

LEGISLATIVE COUNCIL

Tuesday 15 September 1981

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

ASSENT TO BILLS

His Excellency the Governor, by message, intimated his assent to the following Bills:

Industrial Conciliation and Arbitration Act Amendment,
Local Government Act Amendment (No. 2),
Supply (No. 2).

AUDITOR-GENERAL'S REPORT

The PRESIDENT laid on the table the Auditor-General's Report for the financial year ended 30 June 1981.

PAPERS TABLED

The following papers were laid on the table:

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

Pursuant to Statute—

Lotteries Commission of South Australia—Auditor-General's Report, 1980-81.

Meat Hygiene Act, 1980—'Meat Hygiene Act (Licensed Slaughtering Works and Pet Food Works) Appeal Rules, 1981'.

Parliamentary Salaries Tribunal—Report.

Road Traffic Act, 1961-1980—Regulations—Tow Trucks.

The Electricity Trust of South Australia—Report, 1980-81.

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

Pursuant to Statute—

Enfield General Cemetery Trust—Report, 1980-81.

Local Government Act, 1934-1981—Regulations—Assessment Extract Fee.

Outback Areas Community Development Trust—Report, 1980-81.

Roads (Opening and Closing) Act, 1932-1978—Regulations—Fees.

Teachers Registration Board—Report, 1980.

The Institutes Association of South Australia—Report, 1980-81.

The University of Adelaide Act, 1971-1978—By-laws—Various.

City of Brighton—By-law No. 1—Bathing and Controlling the Foreshore.

By-law No. 47—Traffic.

District Council of Kadina—By-law No. 26—Meetings of Electors.

Regional Cultural Centres Act, 1976-1980—Regulations—Whyalla Regional Cultural Centre Trust.

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

Pursuant to Statute—

Forestry Act, 1950-1974—Proclamation—Section 2B—Part of Forest Reserve Resumed.

Hospitals Act, 1934-1971—Regulations—Fees.

Compensable Patients Charges.

Metropolitan Milk Supply Act, 1946-1980—Regulations—Flow Metre and Cans.

Parliamentary Standing Committee on Public Works—Fifty-fourth General Report, 1981.

South Australian Health Commission Act, 1975-1980—Regulations.

Compensable Patients Charges—Fees.

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

Pursuant to Statute—

Builders Licensing Board of South Australia—Auditor-General's Report.

Consumer Transactions Act, 1972-1980—Regulations—Exemptions.

Trade Standards Act, 1979—Regulations—Hydropneumatic Rocket Toys.

QUESTIONS

PROFESSIONALS

The Hon. C. J. SUMNER: I seek leave to make a brief explanation before asking the Minister of Consumer Affairs a question about complaints against professionals.

Leave granted.

The Hon. C. J. SUMNER: On 23 September 1980, the *Advertiser*, in an article by David English and Peter DeLonno, stated:

The S.A. Government is considering significant changes to the way it handles consumer complaints against professionals such as doctors, dentists and lawyers. The Department of Public and Consumer Affairs is making a two-month study to determine whether it needs to hire professionals to handle complaints against other professionals. And a proposal is now before the Government to establish an independent tribunal—with lay membership—to handle claims of improper or unethical practices against doctors. The Minister of Consumer Affairs, Mr Burdett, has directed his department to pursue complaints against professionals, which are not normally handled by the department.

Has the two-month study referred to in the article been completed? If so, what were its conclusions and will it be made public? If it is not to be made public, why not? Further, how many complaints against professionals have been handled by the department since the instruction was given by the Minister? Finally, what publicity has there been of the extension of the role of the Department of Public and Consumer Affairs?

The Hon. J. C. BURDETT: I have never considered setting up an independent tribunal to handle complaints against medical practitioners. The two-month study period did take place. It has been completed and a draft report has been presented to me. That report has been sent for comment to various interested bodies. One was PROLAG (the Professional Negligence Association) and another was the Council for the Professions—

The Hon. C. J. Sumner: Was the *Advertiser* report wrong?

The Hon. J. C. BURDETT: I certainly never said that I was going to set up a separate body—an independent body—as I understood the honourable member to say.

The Hon. C. J. Sumner: That's what the *Advertiser* said; was it incorrect?

The Hon. J. C. BURDETT: I never said that I was considering setting up an independent body to consider complaints against professional medical people. The report has been received and made available to various people and, when I have received all their comments, I will consider making the report available to the public.

PROCLAIMED ACTS

The Hon. C. J. SUMNER: I have another question to direct to the Minister of Consumer Affairs. Have the Bills passed over 12 months ago which repeal the Auctioneers Act and the Appraisers Act been proclaimed? If not, why not, and when is it intended that they will be proclaimed?

The Hon. J. C. BURDETT: No, they have not yet been proclaimed.

The Hon. C. J. Sumner: It's 12 months.

The Hon. J. C. BURDETT: The reason is—

The Hon. C. J. Sumner: Deregulation!

The PRESIDENT: Order!

The Hon. J. C. BURDETT: The reason is perfectly clear. There is a matter relating to Sunday auctions which was to be picked up in amendments to the Land and Business Agents Act. Because those amendments have been complex and have required considerable consultation with professional bodies and other bodies concerned, it has not yet been possible to present those amendments. When they have been presented (and it is proposed to present them in a body altogether), it will be possible to proclaim the repeal Acts referred to by the Leader.

PUBLIC SERVICE EMPLOYMENT

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

Leave granted.

The Hon. B. A. CHATTERTON: On 27 August the Hon. Mr Bruce asked the Attorney-General a Question on Notice. He asked whether the Premier or an officer of the Premier's Department had asked departmental heads to comment on the effect of an A.L.P. State Convention resolution. The Attorney-General said that the answer to that question was 'No'. In fact, I have been told that Mr Jory of the Premier's Department did seek comments from a number of departmental heads and that, in fact, a number of departmental heads replied to his request. Before the Attorney claims that there have been leaks in the Government, I should say that the convention's resolution was somewhat vaguely worded and that Public Service officers have contacted people in the Labor Party to obtain a better definition of what was meant by that particular resolution. So there has not been any leak of information. What does surprise me is that the Government is attempting to cover this up. Why did the Attorney deny that officers of the Premier's Department were in fact requesting this information? What has the Government been trying to hide?

The Hon. K. T. GRIFFIN: The Government is not attempting to cover up or hide anything.

The Hon. B. A. CHATTERTON: Why did the Attorney-General give a misleading answer to the Question on Notice asked by the Hon. Mr Bruce?

The Hon. K. T. GRIFFIN: I am not aware that it was misleading.

PRIVATE HOSPITALS

The Hon. J. R. CORNWALL: I seek leave to make a brief explanation before asking the Minister of Community Welfare, representing the Minister of Health, a question about the ownership by doctors of private hospitals.

Leave granted.

The Hon. J. R. CORNWALL: Recently Dr Peter Last, a senior officer with the South Australian Health Commission, publicly expressed serious concern about doctors owning or having a financial interest in private hospitals and nursing homes. Dr Last drew attention to the obvious conflict of interest which could arise. The Federal Minister of Health, Mr McKellar, was quick to refute any such suggestions and made clear that the Federal Government had no objection to such ownership at all. However, the State Minister of Health, Mrs Adamson, was uncharacteristically silent.

How many private hospitals in South Australia are owned partly or wholly by doctors or their nominees? What are the names of those hospitals? What are the names of the

doctors and what are the names of the nominee companies? How many nursing homes in South Australia are wholly or partly owned by doctors or their nominees, and what are the names of those nursing homes? What are the names of the doctors? What are the names of the nominee companies? What is the policy of the State Government with regard to ownership of private hospitals and nursing homes by doctors? Does the Government agree that there is an obvious conflict of interest in the ownership of hospitals and nursing homes by doctors and, if not, why not?

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

HOSPITAL ACCREDITATION

The Hon. R. J. RITSON: Has the Minister of Community Welfare a reply to my question of 4 August concerning hospital accreditation?

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

I refer the honourable member to the statement in the Council on 6 August 1981.

HILLS ACCIDENT

The Hon. N. K. FOSTER: I seek leave to make a brief statement before asking the Attorney-General a question about the accident that occurred yesterday on the construction of an electricity pylon in the Adelaide Hills.

Leave granted.

The Hon. N. K. FOSTER: I am aggrieved this afternoon, as I am sure all members are, to bring to the attention of the Council the tragedy that occurred yesterday afternoon in the Waterfall Gully area on the construction of an electricity pylon. I was surprised to find that men engaged in this sort of work are placed in such extreme danger. According to the *Advertiser*, a guy rope gave way and the pylon, which I gather from a radio broadcast was of lightweight construction, collapsed. One notes from the inference in the media, irrespective of whether the lightweight construction pylon met the requirements of the department, that that type of pylon was being erected for environmental reasons. Surely those people concerned in the community, and especially people at the Electricity Trust of South Australia, would have regard to the safety of human beings, even though they may have some secondary thoughts about the unsightliness or otherwise of the pylons in question.

It raises a number of matters, and for that reason I will be directing a considerable number of questions to the Attorney-General after having spoken to the Minister of Industrial Affairs. The questions do not cover all the matters that ought to be raised, and I am wondering whether there should be some form of inter-departmental inquiry into this matter. However, I am not pressing that thought within the ambit of the questions I am asking at this time.

There is very apparent in this State a complete and absolute lack of acceptance of responsibility, and I have raised often in this place with Governments of both political complexions the matter of the lives of people being endangered through unsafe working operations in the building and other industries that should be brought within the ambit of the relevant legislation. Such matters include safe working loads, proper methods of slinging, proper methods of storing, and so on. We know that there was a dreadful accident in New South Wales involving demolition work. The questions I direct to the Attorney-General are as follows:

Was the pylon prefabricated and assembled before being taken on site? Who was, or is, the manufacturer? What materials were used in the light-weight construction and what method of assembly and welding or bolting, or both, was used? What base fixtures and method or type were used, and what footings, concrete-based or otherwise based, were completed before guys were placed? How long had such footings been in place before the pylon was erected, or before an attempt was made to erect it?

Was the pylon transported solely by helicopter in the final transport to its on-site position, and what was the weight of the pylon in comparison to the weight of the heavy pylons normally used? What type, dimension, and tested S.W.L. (safe working load) guys were in use? How many such guys were used and what set tension was applied to the guys at the time when men were directed or ordered to go to the top of the pylon to work on it?

Has the Minister of Industrial Affairs power to impound all materials used for testing and to order his departmental inspectors to examine, and report to the Minister in respect of, the causes why gear or guys fell and were directly responsible for the loss of life? Is the Electricity Trust of South Australia to inquire into the accident, and is that body bound to include any other Government department in its inquiry? What testing authority was used by the Electricity Trust of South Australia in respect of the guys, or what testing authority was used by any other body from which the Electricity Trust of South Australia had accepted advice in respect of the safety of the guys?

When a coronial inquiry is held, and I am assuming that will occur, will the Government arrange and pay for counsel to appear on behalf of the defendants (such counsel to be at the choice of the defendant)?

The Hon. K. T. GRIFFIN: The honourable member's questions are detailed, and obviously I will need to refer the majority of them to the appropriate Ministers for replies, and I undertake to do that. The Minister of Industrial Affairs has arranged for his department to conduct an investigation. I see no reason why this accident should not be the subject of a coronial inquiry. Of course, the decision on that will be a matter for the Coroner, but it would be unusual for an inquiry not to be held into this sort of accident.

In the event of a coronial inquiry, I am unable to give any undertaking that the Government will fund the legal costs of any person who wishes to be represented before the inquiry. If there are persons in necessitous circumstances who believe that they should be represented and want to make application to the Government for consideration of the payment of costs, the Government will certainly consider it. However, I give no undertaking that any request would be met. The other aspects of the honourable member's question will be referred to the appropriate Ministers, and I will bring down a reply.

The Hon. N. K. FOSTER: I desire to ask a supplementary question. The Attorney might recall that in my question I referred to the Minister of Industrial Affairs. I am disturbed at the Attorney's reply, because the Minister of Industrial Affairs has advised me that his department has no authority in this particular matter, and that is why my question was framed in the manner that it was. In view of that, will the Attorney-General bring this matter before Cabinet, and, if it is found that the accident with the guy rope giving way occurred through a *prima facie* case of neglect on the part of the employer, the Electricity Trust of South Australia, will he ensure that all claims that are made will automatically be met in full?

The Hon. K. T. GRIFFIN: I was aware that the honourable member had some discussions with the Minister of Industrial Affairs, but I am not aware of the precise details.

What I indicated is correct: the Minister of Industrial Affairs has arranged for his department to carry out an investigation into the accident. In relation to the other part of the honourable member's question, I can give no undertaking at this stage that the matter will go before Cabinet. There are many facts that need to be ascertained before decisions of that sort can be made. Those decisions will be made when the facts are available.

BARMERA PRIMARY SCHOOL

The Hon. J. A. CARNIE: Has the Minister of Local Government a reply to a question I asked on 22 July about the Barmera Primary School?

The Hon. C. M. HILL: In response to the honourable member's question, I wish to advise that it is currently anticipated that building work will be completed in late November 1981. It is expected that the new school buildings will be furnished and occupied by the beginning of the school year, on 8 February 1982. No decision has been made concerning the future of the existing site or the solid construction building. The transportable accommodation on the site will be relocated to other schools with the exception of two single rooms which have been assessed suitable only for demolition. Should the remaining property not be required for further use by the Education Department, it will be declared surplus to requirements and the Director-General of Lands informed accordingly.

ETHNIC AFFAIRS

The Hon. C. J. SUMNER: Has the Minister Assisting the Premier in Ethnic Affairs a reply to the question regarding ethnic affairs that I asked on 19 August?

The Hon. C. M. HILL: The Department of Local Government annual report, 1980, was produced about four months ago. It contains, amongst other comments, a brief report on the activities of the Ethnic Affairs Branch. The Ethnic Affairs Branch did not produce an annual report. The reference to the annual report in the Department of Local Government annual report was incorrect. However, the South Australian Ethnic Affairs Commission is required by Statute to produce an annual report. Its first report will be tabled in Parliament before the end of October 1981.

CYSS

The Hon. BARBARA WIESE: I seek leave to make a brief explanation before asking the Minister of Community Welfare, representing the Minister of Industrial Affairs, a question regarding CYSS and young women.

Leave granted.

The Hon. BARBARA WIESE: On 22 August, the Minister of Industrial Affairs made a statement in another place about the effect of the Commonwealth Government's recent decision to terminate the Community Youth Support Scheme. As I understand it, that statement was based on briefing notes supplied to the Minister by officers of his department. Recently, a copy of the department's briefing notes was leaked to Opposition members, and it has been a very interesting exercise to compare the contents of the Minister's statement with those of the briefing notes. Some points are made in the notes that the Minister conveniently omitted in his statement to Parliament.

One such point related to the effects of the abolition of CYSS on the unemployment problem of young women. As all members should be aware, the unemployment rate

among young women is particularly high, and it would appear that the abolition of CYSS will disadvantage this group even further. I should like to quote briefly from the department's briefing notes to illustrate this point. In part, the notes state:

The unemployment problems of young women in South Australia are particularly serious. CYSS was one programme that achieved approximately equal numbers of male and female participants. It cannot be denied that vocational and pre-vocational programmes in South Australia, under the school-to-work transition programme, have enjoyed higher male participation rates. Vocational and, in particular, trade based training initiatives have not improved the disadvantaged position of young women.

However, in May-June 1981, CYSS programmes in South Australia had a female participation rate of 55 per cent (2 765 females) and male participation rate of 45 per cent (2 261 males). CYSS can be seen to be redressing some imbalance. The scheme has been particularly successful in attracting young unemployed women and developing and maintaining their skills. The Action Unemployed Youth Volunteer Bureau is one example of a CYSS project particularly successful in assisting young unemployed women, and the abolition of this and similar projects will leave a serious gap in support for young unemployed women in this State.

I think that that is a rather damaging summary of the situation that will follow upon the abolition of CYSS. Can we assume that the Minister's omission of this particularly revealing and damaging information reflects his lack of interest and concern for the young unemployed women of this State, or was it designed to withhold from Parliament any information that would bring into question the Minister's claim that the school-to-work transition programme and the apprenticeship initiatives were far more effective schemes than the CYSS programme—a claim that is not supported, at least in relation to young women, by his department's briefing notes?

Secondly, will the Minister ensure that a suitable alternative programme for unemployed young women is established in South Australia to provide support of the kind that they previously obtained through the CYSS programme?

The Hon. J. C. BURDETT: Both the Minister of Industrial Affairs and I have in Parliament expressed regret at the cessation by the Commonwealth of the CYS Scheme. I think I should say that briefing notes to a Minister are just that: they are simply notes which members of the Minister's department prepare and which those persons think should be brought to the Minister's notice. However, the responsibility for making the statement rests very much with the Minister himself.

Also, I find it disturbing that matters as confidential and intimate as this, namely, briefing notes for the Minister, should be leaked. There always have been leaks: they occurred with the previous Government, and they are occurring with this Government. However, I find it disturbing to find that notes as close as these briefing notes, which obviously have come from a senior departmental officer, should be leaked and that, when leaked, they should be used. However, I will refer the honourable member's question to the Minister of Industrial Affairs and bring back a reply.

FIRE BRIGADE

The Hon. R. C. DeGARIS: Has the Minister of Local Government, representing the Chief Secretary, a reply to the question that I asked on 18 August regarding superannuation for Fire Brigade personnel?

The Hon. C. M. HILL: The reply involves a long schedule, which gives details of the years and numbers of employees involved, the length of service of those employees, and the amounts of superannuation payments made on retire-

ment. I seek leave to have that table inserted in *Hansard* without my reading it.

Leave granted.

Retirement of Officers

Retirements of officers and firemen from the South Australian Fire Brigade during the last five years have been as follows:

Year	No.	Length of Service Years	Months	Superannuation Payment on Retirement \$
Officers				
1976-77	5	35	8	57 282.00
		37	4	64 051.98
		30	1	74 324.00
		39	6	50 759.00
1977-78	2	37	0	63 147.49
		40	2	66 905.97
		37	7	65 166.65
1978-79	2	32	9	86 747.40
		30	1	91 378.00
1979-80	3	30	7	71 454.38
		40	4	105 842.73
		36	1	98 022.00
1980-81	4	35	11	92 263.13
		40	1	97 232.81
		31	10	81 675.56
		43	3	170 548.67
Firemen				
1976-77	2	39	8	44 652.62
		39	8	45 649.70
1977-78	5	40	1	62 199.11
		32	0	43 063.95
		36	1	57 288.91
		32	3	45 242.00
		40	1	50 735.00
1978-79	4	32	7	46 568.98
		40	3	55 238.53
		42	0	56 510.20
		34	1	53 256.00
1979-80	2	30	9	51 750.05
		38	0	72 020.00
		34	6	62 909.38
1980-81	3	34	9	63 369.69
		40	0	70 597.69

LOCAL GOVERNMENT PETITIONS

The Hon. R. C. DeGARIS: Has the Minister of Local Government a reply to the question regarding local government petitions that I asked on 6 August?

The Hon. C. M. HILL: The present petition that has been presented to me as Minister of Local Government is, in fact, the third such petition presented. A first petition in 1974 was withdrawn and a second petition, dated 27 July 1977, was declared invalid by the Local Government Advisory Commission on 10 November 1978. The present petition relating to the Virginia area was presented on 6 March 1980. Following reference to the Crown Solicitor and the checking of the names on the petition against the roll, the statutory advertising period, and a lengthy and slow correspondence with the district councils involved, the matter was referred to the Local Government Advisory Commission on 10 November 1980. For a number of reasons, including recently the illness of the Chairman of the Local Government Advisory Commission and the unavailability of its other members at various times, the hearing of the petition has now been set down for 16 October.

Although this is the third petition, this will be, in fact, the first time that the substance of the petition will be formally examined by the Local Government Advisory Commission. Consequently, the commission will conduct its public hearing to ascertain the views of all interested parties and take such other evidence as it believes necessary. The

timing of the inquiry from its commencement on 16 October is in the hands of the commission.

BRIAN GROVE CONSTRUCTIONS

The Hon. J. E. DUNFORD: I seek leave to make a short statement before asking the Minister of Corporate Affairs a question about Brian Grove Constructions.

Leave granted.

The Hon. J. E. DUNFORD: From information I have received, Brian Grove Constructions is now in the process of bankruptcy or liquidation. Five weeks ago, work stopped on a five-storey building in Pirie Street, which was financed by Barclays Bank. Creditors have not been paid and 30 workers were put off. In regard to the Mount Gambier Primary School, 50 workers were stood down and subcontractors are owed thousands of dollars. I believe that Brian Grove owns a quarry and shops in the South-East to the value of \$2 250 000. I am not an economist or a businessman. I have often read about people going bankrupt and creditors not being paid, but the same people branch out with a new company and all the money in the world. It seems to me that a man who has \$2 250 000 worth of property in the South-East owes subcontractors many thousands of dollars.

I have also been told that at a creditors meeting last week Price Waterhouse, on behalf of Brian Grove Constructions, offered 40c in the dollar to creditors. It seems to me that the company must be winding down or is in the process of bankruptcy. Mount Gambier is particularly involved. A school was built there previously by the Public Buildings Department: I have seen the school and it is a very good building. The Mount Gambier Primary School is the first public school built in Mount Gambier by private enterprise. I do not know whether Brian Grove has gone bust, and I would like the Minister to find out whether he has done so and whether his workers have been paid. To my knowledge, Brian Grove is worth \$2 250 000.

Will the Minister say how much money is being held on the Mount Gambier Primary School by the Public Buildings Department against Brian Grove Constructions? Has the Department of the Corporate Affairs Commission investigated this company and, if not, will it do so? Does the Minister know that \$124 000 is owed to three small subcontractors by Brian Grove Constructions on the Mount Gambier Primary School? Is it true that Brian Grove's company assets are worth over \$2 250 000? When will the Government proclaim a section in the Builders Licensing Act to set up an indemnity fund to assist subcontractors and the public against these so-called builders?

The Hon. K. T. GRIFFIN: Obviously, parts of the question must be referred to the Minister of Public Works, because of the contractual involvement of the Public Buildings Department in the construction to which the honourable member referred. I will refer that part of the honourable member's question to the Minister and bring back a reply. Regarding the Department of the Corporate Affairs Commission, I will refer that part of the question to the commission and bring back a reply. I am not personally aware whether or not there has been any inquiry by the commission into Brian Grove Constructions, but I will bring back a reply in that regard also. The Builders Licensing Act is not under my Ministerial responsibility, but I will refer that part of the question to the appropriate Minister and again bring back a reply.

MATRICULATION STANDARDS

The Hon. G. L. BRUCE: Has the Minister of Local Government a reply to a question I asked on 4 August about Matriculation standards?

The Hon. C. M. HILL: The Minister of Education has advised me that an inquiry is not warranted. Both matters have been aired publicly for some time and the bodies criticised, both schools and the Public Examinations Board, have these matters under review. Particular efforts are being made to influence teaching methods so that all teachers attend to literacy and numeracy. Accountability for school programmes and assessment will be the subject of investigation during the coming year.

SCHOOL PREMISES

The Hon. ANNE LEVY: Has the Minister of Local Government a reply to a question I asked on 4 August about school premises?

The Hon. C. M. HILL: Although school councils have been given greater authority to determine the terms and conditions of hire, religious organisations using classrooms for religious purposes will continue to be one of those organisations exempt from hire fees. This concession applies specifically to classrooms and does not extend automatically to other types of school facilities that might be used by religious groups. The waiving of fees in these situations is a matter for the school council to decide. A school council may also require a religious group to meet any out-of-pocket expenses incurred by the school, for example, additional cleaning, as a direct result of the use of a particular facility by that group.

EQUAL OPPORTUNITIES OFFICERS

The Hon. ANNE LEVY: Has the Minister of Local Government a reply to a question I asked on 5 August about equal opportunities officers?

The Hon. C. M. HILL: The Department of Further Education is currently arranging for additional support for the equal opportunities officer. The equal opportunities officer in the Education Department will have the assistance of one less project officer as a result of a rationalisation of staffing.

EDUCATION CUTS

The Hon. ANNE LEVY: Has the Minister of Local Government a reply to a question I asked on 25 August about education cuts?

The Hon. C. M. HILL: As Budget negotiations are continuing, it is not possible to provide the details of education funding for the 1981-82 year until the Treasurer presents the Budget to Parliament, which was probably about three minutes ago.

FORESTRY INVESTMENT

The Hon. B. A. CHATTERTON: Has the Minister of Community Welfare a reply to a question I asked on 22 July about Forestry Management Pty Ltd?

The Hon. J. C. BURDETT: The matter has been investigated and it appears that the circular referred to was first issued in 1979 and some information contained in it is indeed incorrect. However, a revised circular was prepared

and published in April 1981, and the details and facts contained in the revised circular are basically accurate. The previous statement concerning the value of timber as an import has been corrected and the reference to the consumption of timber has been deleted. The short rotation plan referred to is not new to forestry schemes, but it has not been previously used by Forestry Management Pty Ltd.

The PRESIDENT: Order! The pitch of conversation is such that it must be almost impossible for *Hansard* to hear. I ask members to desist from their conversations or at least to be seated by the member with whom they wish to discuss matters.

The Hon. J. C. BURDETT: Although the current circular does contain statements of a very general nature which may be subject to interpretation, the circular does not appear to breach any legislation administered by the Department of Public and Consumer Affairs.

The Hon. B. A. CHATTERTON: I desire to ask a supplementary question, Mr President.

The PRESIDENT: The answer has been given to the question that you have asked. There is no reason why you should not ask another question.

The Hon. B. A. CHATTERTON: The Minister has indicated that a new circular has been issued. Can he investigate that matter further? I received exactly the same circular only three weeks ago.

The Hon. J. C. BURDETT: I will investigate it and provide the honourable member with a copy of the new circular.

FOOD PLUS STORES

The Hon. B. A. CHATTERTON: Has the Minister of Community Welfare a reply to the question I asked on 23 July about Food Plus stores?

The Hon. J. C. BURDETT: The Minister of Industrial Affairs advises that he is aware that officers of his department have had discussions with representatives of B.P. Australia Limited with regard to the establishment of Food Plus stores. No discussions have been had with any other oil company with regard to establishment of similar stores. Section 15 (a) of the Shop Trading Hours Act, 1977-1980, provides specifically for the establishment of stores which retail food stuffs and motor spirit from the same site. The intent of section 15 (a) was to control the nature of such stores.

GROWERS MARKETS

The Hon. B. A. CHATTERTON: Has the Minister of Community Welfare a reply to the question I asked on 18 August about growers markets?

The Hon. J. C. BURDETT: Some time ago the Minister of Agriculture conveyed to representatives of Virginia growers his belief that, except for produce which by law must be marketed through a statutory authority, growers have every right to sell their produce as and when they see fit. In keeping with that belief the Minister has and will continue to offer the physical resources and expertise of his department to the market gardeners in their endeavours to develop a site for a growers market; and, as was the case with the S.T.A. land at Salisbury, he will seek the agreement of any of his Ministerial colleagues to put suitable alternative land to that use. Whilst no strictures have been or will be placed on the amount of departmental time afforded the growers, the Minister of Agriculture wishes it to be clearly understood that no direct financial assistance can be extended to them.

SOUTH AUSTRALIAN EGG BOARD

The Hon. B. A. CHATTERTON: Has the Minister of Community Welfare a reply to the question I asked on 25 August about the South Australian Egg Board?

The Hon. J. C. BURDETT: The Minister of Agriculture advises there is no such committee chaired by the Hon. M. B. Cameron, M.L.C., and the contractual appointment of a Chairman of the South Australian Egg Board is receiving consideration.

MUNNO PARA SCHOOL HALL

The Hon. C. W. CREEDON: I seek leave to make a brief statement before asking the Minister of Local Government, representing the Minister of Education, a question about the Munno Para school hall.

Leave granted.

The Hon. C. W. CREEDON: I have referred to the problems of the Munno Para school on a number of occasions in this Council, and I do so again today. My question concerns the provision of a school hall which is urgently needed. This matter was investigated by the Public Works Committee, which recommended the building of the hall about 12 months ago. Since that time there have been rumours that the hall will not be built, and there has been a public meeting of irate persons to discuss this matter. Is it intended to build this hall? If it is, when is it expected that the hall will be ready for use?

The Hon. C. M. HILL: I will refer the question to the Minister of Education and bring down his reply.

MIGRANTS

The Hon. N. K. FOSTER: Can the Minister Assisting the Premier in Ethnic Affairs provide information concerning the number of migrants in South Australia over the past five years who are under the age of 18 years and whether or not they are orphans and are in this country without their parents?

The Hon. C. M. HILL: I think I should refer that question, with the honourable member's consent, to the Ethnic Affairs Commission to see whether research can be undertaken. I will endeavour to obtain the information which the honourable member seeks.

IVOR SYMONS LIBRARY

The Hon. BARBARA WIESE: Has the Minister of Community Welfare a reply to my question of 26 August about the Ivor Symons Library?

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

1. Contact was made with some organisations, including the Church of Christ, Blackwood; Blackwood Uniting Parish and the Blackwood Youth Centre in 1979.

2. No.

3. Some officers may hold this view. The determination as to the location of community welfare offices is made on a comparative basis between different locations based on social indicators, including workload. A new office is not warranted under these factors.

4. No.

ULTRA VIOLET LIGHTS

The Hon. G. L. BRUCE: I seek leave to make a short explanation before asking the Minister of Community Wel-

fare, representing the Minister of Health, a question about ultra violet lights.

Leave granted.

The Hon. G. L. BRUCE: A letter has come my way from the South Australian Health Commission under the signature of Leon Le Leu. The letter is in respect of an inquiry by a union assistant secretary and relates to ultra violet lights. The letter states:

Thank you for your enquiry about ultra violet light (UV) as used in germicidal facilities and in insect traps. An important fact to start with is that UV is invisible to the human eye. Although many sources of UV radiation also emit large amounts of visible light (e.g. the insect trap) some do not. Germicidal lamps which generate large quantities of UV give off only a faint visible glow. Therefore, brightness is no guide to hazard.

I think we can dispense with the insect exterminators fairly quickly; the hazard here is slight and no protective equipment is necessary. Although it is unwise to look directly at the light source it is extremely unlikely that any significant harm will come of it. It is with the germicidal lamps that the real hazard arises. These are, as I mentioned, very powerful. The possible health effects arising from direct exposure of the body to these sources are as follows:

1. Skin—'sunburn' identical to that occurring in sunlight. Fair-skinned people will be far more at risk than those with pigmented skin. Chronic effects will include premature skin ageing and, possibly, skin cancer. It should be stated that no cases of skin cancer due to occupational exposure to artificial UV have been reported but it is clearly a potential problem.
2. Eyes—an effect identical to 'welder's flash' (this is caused by strong UV as well). Inflammation occurs in the cornea and conjunctiva.
3. Another possible skin effect is sensitisation. That is, if one happens to be on a particular drug (there is a whole list of them) one gets an exaggerated response to UV exposure—either artificial or natural.

The question arose because these lamps are used in cold stores. Union members are asked to go into cold stores, but there is no switch that cuts off these lights when people enter the cold stores. Enclosed from the officer is a pamphlet relating to this matter which I have read and which indicates that there is a hazard there. In view of the dangers presented by these lamps, will the Minister investigate the matter with a view to introducing regulations requiring any such installation of these lamps in cold rooms to be linked with a switch designed to put out the light before the door is opened?

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

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

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

Ordered that report be printed.

ESSENTIAL SERVICES BILL

Adjourned debate on second reading.
(Continued from 27 August. Page 741.)

The Hon. C. J. SUMNER (Leader of the Opposition): The Opposition opposes this legislation in its present form. However, we will not divide on the second reading of the Bill but will move amendments in the Committee stages. If those amendments are not acceptable to the Council, we will oppose the Bill at its third reading. Our attitude to the Bill in the ultimate analysis will depend on the Council's

attitude to the amendments which I will move in the Committee stages and which I will briefly outline later in my speech.

It is worth recalling that legislation less Draconian than this and also dealing with essential services was introduced into Parliament in 1974 by the Labor Government. There were objections to that legislation by the Liberal Party in the House of Assembly and in the Legislative Council. After amendments were moved that were found to be unacceptable to the Government of the day, the Bill was laid aside.

The Hon. R. C. DeGaris: That is wrong. It was not laid aside. It was not proceeded with.

The Hon. C. J. SUMNER: It was not proceeded with. In any event the Bill did not become law because of the opposition to it by the Liberal members at that time. To place the debate in some context we need to go back to the 1974 legislation and to the debate that occurred on that occasion. I will quote what Dr Tonkin said at that time. He was not Leader of the Opposition then but was a member of the House of Assembly. I will also quote from the speeches of the Hon. Mr DeGaris and the Hon. Mr Cameron in this place. On 6 August 1974, Dr Tonkin stated:

This is enabling blanket legislation to cover any one of many possible actions. Indeed, it is wide open, although on the surface it appears to be perfectly in order. I suppose that, if a state of emergency should arise, it should be competent for the Government to take urgent steps to deal with it. However, those urgent steps should wherever possible be approved by Parliament before they are taken, and I hope that the Premier will assure members that this course will be followed if this Bill passes and becomes law.

The now Premier further stated:

I dislike the whole principle of blanket legislation, especially when it is blanket enabling legislation such as this, enabling regulations to be made. Even if it is for so short a period as seven days, I do not like it . . . I believe that any state of affairs that is sufficiently serious to lead to the declaration of a state of emergency should be sufficiently obvious and apparent for Parliament to be informed of it beforehand. It is unlikely that insufficient warning would be possible. I believe that every state of emergency and the situation that might lead to one should be considered on its own merits when it arises. I should like to see Parliament called together, wherever possible, before this action is taken.

In debate in the Legislative Council comments were made by the Hon. Mr DeGaris, then Leader of the Opposition. Although supporting the Bill in some respects, the Liberal Party opposed certain aspects of it. It is interesting to see what attitude the Hon. Mr DeGaris took at that time to legislation which, I would remind the Council, was much less Draconian, much less far reaching, and interfered with persons' liberties much less, than the legislation which is now before us.

The Hon. R. C. DeGaris: That is not quite true, you know.

The Hon. C. J. SUMNER: It is. If the Hon. Mr DeGaris will listen he will see that the legislation now before us is much more wide ranging and much more Draconian than was the legislation in 1974. This was raised by Mr Millhouse in another place in the debate a couple of weeks ago, to which I will refer honourable members later in the proceedings. The Hon. Mr DeGaris stated:

It is a sad state of affairs when a Bill of this kind is deemed to be necessary in South Australia. It is a sad codicil to the will and testament of the two Labor Administrations, one nationally and one in this State. In the words of our Premier, this conjunction of two Labor Administrations was to herald new visions of democracy within Australia. For the first time, to my knowledge, in the 120 years of this State's history we find the need to consider giving war-time powers to the Executive. One might say, using the expression of one Commonwealth Minister, that a Battle of Britain philosophy has been expressed.

He further stated (referring to Mr Dunstan):

Now, he suddenly finds himself having to seek from this Parliament dictatorial powers beyond those that have ever been sought before in the history of this State, except possibly in war-time.

He further stated:

Yet because we have reached this position through a lack of administration, and weak administration both at the Commonwealth and State levels, there is a need to throw aside the basic tenets of democracy and hand absolute power to the Executive, clothing it with almost war-time powers.

This position is a result of a direct lack of leadership because of the weakness of an emotional Government and because of that, unfortunately, I believe these powers are necessary.

It will be interesting to hear what the Hon. Mr DeGaris says about those comments when he makes a contribution to this debate. The powers in this Bill are, in general, more Draconian than those in the 1974 legislation. Apparently the Hon. Mr DeGaris thought that that legislation in 1974 was caused as a result of lack of leadership and a weak and emotional Government. In this case it could be said that the legislation has become necessary because we have a sick Government, on the Premier's own admission. If they were the reasons in 1974, perhaps the Hon. Mr DeGaris might care to indicate the reason for this Government now introducing legislation much more broad-ranging than that of 1974. The Hon. Mr Cameron also had his penneth worth and had the following to say on 6 August:

The best action we can take would be to throw the Bill out at this stage, and, if the Government cannot run the State, it should resign. If it needs this sort of power, let it get out and let someone else have control without this sort of legislation.

They seem to be fine sentiments, and I believe there is an increasing view in the community that perhaps Dr Tonkin and his Government should get out and resign and let someone who could run the State take over.

That was the Hon. Mr Cameron's attitude in 1974. It will be interesting to see what he says about this much more Draconian legislation. It is a reasonable position to adopt that emergency legislation, essential services legislation, is not necessary and that, if there is a crisis in the community so grave as to require resort to that sort of legislation, Parliament should be called together. That seems to be the position that the Premier, the Hon. Mr DeGaris, and the Hon. Mr Cameron were putting in 1974. It is a position that the Premier has put on other occasions, for instance in relation to the motor fuel shortages legislation that was introduced in 1977, when he made some general comments about emergency legislation. As reported in *Hansard* of 3 August 1977 at page 374, he said:

Emergency legislation comes into a category, because it deals with the future and with a hypothetical situation, and sets out reserve powers that can be initiated without the specific approval of Parliament. In other words, Parliament is... being asked to accept legislation for a hypothetical situation that may arise in the future.

That precisely is the situation that we have here. In 1977, the Premier also said:

It is necessary that we be prepared for an emergency at any time. The fact that we are prepared to deal with an emergency should never be used as an excuse to keep the subject or the cause of the emergency, direct set of circumstances, out of Parliament and away from Parliamentary debate and examination. Emergency legislation is no substitute for specific consideration of a specific matter, or a specific set of circumstances... For that reason, emergency legislation, when it is passed, must be of a transient nature only.

Of course, this is not legislation of a transient nature. It is permanent legislation, but the position adopted by Liberal members in 1974 and reiterated in regard to other Bills dealing with petroleum shortages is arguable and can be defended. If we have a situation of such an emergency that essential services are placed at risk, Parliament ought to be called together to deal with the situation and the matter should not be left to the Executive. That is a perfectly reasonable point of view.

I personally believe that there is merit in some form of permanent legislation to deal with those circumstances. However, it is a sad reflection, particularly on the Premier and on members of this Council, that on this issue, as on so many other issues with which we have been confronted over the past two years, the Premier is unable to maintain any consistency whatsoever. The sorts of things that he said in Opposition on a whole range of issues he completely and utterly disregards in Government. He has done it again on this occasion. He said that legislation should not be introduced where Parliament was somehow or other excluded from consideration. He said in Opposition that emergency legislation should not be introduced. Now, in Government, once again he is going back on his stated position and saying that this sort of legislation is necessary.

His original position in Opposition was perfectly respectable, although I disagreed with him. As soon as he gets into Government, he undercuts any credibility that he may have got from those arguments by repudiating them, as he has done in the past two years over many issues. I think that the community is rapidly coming to the conclusion that the Premier is not up to the job. He is not a Premier who is able to maintain any consistency in either ideological or political thought. He says the first thing that comes into his head. He said things in Opposition and now, in Government, he is incapable of delivering what he promised and of maintaining any political, ideological or philosophical consistency in Government. His attitude to this legislation is another example.

The Labor Party, on the other hand, believes that some form of legislation is desirable but it opposes this legislation for reasons that I will now outline. The first reason is the industrial implication of the legislation. No doubt members opposite will put the argument that this measure is not directly aimed or exclusively aimed at an industrial situation or at the trade union movement, yet any consideration of the House of Assembly debate will show that Liberal members in that House almost exclusively honed in on the industrial situation and on trade unions.

One contribution, that by Mr Oswald, the member for Morphett, resorted to the old bogies that the Liberals pull out of the hat in these situations, such as communist conspiracy and communist influence in the trade unions. That member made a quite unwarranted attack on the shadow Minister of Education. He made quite clear that the legislation on essential services that he wanted was to deal with industrial situations. We take the view that those industrial situations, disputes and problems ought to be dealt with through the existing conciliation and arbitration procedures. There are industrial tribunals which exist and which ought to be able to resolve these disputes.

One of the problems with emergency essential services legislation or other emergency legislation that is aimed at industrial disputes is that it is counter-effective. All that it does is exacerbate the dispute, make the problem more difficult, and prolong it in time. I think that has happened recently with the attitude of the Federal Government over, for instance, the transport strike. We believe that there are alternatives and one that I will put to the Council is that some kind of permanent consultative mechanism should be set up to deal with essential services in an industrial climate. This is a proposal that has been put by my colleague, the Hon. Mr Foster, for one.

Whilst at this time we do not have amendments that we can move to this legislation to deal with that situation, in the long term, I believe, the development of such consultative arrangements and mechanisms is to be preferred to Draconian legislation that can be used to exacerbate industrial situations. The point is that the most recent example that the Government is citing for the need for this legisla-

tion is the transport workers dispute. Everyone knows that that dispute was resolved without the need for this legislation and that the Government, in my view quite properly on that occasion, consulted with the T.L.C. and the Transport Workers Union, which was the union principally involved, and an agreement was reached between those bodies that services and goods essential to the community would be exempted from any strike action. I believe that that provides the avenue for dealing with essential services in an industrial situation. That is the sort of thing that we should be looking at—some kind of consultative mechanism.

This type of legislation was not necessary in the transport strike. Similar legislation was introduced in 1974 but it was not proceeded with, and it has not been found to be necessary since that time. We believe that this legislation should not be used to impose industrial conscription. It should not be used so as to prevent a person from taking part or continuing to take part in a strike or other industrial action, or from encouraging by non-violent means other persons to take part in a strike or other industrial action. It should not be used to otherwise interfere with a strike or other industrial action. As I said, I believe that those matters are best dealt with in other ways. It is interesting to note that the Liberal Party at the last election apparently felt the same way. In the policy statement put out by the Minister of Industrial Affairs, Mr Brown, the following appeared:

A Liberal Government will legislate to establish a dispute-solving procedure within essential services. Negotiation will be the basis for solving disputes.

Contrary to that policy the Government is coming out with the sledgehammer. The Government's legislation will be used to intervene in industrial disputes, and probably not constructively but in a way which will just exacerbate the situation as it has in the past. That is the first reason why we oppose this legislation in its present form. We believe that there are other ways of dealing with the problem of essential services and services to the community in an industrial situation and that we should be working towards that, namely, through consultative machinery.

The Opposition's second objection to this legislation is that this Bill means that the emergency situation can exist for up to 28 days without Parliament being called together. In that respect it is similar to the permanent Petroleum Shortages Act, which dealt with petroleum shortages and which was passed by this Council in December last year.

The Hon. K. T. Griffin: The 1974 Bill did not provide for any recall of Parliament, did it?

The Hon. C. J. SUMNER: Yes, it did after seven days. I believe that this Bill is different in character from the Petroleum Shortages Act. It is much more pervasive. We are not just dealing with a shortage of petroleum or a rationing of that product. We are dealing with a power which gives the Government the authority, across the board, to intervene in the community to ensure so-called essential services. I believe that the 28 days provided in the Petroleum Shortages Act was probably too long. It is certainly far too long in this legislation. The Bill introduced in 1974 by the Labor Government had a period of only seven days within which Parliament had to be called together. Further, that Bill expired on 31 December 1975. I believe that that amendment was moved by Mr Gunn, a Liberal member in another place, and it was accepted by the Government of the day. Certainly, when that Bill arrived in this place it had the expiry date of 31 December 1975. There were two important areas where the 1974 Labor Bill was much less Draconian than the present Bill.

The Hon. M. B. Dawkins: You're suggesting that it was Draconian.

The Hon. C. J. SUMNER: No, I am not suggesting that at all. I am suggesting that Parliament had to be called together within seven days and that in any event the legislation expired on 31 December 1975. The procedures under this legislation can be implemented for 28 days without Parliament being called together. I ask all members and you, Mr President, to reflect on that in view of the Premier's comments about the need for Parliament to be informed and involved in any emergency situation.

The Opposition's third complaint deals with the definition of 'essential service'. I think anyone looking at the Bill will concede that the definition of 'essential service' in this legislation is much broader than that contained in the 1974 Bill. In this Bill 'essential service' means:

A service (whether provided by a public or private undertaking) without which the health of the community would be endangered, or the economic or social life of the community seriously prejudiced.

The concept of the health of the community is fair enough, but the economic or social life of the community is also included in the definition of 'essential service'. In dealing with this topic the 1974 Bill had what I believe was a much narrower definition and one more appropriate to this type of legislation. Clause 3 of that Bill defined 'essential service' in the following terms:

If at any time the Governor is of the opinion that a situation has arisen, or is likely to arise, that is of such a nature to be calculated to deprive the community or any substantial part of the community of the essentials of life, the Governor may by proclamation declare that a state of emergency exists

The formulation in the 1974 Bill related to the essentials of life. I will be moving an amendment which will delete the broad formulation in the present Bill dealing with the health, economic or social life of the community and inserting words to the effect that the community or a section of the community would not be deprived of the essentials of life. In other words, I will be bringing the definition in the Bill back to what the Bill is intended to deal with, which is essential services to people in the community, and not the very broad unwarranted formulation which presently exists in the Bill. The Opposition's fourth objection relates to clause 11 which deals with the question of action which can be taken against a Minister. It provides:

No action to compel the Minister or a delegate of the Minister to take, or to restrain him from taking, any action in pursuance of this Act shall be entertained by any court.

This excludes the courts from any supervisory role against the Government or the Minister. It would preclude the use of prerogative writs by any person who felt aggrieved by action taken under the legislation. Mr Millhouse in another place moved that that clause be deleted, and the Labor Party supported him. We will also move for that clause to be deleted in this Council.

That clause, or one similar to it, did not appear in the 1974 Bill. It has appeared in petroleum shortages legislation, since and it does appear in the Petroleum Shortages Act. On previous occasions, when a clause similar to that precluding *mandamus* and other prerogative writs and court actions in emergency situations have been introduced in legislation, Government members have been most vociferous in their opposition to exclude the courts. The Attorney-General, in more carefree days—

The Hon. N. K. Foster: In Opposition.

The Hon. C. J. SUMNER: That is so. The Attorney was then trenchant in his criticism of the preclusion of the courts from any role in ensuring that Government actions were carried out in accordance with the legislation. I will now quote from what the present Attorney-General said. He is reported in *Hansard* of 9 August 1979 as having stated:

I do not believe, even in times of crisis or emergency, that the Government or the Minister ought to be above the law.

I ask the Council whether there can be anything more straightforward than that. This Bill is designed to deal with situations of crisis and emergency. According to what he said on 9 August 1979, the present Attorney-General did not believe that the Government or a Minister of the Government ought to be above the law. The Hon. Mr Griffin seems to have caught Tonkinitis, because what the Attorney-General said in Opposition apparently does not bear any relationship to the view that he now has in Government, as the Bill that he has introduced clearly and categorically excludes the courts from ensuring that what is done under this legislation is done in accordance with the law. The Attorney-General also said:

It is vital for our community that, whether in ordinary times or in times of crisis or emergency, the Government, in exercising its responsibilities, should not be placed in the position of a dictatorship but should always be subject to the ordinary process of the law. I will urge at the appropriate time that honourable members strenuously oppose that provision in clause 11.

Indeed, the Hon. Mr Hill, on the same legislation in 1979, felt even more strongly. Although that legislation dealt with petroleum shortages, the issues are similar. The Hon. Mr Hill is reported to have said on 21 August 1979:

I feel strongly about this issue. It surprises me that the Government claims that it is a democratic Government when it is putting a clause like this on the Statute Book . . . If this clause remains in the Bill, that citizen has no rights at all against that Minister in regard to taking out a writ of *mandamus* against the Minister. Putting the Minister above the law, as the Hon. Mr Griffin said, is the most undemocratic process I have ever seen in legislation before this Parliament. I strongly oppose this clause.

The Hon. Frank Blevins: Who was this?

The Hon. C. J. SUMNER: It was the Hon. Mr Hill, in 1979.

The Hon. Frank Blevins: Of course, he's a civil libertarian.

The Hon. C. J. SUMNER: That was when he was able to be carefree.

The Hon. Frank Blevins: No, he was honest.

The Hon. C. J. SUMNER: He was honest, but the Hon. Mr Hill, too, has caught Tonkinitis, which is a disease in Government of not having any regard for the promises or the statements made when in Opposition. The Attorney-General also said:

That, coupled with the fact that previously there was not any right to have a Minister's direction reviewed, put him, as I indicated in the second reading debate, above the law. Although it may be for 30 days only, within that time quite momentous decisions can be taken by the Minister which are not subject to judicial review.

That clause in the petroleum legislation was passed. It is now in that Act, because we took the view in relation to that legislation that the preclusion of prerogative writs should remain. In other words, we were perfectly consistent. However, in 1974, in the legislation dealing with essential services, there is no provision precluding the courts. On that basis, we are prepared to support the proposition that was put by Mr Millhouse in another place to delete clause 11. It will be interesting to see what attitude the Hon. Mr Hill and the Hon. Mr Griffin will take when they are confronted with that amendment.

The Hon. Frank Blevins: Did Mr DeGaris say anything?

The Hon. C. J. SUMNER: No. On this issue, the Hon. Mr DeGaris did not say anything: He certainly had a lot to say in 1974 about the Bill which was introduced and in relation to which I have quoted earlier in the debate.

Finally, I refer briefly to the attitude of the Australian Democrats in this matter. In another place, Mr Millhouse said the following on the third reading of the Bill:

As the Leader said, in other words, it is a real travesty to see a Liberal (so-called) Government introducing and championing a measure like this when, on the other hand, in Opposition they opposed similar measures as vigorously as the Labor Party has opposed this measure.

Further, he said:

I supported the second reading with some lack of enthusiasm, but I certainly cannot support the third reading of the Bill, for the reasons which the Leader gave. In the form in which it has passed through Committee, it is a thoroughly bad and unnecessarily authoritarian Bill, and, if South Australians want to have a dictatorship, this is a good first step towards it. As I said earlier, I trust that in another place—

that is here—

it will be strongly amended. We will see about that. I cannot support the Bill in its present form, and I therefore oppose the third reading.

It is interesting to note that Mr Millhouse supported the Labor Party on all matters that I have put to the Council and, in the end, opposed the third reading.

I will summarise the differences between the 1974 Bill and this Bill. My proposition to the Council has been that this Bill is much more authoritarian than the 1974 Bill. First, this is permanent legislation: the 1974 Bill expired on 31 December 1975, or would have done had it been enacted. Secondly, this Bill will mean that Parliament is out of the picture for 28 days, but the 1974 Bill provided that Parliament must be called together within seven days. This Bill has a much broader definition of 'essential service' and, therefore, gives the Government much greater powers. Thirdly, this Bill has industrial implications that we believe are better resolved in other ways. Fourthly, this Bill places a restriction on the courts to ensure that the Government acts in accordance with the law: such a restriction did not appear in the 1974 Bill.

For those reasons, I oppose the Bill in its present form, and I will move the amendments that I have outlined. I can assure the Council that unless those amendments are carried (and I am quite confident that they will be carried, in view of the attitude of the Democrat in another place), I will continue my opposition to the Bill through the third reading.

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

BUDGET PAPERS

The Hon. K. T. GRIFFIN (Attorney-General) laid on the table the following papers:

By command:

Estimates of Payments of the Government of South Australia, 1981-82.

Estimates of Receipts of the Government of South Australia, 1981-82.

Financial Statement of the Premier and Treasurer on the Estimates with Appendices.

ADJOURNMENT

At 3.58 p.m. the Council adjourned until Wednesday 16 September at 2.15 p.m.