trade. They could not get a job because they did not have the papers. All responsible businesses, when one goes for a job, want to see one's trade papers.

Once again, I can see the great benefit that this Bill will create for those people who, just because they do not have a piece of paper are unable to acquire the skills and training desired, can undertake a new occupation. There are many letters to the Editor, I have noticed, telling of older men looking for jobs who are disgruntled because everything is centred on the young. The taxes they have been paying have been used to subsidise the young, and they are left out. This is the first positive step that I have seen that will give these men the opportunity to learn a trade because I do not think a person is too old at 50, 55, or 60 to take on a trade and be successful at it. I know there are amendments to come forward to this Bill, which I support at the second reading stage.

The Hon. R. C. DeGARIS: I do not propose to have anything to say on the apprentice system at all. I have listened to several good contributions on that subject this evening, and I extend congratulations to those who have spoken. The Hon. Mr. Blevins touched on a most important point that may not be directly related to the Bill. But, nevertheless, it is a point I have touched briefly on myself. That is, the very great difficulty facing Australia in relation to the resources boom that is beginning and will continue for some time. What he said is perfectly true: there is going to be a tremendous amount of wealth produced, but the area in which the activity will be is not going to produce a great number of jobs for Australian people. The overseas balance of payments will be affected, which will affect manufacturing, and there is a possibility it will affect the Liberal sector. Internal policy in Australia will have to be directed to this question in the near future. At this stage, I do not think any of us have the answer to this.

In relation to that question, the Hon. Mr. Blevins tied in the question of apprenticeship training. I agree entirely with his view on this matter. I do not want to go through the history of apprenticeship training in Australia or South

Australia. There are certain matters in this Bill which I have queried and about which I would like answers from the Minister. I see that the Minister has amendments on file which touch on some of the things I intend saying. I will be referring to particular clauses in the Bill so that the Minister can reply. In Part III of the Bill, clause 15 deals with the establishment of training advisory committees. The Minister may, upon the recommendation of the commission, establish training advisory committees in respect of any part of an industry or commerce. At present, the training advisory committees are established in relation to any trade not necessarily a part of industry or commerce. I direct the Minister's attention to this. I think that the Minister may have power to establish training advisory committees in relation to a trade. There are one or two trades that concern me. I understand what the Minister is trying to do, and I approve of the direction the clause takes.

We must be certain that we do not produce a situation where the establishment of a training advisory committee is only as part of an industry where that particular trade may cover a whole range of industry right from the motor vehicle construction industry through to the building trades or any other industry. There may be need to establish a particular trade committee rather than an advisory committee in relation to any part of industry. Will the Minister give me an undertaking on that particular clause that he does have the detail, desire and power to establish an advisory committee in relation to any trade, rather than being part of an industry? The other clause that concerns me (and I do not make this point very strongly) is under Part III of the Bill, "Division I.—Contact of Training". Clause 21 (4) provides:

> An employer shall not employ an apprentice or other trainee under a contract of training unless—
>
> *(a)* the place in which he is to be employed;
>
> *(b)* the equipment and methods to be used in training; and
>
> *(c)* the persons who are to supervise his work;
>
> have been approved by the commission.

They are the things that are virtually compulsory. Then one comes to subclause (5), which provides:

> (5) An approval under subsection (4) may be given subject to conditions—
>
> *(a)* limiting the number of apprentices or other trainees that the employer may have in his employment at any one time;

When I read that, I felt that the limitation on the number of apprentices that could be with an employer should be a part of the compulsory provision in that clause. I do not think it can happen, but one can visualise a position where there may be three apprentices at a garage working under one motor mechanic. I think that that would be entirely wrong. I think that there should be a limitation on the number of apprentices who can be under any one particular trainer or employer. It is not an important point, and I am certain that the Minister or the commission will have to consider this, anyway. I felt that this particular clause is governed by the word "may" and that there is no compulsion in creating that limitation. I am certain that there should be that particular limitation.

Coming to my last query, I have an amendment on file to which I will speak in Committee. Clause 26 deals with discipline. Without mentioning any particular trade or industry, there are some particular areas where apprentices train who have an extremely bad record in relation to suspension by employers. I do not want to go further than that, but most members will know that to which I refer. I did think that an employer should make contact with the commission before he actually suspended an employee. In discussions on this point, I found that that was not a practical thing, particularly where a person had to be suspended, maybe on shift work, for example.

I then looked at the powers of the disciplinary committee and I found that there was no appeal from a decision of that committee. The Minister has power to direct the commission in the early part of the Bill, but there is nothing there which allows for an appeal against a decision. The commission itself handles the question of discipline. That is a task which would bog down a rather large commission. I approve of the scheme which establishes a sub-committee of the commission to handle that area. Of course, that committee could make mistakes and a person could be suspended for the wrong reasons, or an employer could be wrongly reprimanded. In such cases an employee or employer should have the right to appeal to the Minister. If the Minister feels that there has been a mistake he could then ask the commission to review any disciplinary action taken. I have an amendment on file which covers that particular point. I refer to areas of apprenticeship where at times there is quite severe sexual harassment of young girls.

The Hon. Anne Levy: There are not many female apprentices, apart from hairdressers.

The Hon. R. C. DeGARIS: There are some difficulties in that particular trade. If an employee feels that she has been suspended without due cause she should have some right of appeal, and if the Minister is satisfied that it involves some injustice he should be able to act. Over the last 20 or 30 years there has been a movement around the world to increase academic and technical training. The Australian apprenticeship system stands very highly when compared with systems used in other countries. A person can be trained by an expert in the field, such as a workshop, and that usually produces a highly efficient and highly skilled tradesman. I would not like to see the training system moved out of the work place, but there is some pressure for such a move. This Bill contributes to the improvement of apprenticeship training in South Australia. I support the second reading.

The Hon. N. K. FOSTER: A reasonable view has prevailed in this debate and I suppose that those members who have participated in it so far should be commended. However, I wish to adopt a different line. There may be embodied in this Bill, as we go through its clauses, some areas which I will now raise. One of the very great anomalies in relation to the availability of training for trade apprenticeships in this country is the prerequisite that such training must involve employment. However, other people can train to become doctors, lawyers and dentists without having to be employed. People in the community would not allow a person training to be a doctor or a dentist to practise in that field before he completed all his training. However, before a person can undergo training for a trade he must have employment in that field. Without that employment he cannot train.

The stop-go policies of Australia's economic growth over the entire post-war era has meant that the lack of tradesmen in this country has been filled through a costly migration programme. That programme, in the main, has been run by Governments, but I also recall that the Immigration Department gave permission to, for instance, Alan Hickinbotham to import into this country tradesmen to benefit his own particular field of enterprise, the building industry. He had to give an undertaking that he would provide housing and the guarantee of a job for workers he brought into Australia. In the main Hickinbotham carried out his end of the bargain pretty well.

The fact is that without a job people cannot train to

become tradesmen. That is the very savage situation that young people find themselves in today. There are a number of reasons for this and some of them have been touched on during this debate. I will identify those areas more clearly and with more bitterness. Children tend to be over-advised about their abilities at an age when they are most suitable to take on apprenticeships. That is done either by parents, school-teachers or just the system. At times students of 15 or 16, which is the most suitable age to take on an apprenticeship, are told not to leave school but to go on and matriculate. By the time they reach that stage of their education some of them will have failed and they will be 17, 18 or 19 years of age. It is much harder at that age to obtain an apprenticeship than at 16.

In the latter 1960's and the early 1970's there was almost a parental revolt against children becoming carpenters, boilermakers or any other type of tradesman. Many parents stopped their children from attending technical schools. Technical schools in this State played a very big role until a few years ago. The action of some parents and some members of the education system against technical schools was rather discriminatory. Children living in the western suburbs of Adelaide were disadvantaged because they could not get to a technical school which was on the other side of town. There was a great deal of agitation for the downgrading of technical schools. One example is the Thorndon Park school. Machine tools were supplied to that school to train children in certain trades. However, those tools were never used and instead were sold to New Zealand. That school then became an ordinary high school and the trades were neglected. That is one example of one school in one area.

It happened all over the State. It was quite wrong. I condemned it then and I condemn it today. It has meant a denial of opportunity to some students and employers to tap a resource of people who just want to be carpenters and tradesmen.

If students go into industry and train, they will make up their minds later about whether they will undertake further education to help them get the hell out of it. My lad trained as a mechanic. At the time I advised him that he could think of no worse a trade than probing at things that he could not see. Like his dad, he was impatient, but he was a good mechanic. Of the 40 or 50 students who went to his trade school, only two remain in the trade today. My lad is now an industrial officer, and was able to go to university without matriculating because of the great advantages provided to him as a result of changes that took place after 1972.

The Bill contains a provision under which an employee can be stood down. True, there will be certain consultations to ensure that this is done amicably and with the understanding of the parties involved, the kids, the parents, the employer, the commissioner and the like. I commend the Bill on the basis that it is doing many of the things that many of the people in the trade union movement have sought for years and have not been successful in obtaining.

Reference has been made to Murray Glastonbury. He has been too much of a damned hardliner in respect of trade classification. Don Laidlaw and I were talking about some well respected and prominent left-wing trade union officials only a few nights ago and we found ourselves commending Joe Convery, who was with the Boilermakers Union. He was a most understanding person in regard to apprenticeships in a most difficult area. Don Laidlaw reminded me of the specialist training needed to build the Port Stanvac Oil Refinery.

The then prevailing attitude in South Australia was that we needed to import tradesmen of a super classification, but it was the trade union movement in consultation with employers that devised a scheme, in conjunction with Joe Convery, for a crash programme of training for people who were relatively unskilled. They built that refinery in a specialised way in regard to welding, and it has not collapsed yet.

The attitude of some trade unionists has been especially good, but it has been hard to drag others into this century. There has been, and there still will be, these difficulties until Governments recognise that one cannot play about with a short-term method in this area, that one could tend to import unemployment through the importation of skilled tradesmen.

No-one should suggest that the importation of unskilled labour or qualified craftsmen has not had attendant problems. I refer to United Kingdom migrants and the shipbuilding industry throughout Australia. The old demarcation syndrome runs as deeply in this country as it did in the United Kingdom. The Adelaide ship construction area had more managerial problems than it had labour problems, although that was never publicly aired. That was a great tragedy, and, as the then President of the Trades and Labor Council in this State, I was closely involved, especially as Port Adelaide was my then stamping ground.

Further, if there was any suggestion by unions that there ought to be some form of amalgamation in the late 1960's, it always brought forward the false and stupid wrath of the then Federal Government, which legislated purposely against it and which attacked it with much stupid venom and bitterness. We are paying the price of that today. The Hon. Mr. Laidlaw is a respected industrialist on both sides of the industrial fence and I can see that he is nodding his head in agreement. In fact, Andrew Peacock is on record, as is his predecessor, Tony Street, as having suggested that there ought to be a concept of understanding and amalgamation in this area.

I could refer to industrial unions and I could draw the attention of the Council to the situation in West Germany. A quarter of the West German labour force used to be comprised of Turkish, Greek and Italian workers, but they were quickly sent home when the rot started to set in. The West Germans were employed for another 2½ to three years.

It has been suggested that there are not the labour problems in West Germany that exist in Australia. Hitler wiped out the trade union movement in that country. I refer to the reconstruction of Germany after the Second World War which was similar to the reconstruction of Japan. The German reconstruction was based around the huge Volkswagen works, and the industry union concept that came to that country was based on the many workers in that industry.

That situation bears no comparison with the industry-type unions in Japan. I refer to the difference in mentality between workers in the different countries. The Japanese workers seem to be happy to be thrown together in their masses, when both working and involved in recreation. They even go into some special rooms together to bash their heads on the wall. Such a situation would be unthinkable in countries such as Australia. Each country has its own characteristics, and attention should be paid to that.

In regard to the four-day week, what about an apprentice who works in the industry for five days and is told by an employer for whatever reason, perhaps because of a downturn or heavy competition, that he will have to work for four days or lose his job. The lad can go home and talk about it with his parents, but if the lad then does

not work on a Friday and lives in the western or north-western suburbs of Adelaide where youth unemployment is high, he may find himself with time on his hands. This could lead to his not bothering to go to work on Monday and a subsequent deterioration in his standard of work, when he goes back to work, as well as a deterioration in his standard of education and training at trade school. I refer to the tragic deterioration of his low level of wages.

The system should provide that, if he is training in an electrical trade, on the free day he should attend electrical trade school at Kilkenny. He should be induced to do that. More importantly, he has to be paid, and two aspects arise here. First, there is the question of money that has to be made available within the education system to carry him for that additional day at trade school. In addition, there has to be money found to pay him for that day and, if the shorter working week is the result of economic pressures on the employer, one can expect little remedy in that area.

One has to examine whether or not there ought to be additional funding from the source that receives most of the tax that people pay in this country, namely, the Federal Government. If one starts to look at the economics of it and the consequences of having ill-trained or untrained apprentices, one must start to make comparisons between that loss and the increased payment beyond that loss that will occur as a result of importing someone to take his place. The Department of Immigration has been a heavy spender in the past and is not an insignificant spender today although we do not see the huge masses of migrants coming into the country that we used to see in the 1950's and 1960's. I would think that at the meeting of the Ministers concerned with employment there ought to be a demand, request or suggestion that portion of the Budget flow to the States to undertake such a scheme as that and that it ought to come from the revenue given to the Department of Immigration.

It might well be said by those in favour of migration that it gives some better form of growth. I do not see that there is a whit of evidence to support one case against another other than to say that from the viewpoint of responsibility, social awareness and necessity to ensure that the family way of life in this country continues, we come down heavily on the side of the Australian-born apprentice or those who have been living here for many years. Two very important factors emerge from what I am saying. We have to give an undertaking or guarantee and so does the apprentice. I agree with what the Hon. Mr. DeGaris has said. I have had some experience with disciplinary boards even back in the days of Keith Marshall, who is now Registrar in Melbourne. I found that at times we had to be tough with the lads. They have to accept their responsibility, and anything short of that means that we are wasting our time.

A great deal is said about the drain on the country. I believe that one of the greatest drains is that we have not exploited the intelligence of the youth of this country. If we had done as much on the industrial side for youths as somebody in this Council suggested Rural Youth has done for rural youths, we would come down on the side that we have neglected those youths in this country who have sought a life on the industrial side of the spectrum. There has been far too much politics played in this matter. I do not mean Party politics but the politics in the industry. Some of the most conservative people in this country are those which the Liberal Party backs. I worked on the waterfront for years and pulled more blues than anyone else in this Chamber by necessity. It is one of the most unscrupulous employers anyone could deal with in this country—at least at that time. Some of the most conservative people, although they were accused of being the most militant, were the waterside workers.

The Hon. R. C. DeGaris: One of the most conservative politicians would be Brezhnev.

The Hon. N. K. FOSTER: The honourable member can have his views on that matter. Mr. Laidlaw raised the matter of the unskilled workers receiving more than tradesmen. This has been brought about in the main by a form of collective bargaining. It is fair to say that a trade has been done on a *quid pro quo* basis. I refer to the maritime industry, and the introduction of containerisation in the early 1950's and 1960's. I refer also to tanker drivers, pilots and so on.

The Hon. D. H. Laidlaw: How about the watchmen on the ships on the Port River? They don't do badly.

The Hon. N. K. FOSTER: Many are in an awful position. Some are very under-paid and it is a very menial task. There are some others in the container depots that were not there until containerisation came in. They receive very good take-home pay. It is very difficult to argue against the fact that the type of training and mechanical equipment needed to operate some of these machines no longer comes under a flat rate in the maritime awards.

The PRESIDENT: Order! The Hon. Mr. Foster is getting a bit wide of the Bill and I draw his attention to that fact. Mr. Laidlaw was not quite on the beat, either.

The Hon. N. K. FOSTER: We will not beat him on that. If there has ever been a margin for skill it has not necessarily been the entitlement of so-called skilled workers. I have dealt with the unemployment situation. As I have been on my feet for half an hour, I will conclude, as I hope that we are not here until 5 a.m. tomorrow.

The Hon. C. J. Sumner: You ought to blame the Government for that.

The Hon. N. K. FOSTER: The Leader and the Attorney-General were playing around for hours last night as if they were trying to convince the Full Bench. I was absolutely disgusted.

It was unnecessary, uncompromising, and unworthy of anyone who had any understanding of the feelings of others and who had to sit in pitiful patience in this place last night.

This is a Bill of understanding and compassion, and if it appears that in some of the amendments we have gone too far, and if some of the people on South Terrace cannot fully express their feelings in this regard, I hope that some people in this place will be able to recognise that as a fact of human life and that they will not over react. I hope that the Bill has a smooth passage and that attention is paid to the worthwhile amendments that have been foreshadowed.

The Hon. J. C. BURDETT (Minister of Community Welfare): I thank honourable members for the attention that they have paid to this most important Bill, which, in a sense, marks the end of an era. It marks the end of the time that has gone on for hundreds of years when virtually the only way in which one could learn a trade was for one to be apprenticed as a boy.

Some of the amendments to the original draft that were requested by the United Trades and Labor Council were aimed at making matters clear and ensuring that the traditional apprenticeship system was retained. This Bill opens up an important area, where adult persons, as trainees, may become tradesmen.

I thank honourable members on both sides for their contributions because they have supported the Bill and the concept contained in it. It was indeed pleasing to see the measure of agreement. I will at this stage answer the

matters raised by the Hon. Mr. Dunford, who spoke about the possibility of a person's being able to become a tradesman after serving 75 per cent of his term. The honourable member said that surely no employer would allow that.

The Hon. J. E. Dunford: To an apprentice.

The Hon. J. C. BURDETT: Yes. While this operates right across the board, it was intended to apply mainly in regard to adults, where one had a particularly good person who was virtually skilled as a tradesman, anyway, and whom this would enable to become a tradesman. Indeed, this was one of the matters that was requested by the U.T.L.C.

The Hon. Mr. Dunford also asked what other parts of the Bill resulted from the recommendations by the U.T.L.C. One of the matters relates to clause 5, which contains the definition of "apprentice". The U.T.L.C. wanted to ensure that the traditional role of apprentices was retained and that indentures of apprenticeship continued to be recognised. The council wanted in clause 6 (2) to preserve the requirement for apprentices to be employed as juniors where it was stipulated in awards. That provision is now contained in the Bill.

There were also a number of other references to apprentices. Generally speaking, it was said that they wanted to retain the existing role of apprentices, running alongside the new concept of adult apprentices or trainees. The U.T.L.C. wanted clause 16 (2) and clause 16 (4) to contain formal recognition of the Trade Advisory Subcommittee. As a result of the recommendations made by the U.T.L.C., clause 26 (2) was tightened up. Clause 27 (2) was included because of the concern expressed about the position of apprentices, and clause 37 (2) was either included or strengthened because of the recommendations made by the U.T.L.C.

Regarding the matters raised by the Hon. Mr. DeGaris, I refer, first, to clause 15 (1). On behalf of the Minister, I give the honourable member the assurance that he sought. The Government is anxious to establish industry advisory committees so that each industry can look at its individual training needs. Where particular trades are involved, trade advisory committees may be established, but these would be subcommittees to industry training advisory committees. Regarding clause 21 (4), I give the assurance that the Hon. Mr. DeGaris sought. That provision makes it mandatory for the commission to approve of the place in which the apprentice is to be employed, the equipment and methods to be used in training and the persons who shall supervise the work.

In order to satisfy itself, the commission requests an apprentice supervisor to provide a report with respect to these matters. If the employer is approved he is subject to random visits by the supervisor to establish that the conditions so approved have been maintained.

It is desirable that the flexible arrangements provided in this Bill, which do not differ in substance from the present Apprenticeship Act, be maintained, because the training facilities and abilities of organisations differ considerably. To deny the commission discretion with respect to this matter through the imposition of a specified ratio of apprentices to tradesmen might deny some teenagers the opportunity of being successfully trained as apprentices. The commission has used in the past, and will continue to use in the future, ratios specified in awards as guidelines in this matter and, where Federal awards provide the commission with any discretion, they make decisions according to individual circumstances of each employer. This arrangement has proved acceptable to both industry and unions in the past, and it is anticipated that this mutual support will continue. Once again, I thank honourable members for their attention to the second reading debate.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—"Interpretation."

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

Page 2—

Lines 26 to 31—Leave out definition of "post-secondary educational institution".

After line 33 insert definition as follows:

"trade" means an occupation declared by regulation to be a trade:

It amends the definition which is now redundant, and inserts a definition of "trade".

Amendment carried; clause as amended passed.

Clauses 6 to 14 passed.

Clause 15—"Establishment of training advisory committees."

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

Page 7, lines 26 to 28—Leave out subclause (6) and insert subclauses as follows:

(6) Four members of a training advisory committee (of whom one must be the chairman of the committee, at least one must be a member appointed to represent the interests of employers and at least one must be a member appointed to represent the interests of employees) shall constitute a quorum of a training advisory committee.

(6a) A decision carried by a majority of the votes of the members present at a meeting of a training advisory committee shall be a decision of the committee.

(6b) Each member present at a meeting of a training advisory committee shall be entitled to one vote on any matter arising for decision by the committee at that meeting and, in the event of an equality of votes, the chairman shall have a second or casting vote.

This amendment relates to the conduct of meetings of the training advisory committee. A quorum provision has been inserted. The quorum will comprise four members, including the Chairman of the committee, one employer and one employee representative. In the event of a tied vote on any issue, the Chairman will have a casting vote.

The Hon. FRANK BLEVINS: I indicate that all the Government's amendments are acceptable. I understand that discussions have been held between the Trades and Labor Council, Crawford Hayes and the Government, and that there is general agreement that the amendments are acceptable to all parties. In that case, the Opposition is happy to support all the Government's amendments.

Amendment carried; clause as amended passed.

Clause 16—"Subcommittees."

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

Page 7—After line 46 insert subclauses as follows:

(5a) At any meeting of a subcommittee, at least one member appointed to represent the interests of employers and at least one member appointed to represent the interests of employees must be present.

(5b) A decision carried by a majority of the votes of the members present at a meeting of a sub-committee shall be a decision of the sub-committee.

(5c) Each member present at a meeting of a subcommittee shall be entitled to one vote on any matter arising for decision by the subcommittee at that meeting and, in the event of an equality of votes, the member presiding at the meeting shall have a second or casting vote.

This amendment relates to the conduct of meetings of any subcommittee established by the training advisory committee. At any meeting of the subcommittee one employer and one employee representative must be present. Provision is also made for the member presiding

at any meeting of the subcommittee to have a casting vote where there is a tied decision on any matter.

Amendment carried; clause as amended passed.

Clause 17 passed.

Clause 18—"The Disciplinary Committee."

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

Page 8—

Line 31—After "and" insert ", subject to subsection (4),".

After line 32 insert subclause as follows:

(4) If the Commission, acting at the direction of the Minister, requests the disciplinary committee to review its decision or order upon any matter, the disciplinary committee shall review the decision or order and may, upon the review, confirm, vary or revoke the decision or order subject to the review, or make any other decision or order in substitution for that decision or order.

This amendment provides a limited means of appeal for an employee, an apprentice, or an employer from any action taken by the disciplinary committee. After any such request, the Minister can ask the commission to re-examine the matter.

The Hon. FRANK BLEVINS: The Opposition sees nothing wrong with this amendment. We believe that the appeal provision should be inserted and we are happy to support the amendment.

The Hon. J C. BURDETT: I accept the amendment.

Amendment carried; clause as amended passed.

Clauses 19 and 20 passed.

Clause 21—"Training in declared vocations to be offered only under prescribed conditions."

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

Page 10, lines 32 to 34—Leave out all words in these lines.

Page 11, lines 7 to 9—Leave out subclause (10) and insert subclauses as follows:

(10) Any party to a contract of training may, within three months after the apprentice or other trainee commences work under the contract, terminate the contract by giving notice in writing to the other party or parties to the contract.

(11) Where a contract of training is terminated under subsection (10), the employer shall, within seven days of the termination, notify the commission, in writing, of the termination.

Penalty: Five hundred dollars.

(12) Where a contract of training is transferred or assigned from one employer to another, the employer to whom the contract is transferred or assigned shall, within seven days of the transfer or assignment, notify the commission, in writing, of the transfer or assignment.

Penalty: Five hundred dollars.

These amendments preserve certain matters which operate at present under the Apprentices Act. First, one of the requirements relating to notification of employment pursuant to a contract of training has been deleted, as it was considered an unnecessary duplication of procedures. The earlier subclause (10) has been deleted and a new subclause (10) has been inserted to overcome any ambiguity which could arise as to the precise date on which the contract of training was entered into between the parties. As matters stand at present, there is often a considerable hiatus between persons entering into a contract and the apprentices actually commencing work with the employer. Problems can arise where parties wish to terminate a contract within the probationary period, but there is a dispute as to the commencement date of the contract from which the three-months probationary period runs. To avoid this situation, the amendment provides that the three-month probationary period runs from the day the trainee or apprentice commences work under the contract. Subclause (11) requires the employer to notify the commission of any termination of the contract of training within seven days of such termination. Subclause (12) requires notification to the commission of any transfer or assignment of a contract of training.

Amendments carried; clause as amended passed.

Clauses 22 and 23 passed.

Clause 24—"Contract of training to provide for employment."

The Hon. FRANK BLEVINS: I move:

Page 11—

Line 25—Leave out "A contract of training must provide for the employment" and insert "Subject to subsection (2), a contract of training must provide for the full-time employment".

Lines 27 to 29—Leave out subclause (2) and insert subclauses as follow:

(2) The commission may, upon the application of a party to a contract of training, reduce the hours of employment of an apprentice or other trainee under a contract of training.

(3) A reduction in the hours of employment of an apprentice or other trainee shall not be made under subsection (2) unless the commission is satisfied that the reduction is justified by a deterioration in the economic circumstances affecting employment of apprentices or other trainees.

The Opposition believes that training is a full-time occupation and is not something that properly lends itself to a part-time situation. We strongly oppose the provision presently contained in the Bill which allows for part-time apprenticeships. The Minister in another place stated:

I cannot think where it might be used in the apprenticeship area.

However, it is all very well for the Minister to say that; we would prefer it to be part of the Act. We recognise that there may be some very occasional situations which warrant a part-time situation for a very short period to overcome a particular problem that an employer might face. We feel that this provision should be limited, and we provide for that in this amendment. The Labor movement as a whole is very concerned at the spread of part-time work, especially when there are over 400 000 people unemployed who are all looking for full-time work. We certainly do not want to see what we believe is a very bad practice spreading into the apprenticeship area.

The Hon. J. C. BURDETT: I cannot accept the amendment. There are proper protections in the Bill in relation to part-time work. The Bill is designed specifically to ensure that there is flexibility. This amendment is too restrictive, and I suggest that such restriction is undesirable. As the Hon. Mr. Blevins said, the Minister in another place stated that he could not think where this amendment might be used in the apprenticeship area. A person may be undertaking training and employment on a part-time basis, and in such circumstances he should be allowed to complete his training, including a contract of training, without inhibition. As I said, in regard to any abuses which there might otherwise be in regard to part-time training and part-time work, I suggest that there are already adequate safeguards in the Bill, and I cannot accept the amendment.

The Hon. D. H. LAIDLAW: I think that the Hon. Mr. Blevins is too concerned about this matter. I do think that under an indentureship the apprentice will enter into a contract under the terms recommended by the appropriate trade committee. I think that under the contracts of training for the semi-skilled there may well be employers who, as a matter of course, do not employ or never have employed people on a full-time basis and who may be able to train people in a, say, secretarial position. By accepting

the Opposition's amendment, it will restrict unduly the idea of the types of semi-skilled trades that will be encompassed by this new contract of training as distinct from an apprenticeship. I oppose the amendment.

Amendment negatived; clause passed.

New clause 24a—"Retrenchment of apprentices or other trainees."

The Hon. FRANK BLEVINS: I move:

After clause 24, insert new clause as follows:

24a. (1) Where, upon an application by an employer under this section, the Commission is satisfied that it would, by reason of a deterioration in economic circumstances affecting the employment of apprentices or other trainees by that employer, be uneconomic for the employer to continue to employ an apprentice or other trainee under a contract of training, the Commission shall certify to that effect and cause a copy of the certificate to be served on all parties to the contract of training.

(2) Upon the making of a certificate under subsection (1) the employer shall be relieved of further obligations under the contract of training, and the Commission shall succeed to the rights and obligations of the employer under the contract.

(3) Except as provided in this section, an employer is not entitled to retrench an apprentice or other trainee employed under a contract of training by reason of a deterioration in economic circumstances.

As I canvassed in the second reading debate, provision is made for the commission to become the employer of an apprentice, for example, if a firm ceases to operate for any reason. The commission can take over that apprentice and accept all responsibility and obligations for wages, annual leave and long service leave, etc. The Opposition is taken with this concept and believes that it is extremely good. It should be extended to cover all apprentices.

As I said in the second reading debate, apprentices are particularly vulnerable. It is not just a case, as it is with ordinary workers, of roaming around to look for another job with some degree of flexibility (although there is no flexibility in the present economic climate). There is much less scope for an apprentice to approach employers, seeking an employer who will take him on to finish an apprenticeship. That is much more difficult.

The commission does recognise this to some degree by being able to take the responsibility for an apprentice. The provision allows it to do that, and we believe that it should do that. We commend the Government for this provision, and my amendment merely extends the provision to cover all apprentices. I urge the Committee to support it.

The Hon. J. C. BURDETT: I cannot accept the new clause, because it is too open-ended: there is just no limit to it. It could cost the South Australian Government millions of dollars a year, but it is not just the cost factor. There is no way of assessing it, and it is completely unlimited. The commission would not have the resources or the training facilities to give that sort of training. For example, last year 50 trade apprentices left the building industry alone. There is nothing stopping a lad from finishing his formal technical training in a Department of Further Education institution, so it is not necessary to give that undertaking. For that reason, I cannot accept the new clause. It is too open-ended and provides for the commission to do something which it cannot properly undertake to do.

The Hon. D. H. LAIDLAW: I wish to add that I do not like unfunded obligations being taken on by Governments. I have said in this Chamber many times what I think about unfunded committments for the public servants' superannuation scheme, and I think that that is just as bad.

The Hon. Frank Blevins: Not to the same degree.

The Hon. D. H. LAIDLAW: We do not know what it is going to cost, and you do not know what it is going to cost. Anyway, there is provision for the commission to enter into a contract of training, as the Hon. Mr. Blevins stated. Also, there is provision to reduce the period of training down to 75 per cent of the period of contract training, and I think there is enough flexibility. I oppose the new clause.

New clause negatived.

Remaining clauses (25 to 33) and title passed.

Bill read a third time and passed.

SOCCER FOOTBALL POOLS BILL

In Committee.

(Continued from 3 March. Page 3329.)

Clauses 3 to 7 passed.

Clause 8—"Establishment of the Commission."

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

Page 4, after line 29—Insert subsection as follows:

(2) The conditions of a licence shall include—

(a) where the licensee is a natural person, a condition that he shall be resident in South Australia for the term of the licence;

(b) where the licensee is a corporation—

(i) a condition that at all times during the term of the licence not less than twenty per centum of the issued shares of the corporation shall be held by residents of South Australia and not less than twenty per centum of the voting rights that can be exercised at a general meeting of the corporation shall be exercisable by residents of South Australia;
and

(ii) a condition that a person nominated by the Minister shall be a director of the corporation at all times during the term of the licence.

I am moving this amendment for one major reason. As soccer pools are envisaged in South Australia, we will have a $2 company operating. I understand that under its constitution there is clear provision that no South Australian can invest in the company. It is coming in as a $2 company and is being granted a licence to take money out of the country in very large bags. They can even bank anywhere in Australia. There is nothing in it from the viewpoint of this State at all. I do not think that is satisfactory. We are trying to ensure that there is something in it for this State. We are getting a little bit sick of the situation under this Government where South Australia is becoming known as the interstate State. All the principal assets of the major companies and operations of the State are rapidly passing to the Eastern States. This is my gesture to try to keep some interest in this operation in South Australian hands, and I ask members for their support.

The Hon. K. T. GRIFFIN: The Hon. Dr. Cornwall forgets that some 30 per cent of the contributions will come back to South Australia in the revenue collected by the Government. It is not correct to say South Australians get nothing out of it. In addition to that, there is prize money which comes back to South Australians as well. Jobs will also be created. There will also be, as the result of that, the money that is spent in South Australia in administering the scheme. South Australians will benefit from the conducting of soccer pools.

I will deal with some of the technical aspects of the proposed amendment, particularly where the licensee is a

corporation. If this amendment is accepted, it is to be a condition that at all times during the term of a licence not less than 20 per cent of the issued shares shall be held by residents of South Australia. What happens if a shareholder moves out of South Australia and inadvertantly no action is taken to change the transfer of the share, presuming there is a market for it? If a person who holds the share ceases to be a resident, does that mean that the licence is automatically forfeited? If it is, what conditions apply? None of that is spelt out in the proposed amendment by the Hon. Dr. Cornwall. Of course it is easy to assume a device to get around the difficulty, and that is to provide for a nominee or trustee who is resident in South Australia to hold the share.

Let us deal with another instance. If the 20 per cent is held by a South Australian company whose shares are held by the Vernons and Murdoch organisation, the conditions are satisfied because the shareholder is the company registered in South Australia as a resident of South Australia. I suggest that the amendment is not worth the paper it is written on because it is so patently clear that there are ways around it—obvious ways which are legitimate and legal. Also, there are problems if it is applied strictly to individuals who are residents at the time of holding the shares but who subsequently move out of South Australia. I do not believe that it is workable and, in any event, if the amendment is carried, the soccer pools scheme as envisaged by the Government would not be implemented with the Vernons organisation.

As I indicated yesterday, the Government is convinced that only the Vernons organisation has the appropriate expertise to administer the system on an Australian-wide basis. It is not possible to administer it only from South Australia because of the emphasis on security, on administration and on the size of the pools. It would be quite inadequate for the scheme to be a viable one in this State, and I therefore oppose the amendment.

The Hon. K. L. MILNE: I sympathise with the Attorney-General in the difficulties he has mentioned but I am quite certain that they could be overcome in one way or another, maybe by the formation of another subsidiary. There are ways around it and, if there was goodwill on behalf of the people concerned, they would soon find a way. It is a good amendment and I propose to support it. In doing so, I have been considering the problem of the soccer pools. When I was first approached I was told the soccer pools would provide $1 000 000 per annum for sport. That has gradually been reduced, and it is now about $600 000, probably less. I happen to know that the Government needs over $10 000 000 for sport by 1986. It needs that amount from another source—not from where it is getting it now. The soccer pools scheme is not going to provide it.

I also understand from the Chairman of the Lotteries Commission that the boxing of X-Lotto and its joining in with the interstate scheme has been a huge success. It is going to get a lot of excess money; in fact, more than it thought. Where will that excess money go, and who will get it? If we could make some plan I would be more confident of soccer pools. I do not care whether it raises $300 000 or $400 000 if the Government will allow the additional profit from X-Lotto to make up the difference to the $1 500 000 a year that the Government needs. If the Lotteries Commission would give $1 500 000 to sport, less the amount that the soccer pools make in profit, I would be satisfied. If the Government has confidence in soccer pools, it will say that that is only a little bit coming from the Lotteries Commission and that it is a reasonable suggestion.

If the Government does not have any confidence in soccer pools, we do not have a scheme, and the State will look very foolish by 1986. We know perfectly well that we can do it and that the soccer pools will provide a part of it. Unless the Government has a proper scheme by 1986, with proper sports, equestrian and other centres, it will not be worth proceeding with it. However, if we put our minds to it, it can be done. This is a good suggestion, which I support. Under certain conditions, I am prepared to support the soccer pools scheme. If it produced a sensible answer, I would be prepared to support it, but not like this.

The Hon. J. R. CORNWALL: The Hon. Mr. Milne and I have had our *contretemps* regarding a couple of private members' Bills relating to environmental matters, but I am very pleased to say (and it should be reported for posterity in *Hansard*) that on this occasion we are completely as one. Any honourable member who gives this matter any attention at all would have to agree with what the Hon. Mr. Milne has said. We will not buy a pig in a poke. The Hon. Mr. Milne and I are far too experienced for that. We are looking for some sort of guarantee that there will be $1 000 000 at the end of the rainbow for sport in South Australia and not for Mr. Sangster and Mr. Murdoch.

The Hon. K. T. GRIFFIN: The Hon. Mr. Milne has made a suggestion which, I must admit, I could not quite follow. I understood that there would have to be a concession made from Lotto-block to sports investments, and that, of course, would really do what the Hon. Miss Levy suggested that soccer pools was going to do, namely, take it from the Hospitals Fund and put it into sporting facilities. That is a problem that the Hon. Miss Levy will have in coming to terms with the proposition put by the Hon. Mr. Milne. The proceeds from Lotto-block, as from X-Lotto, are paid into the Hospitals Fund under the Lotteries Commission Act. That is not a matter which is before us or which the Government intends to bring before the Council. The affairs of the Lotteries Commission are independent of this whole concept of soccer pools.

The experience of soccer pool schemes interstate is that it will produce revenue to be applied to sporting interests in order to develop sporting and other facilities, and it is the Government's view that it is an appropriate scheme to sponsor in South Australia. The fact is that the Lotteries Commission does not have the expertise to run it and, even if it did, the scheme would not have the appeal because it would be localised to South Australia. That would fly in the face of the Hon. Mr. Milne's comments about the success of Lotto-block on a national basis.

The Hon. K. L. MILNE: I am aware that we are not debating the Lotteries Commission legislation. However, I am suggesting that the Government should consider amending that legislation, to enable us to get money for a few years while there is a desperate need in South Australia to update our sporting facilities. Some of this increased income could be given to hospitals and some could be allocated to sport. The Government could easily amend the Lotteries Commission legislation. However, this Bill will not achieve that end and, as it is, the Bill is a waste of time.

The Hon. K. T. GRIFFIN: As I understand it, the Hon. Mr. Milne wants to amend the Lotteries Commission Act so that what presently goes into the Hospitals Fund for hospitals will be diverted to sporting facilities. If we have got that clear, we know where the priorities of the Democrats lie.

The Committee divided on the amendment:

Ayes (11)—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,

K. L. Milne, C. J. Sumner, and Barbara Wiese.

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

Majority of 1 for the Ayes.

Amendment thus carried; clause as amended passed.

Clauses 9 to 16 passed.

Clause 17—"Recreation and Sport Fund."

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

Page 9—

Line 22—After "Minister" insert "after consultation with the Recreation and Sport Fund Advisory Committee established under subsection (4)".

After line 22—Insert subsections as follows:

(4) For the purposes of this section, a committee shall be established entitled the "Recreation and Sport Fund Advisory Committee" with the function of advising the Minister in respect of the application of the moneys standing to the credit of that Fund.

(5) The Recreation and Sport Fund Advisory Committee shall consist of five members appointed by the Governor each of whom shall have wide knowledge and experience relevant to the administration and development of recreational and sporting facilities and services within the State.

I think this amendment is self-explanatory. The Minister, at some stage, is going to have a large amount of money to be dispersed to the various sporting bodies throughout the State. It seems entirely appropriate, in those circumstances, that he should have an advisory committee of five persons, which is an entirely manageable committee in terms of size, to advise him on how best he might administer that fund. I do not intend to speak to this clause at any length, and it should commend itself to everybody. I ask members to support it.

The Hon. K. T. GRIFFIN: I cannot accept the amendment. The Minister has a considerable number of contacts and competent advisers who can deal with this particular matter. Accordingly, I do not believe an advisory committee is appropriate.

The Committee divided on the amendment:

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

Majority of 1 for the Noes.

Amendment thus negatived; clause passed.

Remaining clauses (18 to 22) and title passed.

Bill read a third time and passed.

PITJANTJATJARA LAND RIGHTS BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 3431.)

The Hon. FRANK BLEVINS: I am happy to support the second reading of this Bill. What particularly pleased me is that with one small exception it has the full support of the Pitjantjatjara people, the Opposition and obviously, as it introduced the Bill, the Government. I think the history of the whole land rights question is something which should be gone into in great detail.

However, I am not going to do that tonight. I think that the aspirations of the Pitjantjatjara people have been fully met and I think it was essential that that should be done considering the way that Aboriginal people have been treated over the last 200 years. No-one can deny that, as a race, they have not fared very well under European occupation. It is fair to say that Aboriginal people, before Europeans came to Australia, had a society that was completely compatible with their environment. They lived in a way that would not appeal to us, living in the arrogance of our 1981 attitude. That is no excuse for the settlers who came to this country 200 years ago, and who virtually embarked on a course of genocide.

The overwhelming majority of white settlers—and I exclude your ancestors, Mr. President, because you have told us about them before—would have been quite happy to wipe out the Aboriginal people. It is a credit to the Aboriginal people that they survived. This land rights Bill attempts to make some recompense to these people and it is long overdue. I am happy to indicate my support for this Bill.

The Hon. BARBARA WIESE: I wholeheartedly agree with the remarks made by the Hon. Mr. Blevins. The Opposition supports this Bill and the report of the Select Committee. The Bill comes to this Council after travelling a very rocky road. Honourable members will recall that when this Government came to power, it rejected the land rights Bill which had been prepared by the previous Government, and set about reconsidering the agreement that had been reached with the Pitjantjatjara people. The Liberal Party had originally supported those agreements.

During its first few months in power this Government outraged the Aboriginal community by failing to consult with its members on very important matters affecting their future. The Government announced that mineral exploration would be allowed on Aboriginal lands. It established an unrepresentative committee in relation to that mineral exploration, and it announced that mining leases could be conditionally applied for. All these steps were taken without proper consultation with the Aboriginal people. This appalling lack of consultation and insensitive handling of a sensitive issue eventually culminated in the historic and dramatic confrontation between the Pitjantjatjara people and the Government at the Victoria Park racecourse.

The Pitjantjatjara people attracted widespread support and sympathy in the community for their cause and eventually the Government was forced to sit down and negotiate sensibly. Those negotiations culminated in the agreement signed by the Pitjantjatjara people and the Government last October and formed the basis of this Bill. The Opposition, which has maintained its support for the rights of the Pitjantjatjara, indicated then that it would support any agreement freely negotiated between the Pitjantjatjara people and the Government, and that it would co-operate in whatever way possible to see that that legislation would be enacted without delay. However, the Opposition had some reservations about certain aspects of the Bill, to which I will refer later and which were raised by the Select Committee.

Further delays were experienced after the Select Committee was set up in another place. Despite the Government's initial denials, it became clear that problems had arisen with the miners at Mintabie who were worried about future access to and use of the land that they occupied. In fact, this became the most serious issue of contention before the Select Committee. I will deal with this issue in greater detail because it is extremely important. However, before I do that I will briefly discuss the other matters raised by the Select Committee on which agreement was reached amongst members of the Select

Committee and members of the Pitjantjatjara people.

As I said earlier, the Opposition was aware that this Bill was the result of exhaustive negotiations between the Government and the Aboriginal people. We respected that agreement and, although we had certain reservations about some aspects of the Bill, we had no intention of altering its basic principles as expressed in the Bill when it was referred to a Select Committee. However, there were a few questions which the Opposition considered needed to be answered. First, the Opposition was concerned that the term "Pitjantjatjara" as used in the Bill might not be broad enough to encompass all the traditional Aboriginal groups that may have some claim to the land. However, that matter was raised by the Select Committee with the Pitjantjatjara people, who indicated that they were satisfied that the definition used in the Bill would include all peoples who should be included.

Another matter raised by the Opposition was the absence of a right of appeal in relation to the exclusion by the court of summary jurisdiction of people from the Mintabie precious stones field. The Select Committee sought evidence on this point and was assured that this was covered under section 163 of the Justices Act which deals with appeals in general. The Select Committee also looked at clause 36 (4), which deals with customs and traditions of the Pitjantjatjara. That clause referred to the Anangu-Pitjantjatjaraku when it was clearly meant to refer to the Pitjantjatjara people. Therefore, the committee recommended appropriate amendments. A number of other rather minor amendments were recommended by the Select Committee which were designed to correct anomalies in the Bill. For example, changes to increase the size of the existing board to 10 members; and to eliminate inconsistencies in quorum requirements for meetings, and so on. One question raised by witnesses concerned provisions in the Bill to require approval by the Pitjantjatjara people for the families of approved Government workers to live on their lands. Objections were raised about this provision. However, the Select Committee accepted the assurances of the Pitjantjatjara people that permits for residence would be automatically available for such families, and no amendments were recommended.

The Opposition supports this decision of the Select Committee. These and other matters were discussed by the Select Committee and the Pitjantjatjara people and satisfactory agreements were reached.

However, as I said, the one area of contention concerned the question of the Mintabie opal mining community. This is the only area of land covered by the Bill where there is a pre-existing intensive land use and an established community. The Bill sought to deal with the differing interests of the Aboriginal people and the mining community. The residents of Mintabie were concerned about their long-term security of tenure and the continuation of mining operations largely because the Bill provided for the Anangu Pitjantjarjaraku to have control of issuing licences for that land. The mining community was not happy with this . The Pitjantjatjara people rightly, in my view, maintained that they should retain this right.

During the Select Committee's deliberations it came to its attention that the land in question had been excised from the land to be granted by the Bill. The committee subsequently recommended that this matter should be rectified. In addition, after weighing up the evidence from both communities the committee recommended that leases in the Mintabie area should be handled by the Crown on lease from the Pitjantjatjara people. They agreed to this and proposed that such a lease should be for 15 years. However, after consideration of all the suggestions put to it by the various interest groups the committee recommended that the period be 21 years.

The Opposition supports the recommendation on this matter by the committee, although we understand clearly that the Pitjantjatjara people oppose it in favour of leases for 15 years and, even though we undertook to give expression to their wishes in regard to this Bill, we do not feel that this decision is inconsistent with our undertaking to the Pitjantjatjara people when all the circumstances are taken into consideration. This recommendation by the committee is the result of extensive discussions. The committee, as honourable members will acknowledge, was comprised of people holding very different views on many matters. The committee's report represents considerable discussion and compromise. The Opposition was concerned to secure through the committee the best possible deal for the Pitjantjatjara people. This area of disagreement concerns a difference of six years, that is, the difference between 15 years as preferred by the Pitjantjatjara people and 21 years as recommended by the committee. Opposition members on the committee had to make a judgment about whether or not to support the proposal for 21 years and maintain a consensus on the committee or to hold out for 15 years and perhaps risk, first, an early conclusion to this matter, which the Pitjantjatjara people wanted and, secondly, the possibility that the Government would open up other issues for reconsideration thereby jeopardising gains already made.

This was the judgment that had to be made by our members of the committee, and we believe that the decision they took was the correct one, that it will not make a fundamental difference to the Pitjantjatjara people's land rights which are embodied in this Bill. I hope that the Pitjantjatjara people can see why we have taken this action. I add that the legal adviser of the Pitjantjatjara people, Philip Toyne, yesterday asked the Opposition to make very clear the position and view of the Pitjantjatjara people on this matter. I hope that we have done that both in this Council and in another place. I hope we have fulfilled that request.

He also restated the Pitjantjatjara people's request that we should do nothing to impede the early enactment of this legislation, and it is our intention to carry out that request to the best of our ability. We believe that we have achieved the best possible solution to this problem in the interests of the Pitjantjatjara people. The Bill embodies all the terms agreed on by the Pitjantjatjara people and the Government, minus this one point, which I think is rather unfortunate because there has been a long history of negotiation on this matter and an agreement has been reached on every other issue. It is rather sad that there is just this one area where agreement was not reached. However, we believe that this was unavoidable without serious risk to the legislation and its early passage through this Parliament, and as such, we support the Bill.

The Hon. L. H. DAVIS: I also support the Bill and say from the outset that it is pleasing to see the bipartisan approach that has been taken in discussing this legislation. Attitudes to, and understanding of, Aborigines, their culture and their spiritual affinity to the land have changed markedly over the years. The public debate on Pitjantjatjara land rights over the last four years has brought Aboriginal culture, the subjects of Aboriginal land rights and Aboriginal culture further into focus. I am pleased to see that the endeavours of many people over a long time have been rewarded by the passage of this Bill.

The Premier, the Minister of Mines and Energy, the Minister of Aboriginal Affairs, the Attorney-General and their officers met in many meetings with Mr. Toyne and

representatives of the Pitjantjatjara Council to fashion the Bill, which provides for land rights for the Pitjantjatjara, and the Bill constitutes the Anangu Pitjantjatjaraku as a body corporate, with a constitution, with an executive board and the requirement for an annual general meeting. However, it also recognises that these subject areas have a potential for minerals, oil and gas and so provides for mining operations subject to strict conditions for entry and operation.

Clause 22 provides that royalties paid in respect of minerals recovered from the land shall be paid into a fund maintained by the Minister of Mines and Energy, with one-third being paid to the Anangu Pitjantjatjaraku and one-third to be paid to the Minister of Aboriginal Affairs and to be applied towards the health, welfare and advancement of Aborigines, with the balance being paid into consolidated revenue.

The Select Committee varied the draft Bill agreed to between the Government and the Pitjantjatjara negotiators in regard to only one aspect. That was in relation to the Mintabie precious stones field. The committee observed that Mintabie was the only location in the area subject to negotiation where there was a pre-existing land use and an established community. It was therefore constrained to recommend an adjustment to the agreement entered into between the Government and the Pitjantjatjara to provide 21-year leases to the Crown, thus ensuring reasonable residential security for Mintabie miners. I can understand the expressed disappointment of the spokesman for the Pitjantjatjara that this part of the compact was varied, but I would not like to think that that variation would detract from the magnitude of the achievement, which is a watershed in Australian land rights legislation.

In 1936 Dr. Charles Duguid persuaded the South Australian Government and the Presbyterian Church to take over pastoral leases at what was Ernabella, just slightly east of the eastern-most boundary of the North-West Reserve. In 1937 he established a mission as a buffer between the Aboriginal reserve, tribal people and the north-south railway line. As I understand it, Dr. Duguid was the first European to reside permanently in that area, and that was only 45 years ago. Therefore, I was interested to see that only last October Dr. Duguid, now 95 years of age, publicly expressed delight at the agreement which had been reached, which has helped to preserve Aborigines' traditional lifestyles, their sacred sites and at the same time ensuring that any benefits won from mining or oil exploration companies would accrue in part to them.

I would hope that the community would not see any royalty payments to the Pitjantjatjara and the South Australian Aboriginal community as a result of mineral or oil discoveries as an all-embracing panacea. Early evidence from the operation of the Northern Territory land rights legislation suggests that the monetary payments by way of royalties to the Aboriginal community can have, in the short term at least, some social consequences. It is more than money that is required. It is also understanding, communication,' patience, tolerance and awareness. I agree very much with the sentiments expressed on the subject by Les Nayda, an Aboriginal who is currently Secretary of the South Australian Aboriginal Affairs Office, who late last year in a publication stated:

> The Pitjantjatjara Land Rights agreement began with mass public demonstration and sensation. It ended with a professional and negotiated settlement. It must now be consolidated, and that is the challenge, not just for the Pitjantjatjara people but for all the other Aborigines and people who take an active interest.
>
> Even more, it is a challenge to our political system—to our political parties and their policy machineries and to individual politicians—to develop reasonable negotiating frameworks and stable and informed policies within which black and white interests can meet, talk, and accommodate each others needs.

I agree with those sentiments. It is now for the Parliament and the people to ensure that this Bill is not seen just as a conclusion to negotiations but rather as a beginning of a new era of understanding in an important area. I therefore support the Bill.

The Hon. K. T. GRIFFIN (Attorney-General): I thank honourable members for their contributions to this debate and their expressions of support for the legislation. As I said in making my second reading explanation, it is an important development in a relationship between Aborigines and other South Australians. It is a significant piece of legislation because it is unique in Australia. It is the first freely-negotiated land rights Bill between a Government and Aborigines and will be a bench mark in Aboriginal and State relationships in this country. It is perhaps just the threshhold of the new relationship. It is the start of a significant new era for Aborigines and their relationship with other South Australians. Therefore, it is important that we look to the future because the implementation of this legislation will undoubtedly have its pitfalls, will have its difficulties, but it will also have its rewards for not only Aborigines but also for all South Australians.

In looking to the future it is important to recognise that with the creation of the new body corporate, Anangu Pitjantjatjaraku, there are a number of matters that need to be developed. The body corporate will need to formulate its construction. It will need to establish its administrative structure. It will need to select its office bearers and develop its relationship between its individual members and the Aboriginal community whom it will represent and on whose behalf it will administer land in the north-west of South Australia.

The new body will also need to be able to develop the appropriate techniques and administrative procedures for dealing with mining companies. It will need to develop those techniques and relationships with residents at Mintabie. It will need to be able to demonstrate that it can responsibly administer Aboriginal lands. From the discussions in which I have been involved as one of the negotiating team in the last 12 months, I have no doubt that the Pitjantjatjara and their leaders will demonstrate competence and efficiency in administering their land and in their relationships with all those who will have dealings with Anangu Pitjantjatjaraku.

It will also be important to ensure that the relationships at Mintabie, which have been tense in recent years, are developed to the point of a better understanding and communication between Aborigines and Mintabie miners. One of the important aspects of the Bill is that it does establish a consultative mechanism by which Aborigines and Mintabie residents will be able to understand each other more effectively and live together as they should in that isolated community. The State Government has a responsibility also, in fact a heavy responsibility in conjunction with the Commonwealth Government. It is responsible for the processing of applications to explore and mine on the lands of the Anangu Pitjantjatjaraku. The Government has a responsibility for the way in which it provides services to the people within those lands, including education, health and a variety of other services normally provided by Governments. The State Government will also have a responsibility with the administration of Mintabie. The Commonwealth Government has

funding responsibility to the Anangu Pitjantjatjaraku in both the short term and the long term: in the short term, in relation to the administrative structure; and, in the long term, in relation to the obligations of the Government to the pastoral lessees of the Granite Downs property.

Whilst mentioning Granite Downs, some recognition ought to be given to the McLachlan family who have been prepared to enter into negotiations with the Government in relation to ultimately making available to the Pitjantjatjara the property at Granite Downs. They have leases over a substantial portion of the land in the North-West for periods up to another 28 years. They have extensively developed the property and have plans for even greater development but they have been prepared to participate in this important legislation by agreeing to surrender to the Pitjantjatjara in the long term the property at Granite Downs.

It is for that reason that they, too, ought to be recognised for their willingness to become involved and for their contribution to the ultimate settlement of the land rights issue in the North-West. The community at large will have overwhelming responsibilities to understand the new relationships that will develop as a result of landrights being obtained in the North-West. Undoubtedly it will give to these Aborigines material means which they have not previously had. It will also give them what they have been seeking for so long, that is, the title to lands with which they have had a long traditional relationship. The development of their expertise and their new relationship will require considerable community understanding because it is a major new venture and will require tolerance from not only the community at large but also those who deal specifically with the Pitjantjatjara in the operation of these lands.

The legislation will work with the co-operation of the Anangu Pitjantjatjaraku, the Governments of the State and the Commonwealth, and the community at large. I am pleased that all members will support this legislation on what is an historic occasion.

Bill read a second time.

In Committee.

Clauses 1 to 5 passed.

Clause 6—"Powers and functions of Anangu Pitjantjatjaraku."

The Hon. R. J. RITSON: I should like to raise with the Attorney-General a matter that may cause some difficulties. It may have to be dealt with, or it may be that my concern is based on a misconception. I note that the body corporate has the power to sue and to be sued, and that under various parts of the Bill permits and licences will be issued. I am worried about the question of occupiers' liability. I imagine that some of these permits would be given to travellers who would be seeking permission to travel for their own benefit and that they would, therefore, be licensees. I wondered about the situation of the Mintabie miners who, while working there for their own benefit, are also paying monetary rents to the Anangu Pitjantjatjaraku, and who may in some circumstances be invitees. Perhaps the status of the mining companies is that of invitees.

Given that the degree of care owed by occupiers of land to invitees is very much higher than the general common law duty of care, I wonder whether problems may arise and whether the Government may eventually have to examine some sort of agreed framework of indemnity in future. There is no reason why this matter should delay the Bill. I should think that a lot of little things will come up in the future. However, I am sure that they will be dealt with as machinery matters, with the best will in the world, and that politics in relation to this matter have finally been put to sleep. Would the Attorney-General comment on this point?

The Hon. K. T. GRIFFIN: The legislation is unique, and in its implementation there will undoubtedly be matters of which we have not thought during the extensive period of negotiation. There may well be changed legal rights, such as in the area of occupiers' liability, which may need further attention at some time in the future. However, they are all matters for the future and, while we should be cognisant that there are those difficulties, I do not believe that they will present insurmountable problems, if at all, at some time in the future.

Clause passed.

Clauses 7 to 40 passed.

The CHAIRMAN: I draw the Committee's attention to a clerical error which appears in clause 41 and which will be corrected. Subclause (2) which appears in clause 41 should, in fact, appear in clause 42. I now make that clerical correction.

Clauses 41 to 43, schedules and title passed.

Bill reported without amendment; Committee's report adopted.

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

That this Bill be now read a third time.

The Hon. K. L. MILNE: The Australian Democrats are naturally delighted that this long and complex negotiation between the Government and the Pitjantjatjara people has been successfully concluded. We believe that congratulations are due to all those concerned, including the Government, the Pitjantjatjara people and their negotiators (especially Mr. Phillip Toyne), the Select Committee, the Mintabie people, the former Government, which initiated the matter, and, I expect, even more people than that.

It is a triumph of patience, understanding and mutual goodwill at a new and outstanding level. It is a lesson for the rest of Australia and, indeed, for the rest of the world. We can all imagine what this means to the Pitjantjatjara people and to other Aborigines. The Australian Democrats said that it would support the Government in any Bill negotiated successfully with the Pitjantjatjara people. The Government has done that, except for a minor misunderstanding which has now been resolved. Therefore, we support the Bill with pleasure and look forward to seeing it in operation.

The Hon. BARBARA WIESE: I would also like to say a few words before this Bill finally passes, because I think it is a significant achievement that this Parliament has at last recognised the rights of the Pitjantjatjara people in this State to control the land that they have possessed for many thousands of years. This Bill is the culmination of many years of struggle for recognition by the Pitjantjatjara people. It has taken an inordinately long time for white Australians to accept that their struggle was a just struggle.

Many hundreds of South Australians have worked for many years to assist and support the Pitjantjatjara people to realise their claim to land rights. Perhaps the most prominent of these was the former Premier of South Australia, Don Dunstan, who took up the cause of Aboriginal rights when it was politically unpopular. I think it is fair to say that his continued involvement in the struggle of Aboriginal people in this State was primarily responsible for this legislation coming before this Parliament. I take this opportunity to pay tribute to his work over the years.

This is a memorable day in the history of the South Australian Parliament. This legislation is perhaps not

ideal, nevertheless it is a significant leap forward. I am very proud to have had an opportunity to participate in this debate and to have played a small role in enabling the Bill's passage through Parliament.

The Hon. C. J. SUMNER (Leader of the Opposition): I would also like to add my support to the remarks that have been made by the Attorney-General, the Hon. K. L. Milne and the Hon. Barbara Wiese. I particularly endorse the Hon. Miss Wiese's comments about Don Dunstan's role, not only on this particular piece of legislation, but in other legislation and matters affecting Aboriginal rights going back to the early 1950's when it was certainly not very popular to promote that sort of thing. That has been one of the things which, in the past, Don Dunstan has taken an active interest in and promoted, and still does.

In paying tribute to the work done by Don Dunstan, I do not wish to take anything away from other members of the previous Government who contributed, in particular the former Minister of Community Welfare, Mr. Payne, who was also actively involved. Nor do I wish to take anything away from the people involved in the final negotiations, and I refer to the present Government. After what one might describe as a bit of a splutter when it first took over the negotiations, the Government has now arrived at an agreement which is acceptable to the Pitjantjatjara people. That has been the guiding principle in the previous Government's and this Government's attitude in trying to arrive at a solution to these negotiations.

A solution has now been arrived at. I am pleased to see that with the more than substantial agreement for the Pitjantjatjara people there is only one minor matter still outstanding. The important fact is that this is a significant step forward which is largely acceptable to the Pitjantjatjara people. I add my support to the remarks of the previous speakers and commend all people involved in the negotiations for the efforts they have made.

The Hon. K. T. GRIFFIN (Attorney-General): In closing this debate I thank honourable members for their consideration of this legislation. Many persons have been mentioned by name for the contributions they have made in the long haul to reach this agreement. However, no mention has been made of the contribution by a number of officers of the Government who have been working very hard behind the scenes to both refine agreements and carry out the policy decisions of this Government.

I suppose it is always dangerous to name anyone in particular, but there are four officers who have had a very close association with the development of this legislation. It should be placed on the record that the Government is indebted to those officers, as well as to the many others who will not be named but whose recognition will be accorded them in due course. The four officers in particular are Mr. Michael Bowering, of the Crown Law Office; Mr. James Kimpton, of the Mines and Energy Department (who was Ministerial Assistant to the Deputy Premier); Mr. Colin Branch, of the Mines and Energy Department; and Mr. Les Nayda, who is attached to the office of Aboriginal Affairs in South Australia. As I have said, there are many others, but I think it is important to record the Government's appreciation to those particular officers. Many members on this side have had a long association with Aboriginal people for over a decade. For all of us this significant occasion is reward in itself.

Bill read a third time and passed.

IRRIGATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 3 March. Page 3297.)

The Hon. B. A. CHATTERTON: I support this short Bill, which will assist in the management of irrigation areas. It is a problem at present that the Government is responsible for the delivery of water for irrigation purposes and is then responsible for the disposal of drainage water. What happens in between is the complete responsibility of the farmer, yet it is ultimately the farmer and grower on that block who is responsible for the drainage problems that occur.

In many of the older areas we have an unfortunate situation where the more common form of irrigation is through channels. Blocks were laid out on slopes with unsuitable soil, and the furrows or channels were laid out on the wrong slope. The poor grower is faced with a situation where, when he pours water into the furrow at the top of the slope, it races down the slope and does not water his trees or vines adequately, but then ponds at the bottom, and the ponding is then a drainage problem. It is a drainage problem not only for that grower but for many others, too.

Of course, the Government is called on to provide drains to dispose of surplus water that has accumulated at the bottom of the slope. Anyone who has visited the Riverland during irrigation time would have seen many vines and trees in ponds of water where the water has accumulated. This Bill seeks to provide growers with funds to improve their irrigation systems, to distribute the water more evenly over their properties and, therefore, remove the drainage problem at its source.

In other words, the Bill seeks to ensure that the water flows evenly over the land and does not accumulate in certain areas, that it does not build up the water table, and that it does not create the drainage problems that have beset the irrigated areas. There are many modern methods of irrigation from drip methods to microsprinklers, under-tree sprinklers and many other methods that will do this adequately. This is a much more rational system than trying to improve irrigation by having the water properly distributed and irrigated on the blocks themselves, in other words, it tries to cure the drainage problems at the source. It also certainly assists the grower in that area. Crops will benefit from that irrigation system. It will also assist the Government by reducing the load of drainage works throughout the area.

I see in the Bill that the Government has decided that the scheme will be administered through the Minister of Agriculture and his department, which I imagine will be through the Rural Assistance Branch, which has experience in providing grants and loans to farmers. It will be a bit different from its normal experience, because the purpose of those grants and loans will be to fit in with the overall irrigation system. They will not be the same sort of economic criteria that are applied to the rural adjustment loans that the department normally administers. It seems to be a sensible arrangement, because the officers of this branch are normally involved in the assessment of schemes put up by farmers. They have that sort of expertise, and it seems to be more sensible than doing it through the E. & W.S. Department. I support the Bill.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Financial assistance to lessees."

The Hon. B. A. CHATTERTON: If the Minister cannot provide an answer to my question immediately, perhaps he can provide it to me later in writing. I refer to new

section 81 (1) *(c)*, under which financial assistance is provided to the lessee to purchase implements, stock, seeds, plants, trees or other things required for farming the land. This broad provision is much wider than the intention of the amending Bill, which is really to carry out most of what is proposed in paragraph *(a)*, that is, to make improvements to the land and improve irrigation. It is surprising that there is such a wide provision to provide funds for virtually any farming practice. Can the Minister explain why such a wide provision is required in the Bill?

The Hon. C. M. HILL: I remind the honourable member that the grants are subject to Ministerial approval and the reason for including paragraph *(c)* is that in some instances in the Riverland lessees do not require an irrigation system to the same extent as others do, and the amount of grant actually required in some instances to lessees is relatively small because of the needs of particular properties.

The Minister wants the opportunity in such cases to provide further money for the extension of the actual farming activity where the amount granted is relatively small for the irrigation system. In other words, each lessee is not supplied with a farm irrigation system of the same value. The value of those systems varies and, in instances where the grants are relatively small, for the actual on-farm irrigation equipment, the Minister seeks the opportunity to provide a particular lessee in such a situation with some further grant to develop the actual farming operation. That is why it has been added.

The Hon. M. B. DAWKINS: I hope I can be of assistance in this matter, because I understand that paragraph *(c)* may not be as wide as it appears on the surface, or as wide as the Hon. Mr. Chatterton thinks. Members will know that in this State for a long time fruit properties were known as fruit blocks. That applied particularly in South Australia, but in other parts of the world and in other States they are known as farms. Apparently the tendency is to talk about irrigation farms, and the word "farming" refers to irrigation blocks as we know them rather than the broader-acre farming that might occur in other States where they do irrigate larger areas.

Clause passed.

Title passed.

Bill read a third time and passed.

POLICE OFFENCES ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

MOTOR VEHICLES ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

STATUTES AMENDMENT (ADMINISTRATION OF COURTS AND TRIBUNALS) ACT AMENDMENT BILL

Returned from the House of Assembly with the following amendment:

11. Section 12 of the principal Act is repealed and the following section is substituted:

12. (1) Subject to this section, the salary of *(a)* the Chief Justice; *(b)* a puisne judge; or *(c)* a master,

shall be such as is determined, from time to time, by the Governor in relation to the relevant office.

(2) A salary determined under this section shall not be reduced by subsequent determination.

(3) The salaries payable to the judges and masters of the court shall be paid out of the General Revenue of the State, which is appropriated to the necessary extent.

Consideration in Committee.

The Hon. K. T. GRIFFIN: I move:

That the House of Assembly's amendment be agreed to.

Motion carried.

POLICE REGULATION ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

CITY OF ADELAIDE DEVELOPMENT CONTROL ACT AMENDMENT BILL

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

KANGARILLA TEMPERANCE HALL (DISCHARGE OF TRUSTS) BILL

Returned from the House of Assembly without amendment.

ROAD TRAFFIC ACT AMENDMENT BILL (No. 2)

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

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

That this Bill be now read a second time.

Its principal object is to amend one of the evidentiary provisions of the Act that relates to the accuracy of traffic speed analysers (that is, radar equipment). Radar equipment is tested against a speedometer that is accurate to an extent certified in a separate certificate. To say, therefore, as the section in question presently provides, that the equipment is tested against an "accurate" speedometer is incorrect and has caused unwarranted difficulties in some prosecutions for speeding offences. The Government is very concerned to see that there are no undue hitches in the system for dealing with persons who put lives at risk every day by speeding on our roads.

The Bill also contains a further evidentiary provision relating to parking offences under the Act, thus bringing the Act into line with a recent amendment made to the Local Government Act in this respect. Clause 1 is formal. Clause 2 deletes the reference to an "accurate" speedometer from an evidentiary provision relating to the accuracy of traffic speed analysers. An evidentiary provision facilitating proof of the Commissioner of Police's approval of prosecutions for parking offences is inserted in the Act.

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

HAIRDRESSERS REGISTRATION ACT AMENDMENT BILL

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

The Hon. J. C. BURDETT (Minister of Consumer Affairs): I move:

That this Bill be now read a second time.

Its object is to provide that the Hairdressers Registration Board may fix varying annual registration fees for registered hairdressers. The board has for some years prescribed a lower fee for hairdressers who are employees than that prescribed in respect of hairdressers who are principals. Last year the board proposed to increase the fees payable by principals and employees on 31 January 1981 from $12 to $17 and $5 to $7, respectively. However, a question arose as to whether the board had the power to prescribe differing fees under the Act as amended in 1978. The Government wishes to put the matter beyond doubt so that the board may adhere to its long-standing practice of giving a concession to employee hairdressers. The board has not as yet collected any annual fees this year, as it is awaiting this amendment to the Act.

Clause 1 is formal. Clause 2 provides that any fees fixed by regulation may vary according to prescribed factors. It is provided that the first regulation made after the commencement of the amending Act shall be retrospective to 31 January 1981, so that the board may proceed to collect this year's annual fees at the increased rate, in accordance with its original proposals.

The Hon. G. L. BRUCE secured the adjournment of the debate.

NATIONAL COMPANIES AND SECURITIES COMMISSION (STATE PROVISIONS) BILL, 1981

Returned from the House of Assembly without amendment.

COMPANIES AND SECURITIES (INTERPRETATION AND MISCELLANEOUS PROVISIONS) (APPLICATION OF LAWS) BILL, 1981

Returned from the House of Assembly without amendment.

SECURITIES INDUSTRY (APPLICATION OF LAWS) BILL, 1981

Returned from the House of Assembly without amendment.

COMPANIES (ACQUISITION OF SHARES) (APPLICATION OF LAWS) BILL, 1981

Returned from the House of Assembly without amendment.

INDUSTRIAL AND COMMERCIAL TRAINING BILL

The House of Assembly intimated that it had agreed to the Legislative Council's amendments.

PRISONS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 18 February. Page 2943.)

The Hon. C. J. SUMNER (Leader of the Opposition): The Opposition is of the opinion that this Bill should not proceed at this stage. As honourable members know, the Government, after a little bit of prodding, set up a Royal Commission to inquire into certain allegations of activities in this State's prisons. The Government also, after a certain amount of prodding, set up an number of inquiries (it is a little difficult for one to keep track of them all) into the other aspects of the prison system in South Australia, the most important of those being an inquiry by the consultants Touche Ross, in conjunction with the P.S.A., into security and staffing matters in South Australia's prisons.

So, at present the whole position of the Department of Correctional Services to some extent, and certainly the Prisons Department, the question of the treatment of prisoners, and other related matters (one could include parole, and that sort of thing) are very much in the melting pot.

In this situation, the Government has seen fit to introduce this Bill. It seems odd that it has decided to do so at this time when that Royal Commission and the inquiries to which I have referred are proceeding. I say that because the Bill is a piecemeal bit of legislation, dealing only with some aspects of the Mitchell Committee inquiry.

The Bill is certainly what one would describe as "rats and mice legislation", although it does contain some potentially significant amendments to the Prisons Act. However, in its scope the Bill is certainly not a very large piece of legislation.

The Opposition therefore asks, "Why proceed with this Bill, which deals with aspects of the prison system and the sentencing and parole of prisoners and other aspects of correctional services, at this time, when the whole issue is in the melting pot?" Therefore, at the appropriate time I will move that this Bill not be read a second time but that consideration of it be deferred until the next session of Parliament.

By then, the Government ought to have had an opportunity to consider the various reports and the results of the inquiries that have been set up, and we could then consider amendments to the legislation in a more comprehensive way, taking into account the results of those inquiries.

As I have said, the Bill is a piecemeal one, dealing with a bit of a mixture of things that seem to have been touched on by the Mitchell Committee. The first report of the South Australian Criminal Law Reform Committee, chaired by Her Honour Justice Mitchell, picks up some recommendations, modifies others and completely ignores others. It deals with a system of tripartite sentencing, which would include a system of conditional release.

This will mean that, for the whole period of a prisoner's sentence, he will be under some obligation either by way of imprisonment, by way of parole, or by way of conditional release. That will differ from the present situation where a prisoner may be released after serving two-thirds of his sentence without any conditions for the final one-third thereof, which period is an automatic remission for good behaviour that is only lost if the prisoner does not behave himself while in custody.

That is the first change, namely, a system of tripartite sentencing involving a requirement that the judge fix a non-parole period when sentencing the prisoner and, secondly, substituting a system of conditional release for the present system of remission for good behaviour.

The Bill also establishes a Correctional Services Advisory Council. I do not wish to comment on that to any great extent. It was recommended by the Mitchell Committee. However, the Opposition will move some amendments in this respect if the Council does not support my proposition for a postponement of the consideration of this Bill and it gets into Committee.

The Bill changes the composition of the Parole Board. Again, the Opposition will have something to say about that in Committee if the Bill reaches that stage. In this respect the Mitchell Committee recommended that parole should be a matter for the sentencing judge and that a prisoner should have to make his application for parole to the sentencing judge. The former Government took the view that the Parole Board was a more desirable means of dealing with applications by prisoners for parole, and it appears that the present Government has accepted the former Labor Government's approach on this matter.

However, in this Bill it has moved for amendments to the composition of the Parole Board. The Opposition has some argument about the proposed composition, and we will be moving amendments to deal with that. The other amendment deals with Executive Council involvement in granting parole to prisoners under sentence of life imprisonment. At the present time those prisoners are dealt with by the Parole Board in the same way that other prisoners are dealt with. The Government does not wish to leave the sole responsibility for parole in the case of life prisoners up to the Parole Board, but wishes to take that responsibility on itself. In other words, if this Bill is passed, Executive Council will have responsibility for granting parole to prisoners serving a term of life imprisonment.

The Bill also deals with the question of the use of volunteers in the area of correctional services, and we will also be moving some amendments on that. In relation to prisoners serving a term of life imprisonment and the involvement of Executive Council, the Opposition believes that the present system should continue and that the Parole Board should have responsibility for granting parole in all cases, including life prisoners. In other words, the Opposition sees no justification for the Government's adopting this role through Executive Council.

In general terms I have outlined the Opposition's approach to the main provisions of this Bill. There are one or two other matters of a general nature involving correctional services and, more particularly, the question of the so-called law and order policy of this Government that I would like to touch on. Before dealing with that issue I should not allow this opportunity to pass without indicating that the Government's administration of correctional services in this State has been quite appalling. It is unfortunate that the Chief Secretary is very accident prone, not only in the correctional services area but also in his other portfolios.

The Chief Secretary found himself in a bit of a fix with the fire brigade; at one stage he was in a bit of a fix as Minister of Fisheries; and he has certainly been in a bit of a fix in relation to correctional services. There was controversy concerning the security of South Australian prisons; there was controversy which, eventually, after a considerable amount of to-ing and fro-ing, led to the setting up of a Royal Commission; there was also considerable controversy over the terms of reference for that Royal Commission; and finally, there was the change in prison regulations insisted upon by the Government because it could not comply with the regulations for prisons in South Australia. Prison officers and other people employed in the prisons decided to work to rule to ensure that prison regulations were enforced. Rather than fixing the situation the Government changed the prison regulations.

That is a brief summary of the Chief Secretary's role in the administration of his portfolio since this Government took office. One can only say that it has not been a particularly illustrious career. I am sure that many South Australians are wondering how long the Premier will keep him in the Ministry.

The Hon. N. K. Foster: For as long as he supports the Premier.

The Hon. C. J. SUMNER: That may be. I must confess that I do not understand how these things work in the Liberal Party. The fact is that the Chief Secretary is still a Minister and many people are wondering why. Many people are certainly wondering how long he will remain. I also wish to comment on the Liberal Government's law and order policy. That must be one of the Government's greatest failures. The Government has an unenviable record of failures since it came to office. By failures, in this context I am referring to its disregard for its promises and attitudes prior to the last election. I refer to the employment situation, where quite clear-cut promises were made before the last election, but nothing has been done and unemployment has risen quite markedly since the Liberal Government came to office. We also have the Government's performance in relation to Ministerial cars.

The Hon. K. T. GRIFFIN: I rise on a point of order. The Leader is not keeping to the subject before the Council. The subject of Ministerial cars and the other matters he has touched upon have no relationship to prisons at all.

The PRESIDENT: The Attorney-General has raised a point of order and I believe it is quite correct. The Leader has strayed a long way from the Bill.

The Hon. C. J. SUMNER: I know that the Liberal Government does not want to hear these matters because it touches it a little bit too closely. The fact is that the Liberal Government has failed to fulfil its promises in a number of areas. An area that I intend to refer to in some detail is its law and order policy. It was one of the tragedies of the last election that the Liberal Party used the law and order issue in the way that it did. It used it in a totally cynical way. It had absolutely no regard for the interests of the people of South Australia. It had absolutely no regard for a proper and considered view of law and order and what was happening to the crime rate in South Australia, Australia, and many countries of the Western world. The Liberal Party in Opposition was only interested in grubbing out as many votes as it could using this issue.

The Hon. J. C. Burdett: Rubbish!

The Hon. C. J. SUMNER: The Hon. Mr. Burdett knows that what I have said is true. How does he explain the advertisements used by the Liberal Party on this issue during the last State election? What about the advertisement that stated that the Liberal Party would stop people's daughters being raped in the streets by thugs who had been running around the place for the last 10 years?

The Hon. K. T. Griffin: They were not Liberal Party advertisements.

The Hon. C. J. SUMNER: It was a Liberal Party advertisement.

The Hon. N. K. Foster interjecting:

The Hon. C. J. SUMNER: The Attorney is being quite dishonest.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr. Foster, I am trying to indicate to you that if you do not come to order when you are called—and the Leader is very little better—we will be in some bother.

The Hon. N. K. FOSTER: I will get to bed early.

The PRESIDENT: You might. The Leader of the Opposition.

The Hon. C. J. SUMNER: With the interjection the Attorney-General is saying that these were not Liberal Party advertisements and he is being quite dishonest. I have quoted in this Council previously those advertise-

ments, I have had them here, and I have referred to particular advertisements of the Liberal Party under the authorisation of Mr. Willett. Indeed, it was an advertisement that was referred to in the Norwood by-election case; it is quoted in the transcript of that case and in the judgment of that case. If the Attorney reads that judgment he will see that the advertisement is authorised by Mr. Willett. If he is saying that the advertisements that Mr. Willett authorises do not represent Liberal Party policy, then the people of South Australia will have absolutely no idea of what Liberal Party policy is. The fact is that that advertisement said, and it used extreme emotionalism—

The PRESIDENT: Order! Can you explain to me how you are developing that part of your speech in connection with the Bill?

The Hon. C. J. SUMNER: Mr. President, this is completely an appropriate matter for a second reading debate on a Bill which deals with prisons and amendments to the Prisons Act. Surely the question of the sentencing of prisoners, the question of parole, the question of how one deals with offenders in the community, people who break the law in the community—

The PRESIDENT: That is fine, I am happy to have you deal with that, but not in the context that you were dealing with Mr. Willett or someone else. There is no suggestion of that in the Bill.

The Hon. C. J. SUMNER: I am dealing with it in the context of the Liberal Party's promises on law and order, and Mr. Willett's advertisement was one of the promises. The advertisement indicated that the Liberal Party was going to stop the rape of people's daughters in the streets. That was not the only advertisement.

The Hon. K. T. Griffin: If you get on with the Bill and pass it you will be implementing our policy.

The Hon. C. J. SUMNER: What is in this Bill will not do anything to solve or help implement the law and order policies of the Liberal Party before the last election. The Hon. Jennifer Adamson, the Minister of Health, used the issue quite unscrupulously, as did most Liberal candidates. One has only to look at the pamphlets that Liberal candidates put out in the last election to know that what I am saying is correct, that the Liberal Party used it in a cynical and unscrupulous manner—the law and order issue—to try and rub as many votes out of the population of South Australia as it could, and it did it on the basis of fear. That was totally irresponsible for the Liberal Party, because the question of law and order is a matter that ought to be dealt with on the basis of some kind of responsible policy. Indeed, I believe that it ought to be dealt with more in a bipartisan manner.

Members interjecting:

The PRESIDENT: Order! There is too much audible conversation. The Hon. Dr. Cornwall and the honourable Attorney-General are both talking at the top of their voices. We should proceed with the debate. The honourable Leader of the Opposition.

The Hon. C. J. SUMNER: It ought to be a matter on which the community can co-operate to try and find a solution, but that is not the approach of the Liberal Party on this issue. The Liberal Party wants to be divisive about it; it does not want to try to come to grips with the issue.

The Hon. N. K. Foster: Why not?

The Hon. C. J. SUMNER: Because they see it as a vote winner for themselves, and that is the way they have used it in the past. The Liberal Party will find that in the future, far from it being a vote winner from them, it will be a vote loser, because their performance has been quite appalling. As I said, their law and order policy is one of their greatest failings. I will highlight that by some facts and figures shortly. First, I would like to refer to evidence given to the Estimates Committees when a Labor member, I think it was the member for Playford (Mr. McRae) in another place, asked the Chief Secretary whether there had been any increase in the crime rate generally in recent months. The Chief Secretary was unable to answer that question, but the Commissioner of Police did answer it.

He indicated that that the crime rate in South Australia had continued to increase under the Liberal Government at the same rate and perhaps at an even higher rate than it had in the previous 10 years. Certainly, there has been no dramatic change in the crime rate as a result of the election of the Liberal Government. I suppose that is not surprising, because the issue is complex and just the fact of a change of Government is hardly going to change what are basic underlying problems in society. But the Liberal Party promised and said, "When we get into Government we will resolve these issues." The fact is that they have done nothing.

The other fact is that they said in answer to a question that I asked in this Council shortly after their election that one of the applications of their policy was that there would be increased support for the police. What are the facts about that? The Estimates Committee report indicates that the allocation of funds to the Police Department has been reduced under the Liberal Government, taking into account inflationary forces. How is that providing increased support for the police? Clearly it is not.

The other factor which is particularly disturbing appears in the most recent report of the Commissioner of Police. His most recent report is for 1979-80, and there are some revealing figures in that report. True, the report covers a small period during which the Labor Government was in power, but the figures are disturbing and indicate that in the area of murder and attempted murder there has been a 16·67 per cent increase in 1979-80 over 1978-79. In rape and attempted rape there has been a 34·5 per cent increase. I recall the tactics of the then Leader of the Opposition (Mr. Tonkin) when a girl was allegedly raped, I think, in Kensington. He came out with a grandiose and emotional statement to the press about the issue, about the fact that the Government was not doing enough about this issue, and every time that an issue of this kind arose, that was the attitude of the then Leader of the Opposition, the present Premier, at that time.

As I said, it was an attitude that was completely irresponsible. It did nothing to try to get some community consenus on this issue, or an approach that the community could adopt to resolve the problems of increasing delinquency in our society. In regard to serious assaults, the report of the Commissioner of Police indicates a 37·32 per cent increase, robbery has increased by 50·6 per cent, breaking and entering offences have increased by 32·89 per cent, larceny by 40·1 per cent, and drug offences have increased by 121·93, and that is for the period 1979-80 over 1978-79.

The question has to be asked, what do those figures indicate? They certainly indicate that there are problems in our society that are not being resolved. They indicate that the Liberal Government's election in September 1979 and whatever action it took after that time has done absolutely nothing to assist in a reduction in the crime reate, absolutely nothing despite the fact that the Liberals said that they were going to reduce the crime rate. They made specific promises about rape. Nothing has been done by them, and those figures for a community such as ours are alarming.

What does the Government intend to do to implement its so-called law and order policy that it had before the election? How is it going to reduce the crime rate? Will

those percentages be turned upside down in the next commissioner's report or will they not? If they are not to be, what excuse does the Government have to offer? The simple fact is that the Government reduced allocations to the Police Force. It has done nothing concrete to try to come to grips with this problem of increasing delinquency. When I say that it has done nothing, it has not tried to involve the Parliament or the community in a bi-partisan approach to law and order. It is a community problem. The Liberals exploited it for all they could for their political gain before the last election and now they are left completely floundering. They have no answers or concrete promises and they deserve to be condemned for their lack of action, lack of development, and lack of an answer to the problem of increasing delinquency.

In returning to the Bill, I indicated that our approach was that it would do nothing to overcome the sort of problems I have mentioned relating to law and order. We ought to look at legislation of this kind in the context of the recommendations of the various inquiries. If I thought that this Bill would in any way come to grips with the problems associated with the crime rate and delinquency, I would have no hesitation in voting for its passage tonight. This Bill will not affect the problems outlined. In the context of the inquiries being set up by the Government, we ought to have the results of those inquiries before considering a more comprehensive approach which would include some of the matters in this Bill, which does nothing of any great significance. Accordingly, I move:

Leave out "now" and after "time" insert the words "this day six months".

The Hon. C. M. HILL (Minister of Local Government): I am amazed at the outburst of the Leader of the Opposition, who cannot get away from the fact that by his amendment he is opposing the Bill. Let us get down to tintacks. He does not want the Bill to proceed. He would have certainly read the second reading explanation which makes the position quite clear. It stated and emphasised from the outset that the proposals in this measure before us do not impinge upon the terms of reference of the Royal Commission. The second reading explanation stated that it was the Government's intention to introduce a new correctional services Bill when the Royal Commission had completed its findings and that that Bill would completely replace the Prisons Act and deal with all aspects of correctional services.

The Government said that this Bill dealt only with those matters of immediate importance. The Opposition does not want to support this measure. The whole burden of the Leader's song tonight has been to criticise the Government for its inaction in implementing law and order policies. What have we done by this Bill? We have introduced these initiatives to start off implementing our law and order policy. We do not want to wait, as the Leader wants us to, for the commission's findings to come down. We are showing initiative and getting on with the job by immediately proposing a Correctional Services Advisory Council, by improving the composition of the Parole Board and by implementing a system of conditional release. They are the three main points in this Bill.

Because we are doing the very thing that the honourable member says we ought to be doing, he is opposed to the Bill and is trying to delay the issue. It seems to be a complete contradiction of the main thrust of his speech when he finally said "We do not want the Bill, we want to delay it for six months".

The Hon. C. J. Sumner: What will this Bill do to the crime rate?

The Hon. C. M. HILL: It will improve the situation. It will start off implementing our law and order policy which the people of this State grasped in September 1979 and wholeheartedly supported. They threw the Labor Party out. It was one of the major platforms, and the people wanted us to do something about law and order. They wanted us to do something about measures which Justice Mitchell had recommended and which the previous Government had done nothing about.

In answer to the call of the people for action we are introducing this Bill. We cannot wait for the commission's inquiry because we want to get on with the job. This seems to upset the Leader. He made some play of criticising the present Chief Secretary, who administers the correctional services system in this State. The Government has run into some problems in regard to gaols, break-out of prisoners, and so forth. What does the Government do as a result of that? It takes action by introducing this Bill, yet the Leader has the effrontery to criticise the Government for taking such initiative. I cannot see any logic in his submission.

The Hon. C. J. Sumner: What about the Police Commissioner's report?

The Hon. C. M. HILL: That debate can come at the proper time when the Leader's amendments are debated. For him to try to have the Bill put aside is something of which he should be ashamed. To try to defer the matter until the commission's findings are known, to try to stop the Government from implementing the policy that it went to the people with, and to try to stop the Government from improving the situation—

The Hon. C. J. Sumner: Get on to the crime rate.

The Hon. C. M. HILL: We will get on to the crime rate when we can introduce our system of conditional release. We will get on to the crime rate when the non-parole period is removed. That will certainly help the crime rate.

The Hon. C. J. Sumner interjecting:

The PRESIDENT: Order! There have been enough interjections.

The Hon. C. J. Sumner: I was helping him out.

The PRESIDENT: Order! I make the point that the interjections have gone far enough and that they will cease.

The Hon. C. M. HILL: I conclude by urging the Committee to defeat the amendment and to support the second reading so that the Government can improve the situation in relation to correctional services, can start introducing its law and order policies, and can honour the promises with which it went to the people.

The Government wants to make a start in this area, and this Bill is that start. If we had to wait a further time for the Royal Commission to deliver its findings and then set about our task, that delay would be serious for the whole correctional services area.

The Committee divided on the amendment:

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

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

The PRESIDENT: There are 10 Ayes and 11 Noes, a majority of one for the Noes. The word "now" therefore remains part of the motion. I declare the second reading carried, in accordance with Standing Order 287.

[Midnight]

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Arrangement."

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

Page 1, lines 20 to 24—Leave out all words in these lines.

This amendment deals with the question of conditional release. In my second reading speech, I indicated the difference between conditional release and the present system. Under the present system, a prisoner serves the first one-third of his sentence, and can then apply for a parole. A prisoner can complete two-thirds of his sentence provided that he has been of good behaviour during the time, and then for the final one-third of his sentence he can be released unconditionally. That remission is granted only provided that the prisoner is of good behaviour. Under the present system it is granted automatically if the prisoner has been of good behaviour. That is a general summary of the position and may differ in some situations from prisoner to prisoner.

The proposal in the Bill is what the Mitchell Committee called tripartite sentencing, where a specific non-parole period is awarded by the judge. Following that, a prisoner can be released on parole, and for the final one-third of his sentence he can be released on certain conditions.

The difference between that and the present system is that there is some condition on the prisoner for the whole of the sentence. Under the present system a prisoner can, if he has been of good behaviour, obtain a complete remission for the final one-third of his sentence. That is what I understand to be the difference between the two proposals. The Opposition's proposal would be to delete from this clause the words relating to conditional release so that, if the Opposition's amendment was accepted, the present system would continue.

The main objection to the new proposal is that it would provide no incentive for prisoners to behave during the first part of their imprisonment. At present they know that if they misbehave their period of automatic remission will be affected. I believe that prison officers, for instance, are concerned about this proposal for conditional release, because they believe the remission system is a useful disciplinary adjunct to their responsibility to keep discipline in the prisons.

If a prisoner knows that for the whole of the period he will be under some obligation, there is less incentive for misbehaviour. Under the present system of remissions, if a prisoner misbehaves during the period that he is in prison, he loses his remission period which at present is automatic in the case of prisoners who are of good behaviour. The system of conditional release would interfere with that principle and would provide problems for prison officers attempting to maintain discipline in the prisons of this State. If this amendment is agreed to, the subsequent amendments relating to conditional release need not be proceeded with by the Government. On the other hand, if the Opposition loses the vote on this issue, I will treat it as a test case on the question of conditional release and will not proced to move any of my amendments relating to that matter.

The Hon. C. M. HILL: Based on the Leader's comments, the argument at this time is the present sentencing system versus the Government's proposed system of conditional release. The Government's proposed system is far better than the present sentencing system. At present, a prisoner automatically receives a third remission when he is sentenced by a court. That in itself makes a mockery of our legal system. It is also possible for a prisoner to apply for parole very soon after he goes to prison. In fact, a prisoner can be released before the mandatory two-thirds of his sentence has expired. That system is unsatisfactory.

We heard much about the crime rate during the early part of this debate. I submit that it is possible for people who have offended and who have been imprisoned to take advantage of the mandatory one-third remission, obtain their release and then commit further crimes. Under the Government's proposed system of conditional release, release will have to be earned by the prisoner. Release is earned through a remission of 10 days per month. In other words, one-third of the sentence can be remitted if the prisoner's record in prison is such that he deserves to go free.

The Government believes that the new system of conditional release is a vast improvement on the existing arrangement. It is part of our law and order policy to implement this change. I believe that if prisoners are released as a result of this system they will have paid their debt to society, because they will have conducted themselves well whilst in prison paying the penalty for the offence they committed. Those people are then released without parole supervision and enjoy much more freedom on release than a parolee who is under supervision. Therefore, conditional release is better than the present system.

The Hon. R. C. DeGARIS: Will the parole system be continued under the conditional release system? Has a prisoner the right to petition for parole before he comes up for conditional release?

The Hon. C. M. HILL: Yes.

Amendment negatived; clause passed.

Clause 4—"Amendment of s. 5—Interpretation."

The Hon. C. J. SUMNER: I suggest that clause 4 be postponed until the Committee deals with the other clauses. My admendment to this clause deals with the definition of "Aboriginal", and the Opposition will be submitting in later clauses that there should be Aboriginals on the Parole Board and on the Correctional Services Advisory Council.

Consideration of clause 4 deferred.

Clause 5 passed.

Clause 6—"Insertion of new Part IA."

The Hon. R. C. DeGARIS: This clause, which takes a somewhat different view from that which I presume the Hon. Mr. Sumner may be taking on the other clauses, establishes the advisory council, and new subsection 6a (3) provides:

> At least one of the members of the advisory council must be a woman.

I lodge my objection to that type of clause. I do not know that I will get very far or that I will do anything, but in this modern day, with anti-discrimination provisions, in such a position the Government would appoint a woman if a woman was available for that position. There should be no statement that one shall be a woman or one shall be a man. It is contrary to everything that we have done in this Parliament over the past few years of moving away from a position of discrimination in jobs as between men and women. Exactly the same thing applies whether it should be an Aboriginal or a person of a particular race. Why is that subsection there?

The Hon. C. M. HILL: The reason is that it is mandatory under the present Act for the Parole Board to comprise at least one woman. The reason for the need for a woman to be a membert of the Parole Board and, in the Government's view, on this new advisory council is that in the vast number of cases the prisoner on release will be moving back into a lifestyle involving women, a lifestyle in which he or she may be with a mother, a wife or a *de facto* relationship or any relationship at all. It is deemed prudent that a woman ought to give an opinion and can, with this aspect in mind, assist in the situation into which a prisoner

will move after release.

After all, the prisoner is moving from a situation which is vastly different from a normal living style. Correctional service officers have found that the involvement of a woman on the Parole Board generally bearing in mind those aspects and contributing to discussion and decision-making on the board is an important feature in assisting in the rehabilitation of prisoners. That is why provision is included in this new advisory body. It has worked well in regard to the Parole Board, and it is simply a means of assisting in planning the rehabilitation of prisoners. A woman's contribution is extremely worth while.

The Hon. R. C. DeGARIS: I am not opposed to a woman being on the Parole Board at all, but in a situation where we now have all our legislation on anti-discrimination between the sexes, there is no reason to have this sort of provision. I do not deny that is important that a woman should be there; there may be two women, three women, six women or they may all be women. At this stage of our development it is time that we had a re-examination of how we draft our legislation.

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

Page 2, lines 25 to 28—Leave out all words in these lines and insert paragraph as follows:

(b) one shall be the Deputy Chairman:

The Opposition supports the establishment of a Correctional Services Advisory Council, but we have some problems with its composition. First, the Deputy Chairman shall be a person who has ". . . extensive knowledge of, and experience in, the field of business management, medicine, social welfare or education". We cannot quite understand why those particular qualities have been picked out as being appropriate for a person to be the Deputy Chairman of the advisory council. Why is a person with business management included, but a person with industrial relations knowledge or a person with union knowledge or background and experience excluded? Why is someone from the field of medicine included but some from other fields excluded? There does not seem to be a consistent theme running through those criteria for the Deputy Chairman. Perhaps reference to business management has been made in case the Liberals want to create a spot for one of their friends.

There does not seem to be any consistency or reason for these four categories of people in regard to the appointment of the Deputy Chairman. Under the amendment the provision would read that the council should consist of six members appointed by the Governor of whom one shall be the Deputy Chairman, but there will be no specific qualifications required of the Deputy Chairman. It would then be up to the Governor to appoint a person whom he considered to be appropriate. The Governor would not be restricted by the irrelevant criteria.

The Hon. C. M. HILL: The criteria are mentioned here to ensure that there is efficiency in the operation of the department, to assist and to have someone who can assist positively in the developing of training programmes and to endeavour to ensure that there is a person able to assist in controlling costs, an aspect about which the department is constantly questioned. Other than the Chairman, if we do not include any criteria at all there might well be, under a future Government, an imbalance in expertise, or people with expertise who might not be useful, on the council. It is simply to try to strike a balance between giving the Minister and the Attorney-General the right to nominate people and not stipulate qualifications for such people whilst, on the other hand, endeavouring to lay down some criteria to ensure that an extremely efficient council, and one which will provide optimum input and benefit to the system, is established.

Amendment negatived.

Progress reported; Committee to sit again.

SOCCER FOOTBALL POOLS BILL

The House of Assembly intimated that it had disagreed to the Legislative Council's amendment.

Consideration in Committee.

The Hon. K. T. GRIFFIN: I move:

That the Council do not insist on its amendment.

I have indicated already, during the earlier Committee stage, the Government's opposition to the amendment which the Opposition moved and which would provide a certain percentage of shares to be held by residents of South Australia and a certain percentage of voting rights to be exercised by South Australians. I pointed out a number of deficiencies in the proposal. Whilst one can be attracted to the principle, when one looks closely at it, it really is an unworkable proposition.

The Hon. K. L. MILNE: When I supported Dr. Cornwall's amendment, I was trying to get a virtual guarantee, if possible, of at least $1 000 000 per annum for sport and recreation, by getting the Lotteries Commission to guarantee the difference between what the soccer pools would raise and the $1 000 000. This would need an amendment to the Lotteries Act. All the moneys raised goes to hospitals, and I was not aware of that. I was under the impression that the money could go elsewhere. It would need an amendment to the Lotteries Act. I have since had a discussion with the Premier, who is the Minister responsible—

Members interjecting:

The Hon. K. L. MILNE: He asked me to go and see him, and I did so. The Premier steadfastly refused to consider such an amendment; would not have the Lotteries Commission discussed in conference, and insisted that the matter be discussed only in the Bill before us. He would not discuss a plan for a subsidy from the Lotteries Commission and would not accept the amendment at any price. He has given me certain assurances, which I have accepted, on what will be done for sport and recreation. At this time of the night I see no point in forcing a conference. I suggest that I agree that this Council do not insist on its amendment.

The Hon. J. R. CORNWALL: I am amazed and dumbfounded. I would hate to go into anything with the Hon. Mr. Milne behind me.

Members interjecting:

The CHAIRMAN: Order! I ask the Hon. Dr. Cornwall not to cast reflections on any honourable member.

The Hon. J. R. CORNWALL: I would not have thought that it was a reflection. I said that I was amazed and dumbfounded. We had a clear commitment on this amendment. Yet, within a matter of minutes of the amendment being passed by this Council, the Attorney-General received a buzz and made quick whistling noises to the Minister of Community Welfare, who in turn raced across the Chamber, seized the Hon. Mr. Milne by the arm, and had him down in the Premier's office before one could say "knife". It was one of the most extraordinary performances that I have seen.

The Hon. L. H. Davis: Why didn't you go, too; you could have been converted.

The Hon. J. R. CORNWALL: I was not invited. If the Premier has an open-door policy, I would like to know about it. I do not really know the details of these certain undertakings that have been given to the Hon. Mr. Milne. It is a pity that he did not tell us about them.

I really do not know what transpired, so I can only surmise that, when they got in there, the Premier blushed a bit, rolled his eyes, and said, "I cannot do it," in reply to which the Hon. Mr. Milne said, "I am sorry to have troubled you." How we can conduct the business of this Council on that basis is beyond me.

The Hon. C. J. Sumner: Why doesn't he tell us what the guarantees are?

The Hon. J. R. CORNWALL: I should be very interested to know, and the Hon. Mr. Milne will have an opportunity to tell us. He may be telling the Hon. Mr. Foster in confidence right now. Be that as it may, this is yet another lesson that I have learnt; one learns lessons all the time in this place.

Let us look at the supposedly dreadful amendment that cannot in any circumstances be accepted by the Government. The corporation that will be involved, because of the Australian equity requirement, is News Limited, so there will be no difficulty in meeting that requirement. I should have thought that the Attorney-General, being expert in company law, would have picked that up immediately. It is nonsense to say that this will not be workable, because it is entirely workable.

The Opposition merely wanted someone from the Lotteries Commission to be on the board. Surely that is not too difficult. However, I have had related to me the scene in the Premier's office, when it was mentioned that someone from the Lotteries Commission should be on the board. The Premier rolled his eyes, almost fell on the floor, and said, "We could not possibly do that. We must get out of the way of business. It is absolutely against this Government's policy." At that point, the Hon. Mr. Milne bowed to the Premier, said, "I am sorry to have troubled you," and caved in.

There is no problem in the Government's accepting this amendment, which will not affect the operation of soccer pools. We are merely asking that a nominee from the Lotteries Commission be on the board. I will certainly insist on the amendment.

The Hon. N. K. FOSTER: I support the amendment and take note of the reason given by the House of Assembly for its rejection, namely, that the amendment will make the Act unworkable. It is the Governments job to ensure that the Act can work, having in mind the wishes of this Council. The Council did not go beyond the realms of reason and expectation in relation to the amendments that were carried here.

It is no good for an elected member of Parliament, no matter to which Party he belongs, to accept an assurance from a Premier who is not even prepared to give him the conditions of that assurance. It is worse than a blank cheque in reverse, if one can put it that way. It is not good enough for the Premier to dissuade an elected member of Parliament from continuing to support an amendment on the basis that, if he withdraws that support, the Premier will spell out to the honourable member what can be expected. Tonkin has done no such thing.

The CHAIRMAN: Order! If the honourable member is going to refer to the Premier, he should do so properly.

The Hon. N. K. Foster: I did so, Sir. I called him "Tonkin".

The CHAIRMAN: That is not appropriate. The Hon. Mr. Foster, being very well experienced in Parliamentary procedure, knows how he should refer to the Premier.

The Hon. N. K. FOSTER: I thank you, Sir, for that compliment. If I can understand it, surely the Premier can understand it, too.

The CHAIRMAN: Order! I am not asking for an explanation.

The Hon. N. K. FOSTER: I am not giving an explanation. I am condemning the Premier for treating flippantly a member of this Parliament and for trying to dissuade that member from a course of action that he took a few hours ago. I am referring, of course, to the Hon. Mr. Milne. I am attacking not him but the Premier, who has stated that the amendment will make the Act unworkable.

I should like to know what assurance the Premier gave the Hon. Mr. Milne. The Premier can do nothing that will have as its purpose an assertion that the distribution of this money will not prejudice the distribution to hospitals of money from other gambling areas in this State.

What stops the Premier when he wants a guarantee from a member of this Council from spelling out something in relation to the two clauses? If this Bill does not pass, the Premier is over the Murdoch barrel. The Premier has pulled the wool over the eyes of the person he summonsed to his office. That person was prepared out of dignity, understanding and respect to answer the call of the elected Premier of this State. That person was dealt with in a most unscrupulous and unreasonable manner.

The Hon. K. T. GRIFFIN: I rise on a point of order. It is unparliamentary to allege unscrupulous behaviour by a Premier of this State.

The Hon. N. K. FOSTER: I will not withdraw the word "unreasonable" because that is not uparliamentary.

The CHAIRMAN: Order! The Hon. Mr. Foster was asked to withdraw the word "unscrupulous".

The Hon. N. K. FOSTER: Why is that word considered uparliamentary in reference to a Premier of this State who summonsed a member of this Council to his door and treated him in such a cavalier fashion? Putting it another way, one would expect scruples to be adhered to, but they were not. If I am forced to withdraw, it will not be any victory for this Council or Standing Orders.

The CHAIRMAN: Order! The Hon. Mr. Foster is being quite unreasonable by straying outside the bounds of the request that he withdraw the word "unscrupulous". Standing Order 193 states:

> The use of objectionable or offensive words shall be considered highly disorderly; and no injurious reflections shall be permitted upon the Governor or the Parliament of this State, or of the Commonwealth, or any Member thereof, nor upon any of the Judges or Courts of Law, unless it be upon a specific charge on a substantive Motion after Notice.

The Attorney-General has asked the Hon. Mr. Foster to withdraw his remark pursuant to that Standing Order.

The Hon. N. K. FOSTER: I will withdraw that remark for the benefit of the person who has been rightly referred to by a previous Premier of this State as "that little grub". The Attorney-General can rest tonight satisfied that he has forced that withdrawal from my reluctant lips. The Premier has misguided and misjudged the purport of a member of this Council and the manner in which that person voted on this Bill. On behalf of the Hon. Mr. Milne, I think it is fair to say that as a result of his election to this place and the value of his vote, he is unfairly taken advantage of by the Premier.

The Hon. K. T. GRIFFIN: I took exception to the comment made by the Hon. Mr. Foster because, if the Hon. Mr. Milne has seen the Premier, it was at his own choice. The Hon. Mr. Milne does not have to obey any so-called summons. The moment that any member of this Parliament is denied the right to talk to any other member it would be a sad day for democracy in this Council.

The Hon. N. K. FOSTER: I see it also as a reflection on every member of this Council who voted for the amendment. I see that as a direct reflection on this Chamber.

The Committee divided on the motion:

Ayes (11)—The Hons. J. C. Burdett, M. B.

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

Noes (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.

Majority of 1 for the Ayes.

Motion thus carried.

PRISONS ACT AMENDMENT BILL

Adjourned debate in Committee (resumed on motion).

(Continued from page 3462.)

Clause 6—"Insertion of new Part IA."

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

Page 2, after line 33 insert new paragraph as follows:

(ca) one shall be an officer or employee of the Department of Correctional Services elected in the prescribed manner by those officers and employees of the Department who are members of the Public Service Association or the Australian Government Workers Association;.

My amendment will be familiar to honourable members because it has been moved in another context on a previous occasion. It represents the A.L.P.'s policy on employee participation in such councils. The amendment provides for an officer or employee to be on the advisory council and to be elected by members of the Public Service Association or the Australian Government Workers Association, the two industrial organisations covering that department. I do not wish to canvass the arguments in favour of employee participation on the advisory council now, because they are similar to those that have applied to the Art Gallery Board, the Museum Board and all the other things that the Hon. Mr. Hill has under his authority and upon which he consistently refuses to allow employee representation. I imagine that the Government will be unhappy about employee representation in this case. This is not a statutory board but it is an advisory council, and some input from an employee working in the field, in the department, would be valuable to the deliberations of the council.

The Hon. C. M. HILL: I oppose the amendment. The Government believes that the new council would be better advised by others, rather than having a system in which it is actually receiving advice from one of its own employees or departmental officers. That person would make an input to decisions of the advisory council, and that argument has a certain amount of merit. In regard to the general principle involved, the Government is not opposed to the principle, providing that it stems from the staff. The Government opposes the system being imposed upon an organisation, as this provision would do. Finally, I refute the suggestion that I am totally opposed to these systems on other boards.

The Hon. C. J. Sumner: You never vote for them.

The Hon. C. M. HILL: At the present time I am in the course of asking the staff of the South Australian Film Corporation to hold an election within its own ranks in order to appoint a nominee.

Amendment negatived.

The Hon. C. J. SUMNER: The amendment on file standing in my name in regard to line 35 deals with an employee representative and, as it is a consequential amendment to an earlier amendment that has been defeated, I no longer wish to proceed with it. I move:

Page 2, line 37—

After "woman" insert ", and at least one other member must be an Aboriginal".

This matter is of considerable importance and is a matter to which I would ask all members to give particular consideration. I would perhaps direct some remarks to the Hon. Mr. Milne on this issue. I have not directed comment on previous clauses to him because earlier he indicated his general support for the Bill.

The Opposition is trying to improve the Bill, and it might be that in this particular instance the Hon. Mr. Milne would be interested in the Opposition's proposition, which is that the composition of the advisory council should provide for Aboriginal representation. The Bill provides that at least one of the members of the advisory council must be a woman. The Hon. Mr. DeGaris took some objection to that proposition, and my amendment seeks to add that at least one of the members of the advisory council should be an Aboriginal. We do it for a special reason, and the reason is related to the high rate of delinquency among the Aboriginal population and, in particular, the high rate of imprisonment of people of Aboriginal extraction. There was some to-ing and fro-ing in another place about the proportion of Aborigines in our correctional services institutions, or the proportion of Aborigines who come before our courts.

There is no doubt that, whatever figures we take, the proportion of Aboriginies who are imprisoned in South Australia and who are brought before the courts, is considerably greater than the proportion of other groups within the community. Figures were bandied about in the House of Assembly, and the Minister said that some 12½ per cent of prisoners in South Australia were of Aboriginal extraction. I do not know whether that is correct but if we refer to the Office of Crime Statistics quarterly report we see that from time to time there has been up to 30 per cent of the people in prisons being of Aboriginal extraction. I do not wish to get into a side issue debate as to the percentage. Maybe 30 per cent comes about when we take into account remand prisoners. Whatever percentage we take, Aborigines are represented in the prison population in a way that is out of all proportion to their numbers in the total population. They form about 1 per cent of the population but in prisons they form between 10 and 30 per cent of the population. That situation ought to give all honourable members cause for grave concern.

If we are going to reserve a position for a woman we ought to do the same for an Aborigine. Certainly, the number of women in correctional service institutions compared to men is very small. Whilst women are involved as mothers and wives of prisoners, the actual number of women in prisons is very small and would be much smaller than the number of Aborigines. We believe that, if the Government is going to go into this proposal of reserved positions, it ought to recognise the problems that ethnic groups in our community have in regard to delinquency and the commission of offences. The Correctional Services Advisory Council has the task of advising on correctional services and we believe that an input from someone of that background would be of invaluable assistance to such a council.

The Hon. K. L. MILNE: It is a totally different thing to appoint a woman to the council from appointing an Aboriginal. In the case of appointing a woman, it is for the benefit of her female attitude and ability when considering all the cases. However, in appointing an Aboriginal it would be for special sympathy in Aboriginal cases coming before the board, which is quite different.

The Hon. C. J. Sumner: We are not talking about the board.

The Hon. K. L. MILNE: I mean the advisory council. There will be six people on the advisory council. The Hon.

Mr. Sumner is suggesting that one out of six be an Aboriginal. I do not think the percentages are right in any case.

The Hon. C. J. Sumner: If we increase the number on the council, would you agree with us?

The Hon. K. L. MILNE: No. I am illustrating that I disagree with the argument of giving an Aboriginal a 17 per cent representation on the council. The board is big enough as it is. I adopt the Hon. Mr. DeGaris's attitude that there is no need to spell out that an Aboriginal must be on the council. The Government may appoint one if it considers it desirable. However, it may consider it helpful to have an Aboriginal adviser available when an Aboriginal case is being discussed. I understand from the police that the statistics are difficult to assemble because frequently they indicate overnight stops: people who are there for a short time are recorded.

The Hon. Anne Levy: Have you visited the prisons and had a look?

The Hon. K. L. MILNE: No. I am going by what the police told me. The number of longer term Aborigines in prisons was much less than the statistics showed.

The Hon. C. M. HILL: I oppose the amendment. I commend the Hon. Mr. Milne for making the necessary point that the basis of comparison in the case of a woman being on the council compared with an Aboriginal being on the council is not as was represented by the Hon. Mr. Sumner. It is considered necessary for a woman to be a member of the council because the vast majority of prisoners on release enter into an environment with female company. It is hoped that the presence of a woman on the council can assist the rehabilitation process with prisoners going into a new lifestyle. It has nothing to do with a specific ethnic group.

The Hon. C. J. Sumner: Don't you recognise the number that are in prisons?

The Hon. C. M. HILL: I recognise them. The daily average is 10·8 per cent. The overall percentage of migrants is probably greater than that and therefore the argument could be taken further, but perhaps some ethnic person representing migrants generally ought to be on the council. The Government does not want to adversely affect any Aboriginal being rehabilitated after a prison sentence. We want to help them in the same way that we want to help all prisoners but we also want to treat all prisoners the same, and there is no necessity to treat an Aboriginal as distinct from anyone else.

The Hon. C. J. SUMNER: I do not want to get into a statistical argument. I refer to statistics published by the Attorney-General's Department and the Office of Crime Statistics. In a report prepared last year up to 1980, the quarterly report put out by the Office of Crime Statistics indicated that one in three prisoners in South Australian gaols is an Aborigine. I do not want to get into a heavy argument about the statistics, and I said that when I spoke initially. However, the Minister and the Hon. Mr. Milne seem to want to argue the toss about it. Whatever the statistics are, I was surprised to hear the Minister say that it is only 10 per cent.

The Hon. C. M. Hill: I didn't say that. The only figure that I mentioned was 12·8 per cent, which is the daily average.

The Hon. C. J. SUMNER: Whether it is 12·8 per cent or not, I am quoting a reference to that in the daily newspaper. If the Minister says that that is wrong, we can have a look at it. The conclusion that the newspaper drew from the Office of Crime Statistics quarterly report was that one in three persons in South Australian gaols is an Aborigine.

Certainly, from my visit early this week to the Adelaide Gaol, which the department and its Director were pleased to organise for me, I would say that, on a cursory glance of the prison population, Aborigines were over-represented in the prison in relation to their numbers in the population. So, let us not get into a silly argument about 12·8 per cent or 30 per cent. Whatever the figure is, it is unacceptable, and it fully justifies my amendment.

The Committee divided on the amendment:

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

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

Majority of 1 for the Noes.

Amendment thus negatived.

Progress reported; Committee to sit again.

ADJOURNMENT

At 1.22 a.m. the Council adjourned until Thursday 5 March at 2.15 p.m.