LEGISLATIVE COUNCIL

Thursday 17 September 1981

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

SOUTH AUSTRALIAN URANIUM ENRICHMENT COMMITTEE

The Hon. K. T. GRIFFIN (Attorney-General) laid on the table the 1980-81 Annual Report of the South Australian Uranium Enrichment Committee.

QUESTIONS

OMBUDSMAN

The Hon. C. J. SUMNER: I seek leave to make a brief explanation before asking the Attorney-General a question about the Ombudsman.

Leave granted.

The Hon. C. J. SUMNER: To say the least, there are a number of very disturbing accusations in the report of the Ombudsman that was tabled in this Council yesterday. In particular, the Ombudsman (Mr Bakewell) was critical of Government departments and, on one occasion, of a Government Minister specifically. These complaints were elaborated on by the Ombudsman last night on the *Nationwide* television programme and can be summarised as follows: First, he gained the impression that heads of departments felt that he should mind his own business. Secondly, he said that the Attorney-General and the Premier had said that his guidelines needed clarifying. The Ombudsman was most emphatic that, as a person independent of the Government, his guidelines were adequate and were contained in the Ombudsman's Act. Thirdly, he gained the impression that the Government wanted to clip the wings of an overenthusiastic Ombudsman. Fourthly, the Government misunderstood the role of the Ombudsman, and I quote, 'Quite frankly, I don't think they knew what was in the Act.' Fifthly, the Government wanted him to sit out his term, be a good boy and not rock the boat.

Did the Attorney-General suggest to the Ombudsman that his guidelines needed clarifying despite the fact that the Ombudsman operates under his own Act of Parliament? Secondly, does the Government have any intention to amend the Ombudsman's Act or in any other way lay down guidelines for the Ombudsman? Thirdly, what steps does the Government intend to take to ensure that problems encountered by Mr Bakewell this year will not recur?

The Hon. K. T. GRIFFIN: I am somewhat surprised at the publicity that has been given to this report and surprised also that the Opposition should react in such a way. Relations between the Ombudsman and the Government have been, in my view, excellent. In his report the Ombudsman makes that sort of comment, and I am rather surprised that there should be any suggestion that relations are not cordial. The Government, together with its Ministers and its public servants, does all that it can to assist the Ombudsman to carry out his statutory responsibilities under the Ombudsman's Act.

The Ombudsman's Act is the charter for the Ombudsman. It is correct that there have been some discussions with the Ombudsman but only for the purpose of proposing a summary of the Act for the guidance of Government officers, and for no other reason than that. Accordingly, I do not believe that there is anything for anyone to worry about in respect of relationships between the Government and the Ombudsman. I know of no intention to amend the Ombudsman's Act. So far as what happens in the future is concerned, I believe that the relationship will be a cordial one.

The Hon. C. J. SUMNER: I seek leave to make a further explanation before asking the Attorney-General a supplementary question.

Leave granted.

The Hon. C. J. SUMNER: It is clear that the Attorney-General has not read the Ombudsman's Report because, had he done so, he could not possibly have told the Council this afternoon that there had been no problems between the Government and the Ombudsman. The report contains a number of examples of specific problems that the Ombudsman had with Government departments and, on one occasion, with a particular Minister. Let us not under-estimate the seriousness of the allegations made in relation to this one Minister. In the report on page 16 the following appears:

> Unfortunately my relationship with the Ministry failed in one area. The Minister concerned seemed to have some misunderstanding of the statutory responsibility and function of the office of the Ombudsman. This particular Minister appeared to believe the Ombudsman had a function akin to Consumer Affairs—as part and parcel of the Government administration—rather than appreciating his independence, as a representative of Parliament.

The Ombudsman was questioned last night on *Nationwide* about this allegation, along with others in the report. The allegation against the Minister is serious, namely, that he attempted to interfere with the independence of the Ombudsman.

The Minister is not named, but he should be named. If he is not, rumours will continue. I believe that the Minister concerned was the Deputy Premier, Mr Goldsworthy. The Ombudsman thought a man's life was at stake at the Yatala Labour Prison, and he said on television last night that he had had difficulties in getting this through to the Ministry. The television report left the impression from what Mr Bakewell said that the Minister, who I believe to be Mr Goldsworthy, threatened the Ombudsman that he would lose his job.

The Hon. J. C. Burdett: Rubbish!

The Hon. C. J. SUMNER: The Hon. Mr Burdett says 'Rubbish'. He clearly has not seen the television interview of last night. That was the clear impression that was left from that interview with Mr Bakewell. It is worth noting that last night the Ombudsman said that he had no problems in his personal dealings with the Premier, the Attorney-General, and the Chief Secretary but, when specifically asked to comment on similar questions in relation to the Deputy Premier, the Ombudsman declined to comment.

There is a serious allegation that Mr Goldsworthy tried to interfere with the independence of the Ombudsman. Will the Attorney-General say whether the Minister referred to in the report and in the *Nationwide* programme was the Deputy Premier, Mr Goldsworthy? Secondly, what action does the Government intend to take, in view of the serious allegations made by the Ombudsman?

The Hon. K. T. GRIFFIN: Members will notice that the Leader of the Opposition is endeavouring to distort and interpret the alleged comments of the Ombudsman to suit his own purpose. If we look at the report at page 16, we will see that the paragraph to which the Leader referred was used quite selectively, because the Ombudsman also states on page 16:

> My own relationship over the past year with the South Australian Ministry has been excellent, even though some matters may not have been resolved in the way some Ministers, departments or statutory authorities might have desired. Nevertheless, I believe mutual respect has been maintained in most cases.

My relationship with the Premier has been most satisfactory. He has never declined to see me, or to discuss a problem of administration. In fact, he has gone out of his way to assist, and so, too, have many other Ministers.

With a number of problems concerning the correctional services area, I had to see the Chief Secretary and, occasionally, the Attorney-General. Many of these meetings were called at very short notice, but both Ministers always assisted not only in making the appointments possible, but also in discussing administrative matters.

The Leader ought to put his statements into that context and not take particular extracts out of context. I have no idea which Minister is allegedly the Minister referred to in the report. I do not believe that there is any problem between the Deputy Premier and the Ombudsman. There is no problem between any of the Ministers, as far as I know, and the Ombudsman, and accordingly there is nothing to take any action on.

The Hon. C. J. SUMNER: I wish to ask a supplementary question. Will the Attorney-General ascertain, if he does not already know, who was the Minister referred to in the Ombudsman's report and on *Nationwide* last night and advise the Parliament?

The Hon. K. T. GRIFFIN: The answer is 'No'.

SUPERANNUATION

The Hon. R. C. DeGARIS: I seek leave to make a brief explanation before asking the Attorney-General a question about superannuation and statutory authorities.

Leave granted.

The Hon. R. C. DeGARIS: Yesterday, in reply to the question whether the chief executive officers receive any special consideration as far as superannuation is concerned, the Attorney-General said that, as far as the T.A.B. is concerned, the present General Manager is to be credited with the benefits attributable to the maximum of 40 years service upon retirement. Accordingly, I ask the Attorney-General the following questions:

1. How long has the General Manager of the T.A.B. held that position?
2. If the superannuation due to the General Manager is commuted to a lump sum payment, how many times the existing annual salary can that lump sum payment be reasonably expected to be?
3. As the General Manager is credited with a 40-year entitlement, how was the sum required from the employer funded?
4. How many other employees of the Government or employees of statutory authorities have such special superannuation benefits?

The Hon. K. T. GRIFFIN: I will need to obtain that information for the honourable member, and I undertake to do that and bring down a reply.

HOSPITAL COMPUTERS

The Hon. J. R. CORNWALL: I seek leave to make a brief statement before asking the Minister of Community Welfare, representing the Minister of Health, a question about hospital computers.

Leave granted.

The Hon. J. R. CORNWALL: No doubt members will recall the fiasco concerning the original decision by the South Australian Health Commission to tender for A.T.S. computers at Adelaide's teaching hospitals. The Minister of Health, Mrs Adamson, said in another place on 4 December last year that the computers would cover 2 000 beds in a most efficient way. She said that they would cost between $180 000 and $260 000 per annum. She also said that there was absolutely no risk of failure. The commission's experience has enabled it to estimate the complete cost of the project with accuracy.

In any event, things went terribly wrong. After much discussion and in-fighting no tender was accepted. The commission then went to tender again, this time for an A.T.S. system at the Royal Adelaide Hospital only. I.B.M. and Burroughs were given the exclusive right to retender privately for this facility. Those tenders have now been in for some time. In the meantime, staff have been in Sydney and two senior people have been to the United States.

Burroughs has tendered for the new contract at a figure of $95 000 per annum. This figure is said to be artificially low—a sprat to catch a mackerel—because of the huge $20 000 000 contracts which may later be available. I.B.M. has tendered at a figure of about $300 000 per annum. Of course, that is an enormous difference. The great difficulty which the commission and the Minister now have is that in the meantime they have decided that they would like to have I.B.M. systems for the entire hospital computer programme. Why did the Minister and the Health Commission favour the I.B.M. system for the Royal Adelaide Hospital when that system was three times more costly?

The Hon. L. H. Davis: Have you got the answer as well?

The Hon. J. R. CORNWALL: Oh, shut up!

The PRESIDENT: Order!

The Hon. J. R. CORNWALL: Also, will the Minister say when the decision as to which tenderer has been successful will be announced?

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

OMBUDSMAN

The Hon. C. J. SUMNER: I seek leave to make a brief explanation before asking the Attorney-General a further question regarding the Ombudsman.

Leave granted.

The Hon. C. J. SUMNER: I should like to state, first, that I made quite clear in my previous explanation that the Ombudsman had no personal (although he certainly had some) differences with the Premier, Attorney-General and Chief Secretary. However, the accusation against the other Minister on page 16 of the report is much more specific and serious. It is not good enough for the Government to try to brush it aside as if it was of no consequence. The fact is that the Ombudsman has an independent status akin to that of the Judiciary, and the accusation has been made that a Minister attempted to interfere with that independence by telling the Ombudsman that he was to do as he was told, by threatening his job, and by asking the Ombudsman to desist in inquiries into the prisoner Sandery at Yatala. Those accusations do not appear in the report. However, they were made last night on television in the *Nationwide* programme.

First, did the Minister, assumed to be the Deputy Premier, referred to in my previous question ask the Ombudsman to desist in an inquiry involving a prisoner Sandery at Yatala goal? Secondly, did that Minister tell the Ombudsman to do as he was told and threaten his job? If the Attorney-General is not aware of answers to these questions, will he investigate the allegations and, in the meantime, take the trouble to look at the *Nationwide* programme?

The Hon. K. T. GRIFFIN: Nowhere in the report does the Ombudsman refer to those alleged circumstances. No-one could interpret the last paragraph on page 16 under the heading 'The Ministry' as an attempt by any Minister

to interfere with the Ombudsman's independence. That is the construction that the Leader of the Opposition conveniently puts on it to suit his own political purposes. I do not believe that any Minister has ever done, or would ever do, the sorts of things that the Leader of the Opposition has suggested.

The Hon. C. J. SUMNER: I direct a supplementary question to the Attorney-General. Will the Attorney investigate the allegations made in the *Nationwide* programme last night and bring back a report?

The Hon. K. T. GRIFFIN: There is no point in my doing that; therefore, I am not prepared to do it.

APPRENTICE TRAINING

The Hon. C. W. CREEDON: I seek leave to make a brief explanation before asking the Minister of Community Welfare, representing the Minister of Industrial Affairs, a question about the employment of people who have completed apprenticeship training.

Leave granted.

The Hon. C. W. CREEDON: A letter to the Editor in the *Advertiser* this morning states:

> I am writing to you with much concern as to the plight of a large number of apprentices who are employed by the South Australian Government.
>
> Last week, 52 final year apprentices employed by the Public Buildings Department received a notice announcing that they will be retrenched as of January 1982.
>
> I also believe that another 140 State Government apprentices have, or will also receive, such a notice.

The PRESIDENT: Order! There is too much audible conversation in the Chamber, and I ask honourable members to desist. I do not want to have to bring this matter to their attention again.

The Hon. C. W. CREEDON: The letter further states:

> This total lack of foresight, understanding and compassion by the present Government is appalling. Mr Tonkin or Mr Brown should be asked where will this large number of apprentices find employment or opportunity to continue their respective trades, especially considering the depression of the building industry.
>
> After four years of apprenticeship many of these youths will have to look for work which will be totally alien to them. Thus four years of effort to attain indentures will be wasted.
>
> The most disturbing consequence is that there is ample work that can be done by these young tradesmen to improve many public buildings, buildings that are in major disrepair because of the so-called 'lack of finances'.

The letter was written by A. M. Ingham. I know that State Government departments dispense with the services of apprentices as soon as they have completed their training. This is a dreadful waste of the taxpayers' money and the time and effort that has gone into training them. The first question the ex-apprentice is asked when he applies for a job is, 'What experience have you had?' and when he answers, 'I have only just finished my training,' he is told to go away to get some experience. The employers' attitude is understandable to a degree, especially because of the present job climate in this State.

Not many tradesmen's jobs are advertised, and those that are advertised attract quite a number of applicants, most of whom have experience. Therefore, an applicant without experience has very little opportunity of gaining a position. As a consequence of the hardship of finding employment to suit their training, many will leave the State or turn to other areas, usually involving unskilled work, where they may be lucky to get a job. Of course, the chain reaction is that the unskilled cannot get jobs.

No Government department or private employer, for that matter, should be allowed to dismiss an apprentice who has just completed his training. It should be a legal requirement that these people be afforded at least six months work experience as tradesmen before their services are dispensed with. Is the Minister able to verify the correctness or otherwise of the figures stated? Will he make an effort to ensure that all departmental apprentices are given six months tradesmen's work experience?

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

RADIATION CONTROLS

The Hon. R. C. DeGARIS: Has the Attorney-General a reply to a question I asked on 25 August about radiation controls?

The Hon. K. T. GRIFFIN: The South Australian Health Commission is charged under the South Australian Health Commission Act 'to ensure as far as possible that the people of this State live and work in a healthy environment'. Through the radiation control section of its occupational health and radiation branch, the commission accepts responsibility for the control of radiation and administration of the radioactive substances and irradiating apparatus regulations of the Health Act. Consideration is being given at present to amending the legislative controls on radiation to incorporate the latest recommendations of the National Health and Medical Research Council which follow the recommendations of the International Commission on Radiological Protection.

REPLY TO QUESTION

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

Leave granted.

The Hon. ANNE LEVY: Yesterday, in reply to a Question on Notice that I placed on the Notice Paper at least a month ago, the Minister gave replies to none of 12 parts of the question I had asked, on the grounds that the amount of time required to answer the question was huge. However, if one looks at these 12 questions, I am sure that one can see that a number of them would require little time at all to answer, that the information that they request is or should be readily available to the Education Department and that, regarding the others, while the information may not be readily available, it would be extremely important and worth a little time and trouble to obtain replies.

This morning I spoke to the Minister of Education, and he agreed with me that some of the 12 questions certainly could be answered without effort or without too much time being spent on the part of the department. He requested me to ask the Minister representing him in this Council that a further look be taken at this series of 12 questions to see which answers could be given without unduly straining the facilities of the department. In the light of that, I have looked at the questions again, and I believe that questions Nos. 1, 2, 3, and 7 to 12 could well be regarded as coming into the category which the Minister suggested he would have another look at and, hopefully, reply to. My request has been explained fully in the explanation. Will the Minister request the Minister of Education to look at questions Nos. 1, 2, 3, and 7 to 12 of those which were on notice yesterday and not replied to?

The Hon. C. M. HILL: I will take up the matter again with the Minister of Education in view of the explanation made by the Hon. Miss Levy, and I will bring down the Minister's replies for her.

GOVERNMENT EMPLOYMENT

The Hon. J. E. DUNFORD: I seek leave to make a brief statement before asking the Minister of Community Welfare, representing the Minister of Industrial Affairs, a question about Government employees.

Leave granted.

The Hon. J. E. DUNFORD: Yesterday, the Hon. Mr Burdett, on behalf of the Minister of Industrial Affairs, replied to the question I asked on 16 July about Government employment. My question referred to various Government departments and the number of daily or weekly-paid employees in those departments. On examining the Minister's reply, I see that when the Government came into office in September 1979 there were 13 416 employees covered by industrial awards and agreements. By 30 June 1981—about four months ago—there were only 10 937 such employees. That is a loss or decrease in employment in Government departments to 30 June this year of 2 479 such workers. It is a remarkable decrease. Will the Minister ask his colleague about the 2 479 lost positions? The Minister in his reply gave a list of departments, and I seek leave to have it included in my question without my reading it.

Leave granted.

Department

Agriculture
Arts
Community Welfare
Correctional Services
Education
Engineering and Water Supply
Environment and Planning
Fisheries
Further Education
Highways
Industrial Affairs and Employment
Lands
Law (now with Attorney-General's)
Local Government
Marine and Harbors
Mines and Energy
Police
Premier (now Premier and Cabinet)
Public Buildings
Public and Consumer Affairs
Services and Supply
Transport
Urban and Regional Affairs (now with Environment and Planning)
Woods and Forests

The Hon. J. E. DUNFORD: I see that four departments have increased their numbers of such employees. There is an increase of 23 in the Department for the Arts, 78 in the Department of Environment and Planning, 14 in the Lands Department, and two in the Department of Urban and Regional Affairs. Will the Minister advise the Council how many employees were dismissed, how many resigned, and how many retired from the departments concerned?

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

DIESEL FUEL

The Hon. N. K. FOSTER: I seek leave to make a brief statement before asking the Minister representing the Minister of Mines and Energy a question about tractor fuel quality.

Leave granted.

The Hon. N. K. FOSTER: I refer to an article which appeared on Thursday 23 July in the *National Farmer*. I am not generally associated with the rural community, but I was surprised to see that farmers were again being victimised and suffering heavy losses to valuable equipment as a result of the attitude of most, if not all, fuel suppliers, particularly in regard to diesel fuel which is the main fuel used in rural production. This problem is one more noticeable during seeding or preparation for seeding operations than in the summer months of harvesting, because of the adverse weather conditions and a high incidence of wax that can clog the fuel system in diesel tractors. The diesel fuel system which is delicate but much more reliable than a normal carburettor, is impaired by the high percentage of accumulated wax during winter months when the moisture solidifies.

There have been some suggestions by oil companies that farmers put a tarpaulin over their tractors, or put their tractors in a shed, but that can be impractical if a farmer is operating late into the night and perhaps 10 kilometres from the nearest shed. While tarpaulins may keep rain from the top of an engine, the engine is still not completely enveloped, because that is almost impossible, and the engine cannot escape the overnight temperature changes that engine components are subjected to.

Therefore, in the morning upon starting there is a starvation of fuel and, if it should find its way into the oil transmission areas of the machine, it could bring about a total failure because it isolates any oil beween the cylinder and the cylinder wall. That is a serious matter when one considers that a machine which is necessary on farms these days can cost well in excess of $40 000. That is no mean sum of money. I quote briefly from the *National Farmer* as follows:

> And one oil company source said that since most complaints came from farmers, and they were only a small part of the market for distillate, there was no way the oil industry was going to go to the extra expense of refining it better from them.
>
> Instead, it was suggested, farmers should shed their tractors at night, or install fuel-warmers, or warm up the fuel system externally.

It goes on further to state that they were told that the industry looked after its own standards. There are standards that apply. It would appear from the article that the only State that has had any success has been Queensland. That seems rather odd because Queensland enjoys a warm temperature during the winter months and in some areas there are only two seasons. The question becomes much more serious for the southern States, particularly Victoria and South Australia.

If anyone disagrees with me he should try sleeping in a two-man tent at Yongala; he will find that he is in severe distress before midnight, let alone in the early hours of the morning, when the temperature is at a minimum. I note that the Hon. Mr Dawkins is laughing. He thinks that I am not on the ball in this respect. The Premier is on record as saying on the odd occasion that he recognises the rural industry. However, it will remain the principal money earner in this State until the great mineral boom comes.

I therefore ask the Minister of Mines and Energy, through the Attorney-General, to provide a report from the oil companies in respect of diesel fuel standards used in primary industry. Secondly, is the Minister aware of the very grave consequences of serious and costly damage that occurs in the high-cost agricultural machinery because the oil industry refuses to recognise the standards necessary for it, especially for the safe and efficient operation of such valuable machinery? Thirdly, will the Minister prevail upon his department to carry out a series of random tests as to the wax content of diesel fuel that is available only to the rural industry? Finally, can the Minister seek the advice of the C.S.I.R.O. in respect of this very serious problem?

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

MEAT

The Hon. B. A. CHATTERTON: I seek leave to make a short explanation before asking the Minister of Community Welfare, representing the Minister of Industrial Affairs, a question on red meat sales.

Leave granted.

The Hon. B. A. CHATTERTON: A few weeks ago the Hon. Mr Cameron floated the idea that red meat sales had fallen in South Australia since the introduction of late-night shopping. He went on to say that late-night shoppers preferred to do all their shopping on one occasion and to purchase the white meats and processed meats that are available at that time. Unfortunately, he did not quote any figures on which he based his statement. What fall in red meat sales has occurred in South Australia since the introduction of late-night shopping? What has been the increase in sales of other meats available during the hours that red meat is not available? What has been the comparative movement in sales in other States during the same period?

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

RADIATION CONTROLS

The Hon. J. R. CORNWALL: Has the Attorney-General an answer to my question of 25 August on alpha radiation?

The Hon. K. T. GRIFFIN: The Minister of Health informs me that the South Australian Health Commission has equipment suitable for measuring air-borne alpha radioactivity on an intermittent basis. This equipment is being used to monitor potential sources of alpha radiation as the need arises. For example, it has been used at Amdel, Port Pirie, Radium Hill, and Roxby Downs. Equipment for continuous monitoring of alpha-emitting long-lived radioactive dusts is currently operating at Amdel's Thebarton plant, and will shortly be installed at Port Pirie.

BUILDING INDUSTRY

The Hon. C. J. SUMNER: I seek leave to make a brief explanation before asking the Minister of Corporate Affairs a question on Mr George Karounos and the companies with which he is associated.

Leave granted.

The Hon. C. J. SUMNER: My question relates to a Mr George Karounos and building and investment companies with which he has been associated. I have received representations from the Building Workers Industrial Union on behalf of its members who are owed, on my information 'thousands of dollars' by companies with which Mr Karounos was associated.

The Attorney will be aware that I wrote to him on 17 and 22 July about these matters but to date I have had no reply beyond an acknowledgment. Mr Karounos was apparently associated with High Cos Constructions, Gloucester Building Co. and Llamani Investments. Apparently, companies with which Mr Karounos is associated, developed or owned, and may still own, squash courts in Adelaide and Port Lincoln and developed or own a hotel/motel at Port Lincoln and homettes at Para Hills West. There are a number of subcontractors who remain unpaid from these projects.

Some of these companies have now gone into liquidation owing, I am informed, $2 500 000. Further, I have now been informed that Mr Karounos and other companies with which he is associated, or other members of his family, are involved in a development project on Marion Road, to build sauna baths and a gymnasium. The union is concerned that Mr Karounos can continue such projects while subcontractors who worked on other projects remain unpaid. Can the Attorney-General advise the Council what action has been taken on my correspondence and when a reply can be expected?

The Hon. K. T. GRIFFIN: I am aware that the honourable member is interested in this matter. His letters were referred to the Corporate Affairs Commission. I will make inquiries as to the progress being made and bring back a reply for him.

The Hon. C. J. SUMNER: I seek leave to make a brief explanation before asking the Minister of Corporate Affairs a question on the Johnson group of companies.

Leave granted.

The Hon. C. J. SUMNER: My question relates to another failed group of companies, the Johnson group of companies. The Johnson group of companies was involved in the Port Adelaide mall and other projects. On 6 May 1981 I wrote to the Attorney-General following representations I had received and also raised the question in the Council on 4 and 10 June 1981. In a reply on 17 June 1981 the Attorney said that he would write to me again when he had further information in relation to the Corporate Affairs Commission investigation. I should say that the Attorney-General has provided me with answers to some of the questions I asked in relation to this group of companies.

However, it is now nearly five months since these companies went into liquidation and the matter was looked at by the Corporate Affairs Commission. Can the Attorney-General tell the Council when the results of the Corporate Affairs Commission inquiry will be available?

The Hon. K. T. GRIFFIN: That matter has been referred to the Corporate Affairs Commission. I will make inquiries to find out what progress has been made and bring back a reply for the Leader. I think it ought to be recognised that, with groups of companies that go into liquidation, it is not an easy matter for any person to quickly come to grips with and assess the relationships between companies and the reasons for the difficulties in which they find themselves.

Members interjecting:

The PRESIDENT: Order! Will honourable members please desist.

The Hon. K. T. GRIFFIN: Those matters are often most complex and they do take time to resolve. Notwithstanding that, I will ascertain what progress has been made by the commission and bring back a reply.

The Hon. C. J. SUMNER: I seek leave to make a brief explanation before directing a question to the Minister of Corporate Affairs on the matter of non-payment to building contractors, and the directors of companies starting new enterprises after previous enterprises have failed.

Leave granted.

The Hon. C. J. SUMNER: I refer to my previous question relating to George Karounos and associated companies. The non-payment of building subcontractors is not confined to that group of companies. I have also raised the issue in relation to the Johnson group of companies. On Tuesday, the Hon. J. E. Dunford raised it in relation to Brian Grove Constructions. This raises the general problem in the building industry of companies going into liquidation owing money to subcontractors and then the principals starting a new company and continuing as though nothing had happened, while workers are left lamenting.

The fact is that in the parlous state of the building industry in South Australia the problem of building companies going into liquidation and leaving subcontractors lamenting has become acute. It raises the question of what steps can be taken to protect subcontractors. It is also

disturbing that there is a common practice, particularly in the building industry, of principals of a company, after its collapse, starting a fresh company and engaging in the same work as the failed company. The principals' personal assets, many of which have been acquired to the detriment of the company, cannot be recovered. I have raised these matters previously with the Attorney.

Does the Government intend to take any action to try to protect the rights of subcontractors in these circumstances, and does the Government have any proposal to prohibit or control the practice of directors of a company, after its collapse, starting a similar business with a new company?

The Hon. K. T. GRIFFIN: I have indicated on previous occasions that there are only very limited powers under the present Companies Act to deal with the problems to which the Leader of the Opposition has referred. Also, I have previously indicated that there are very much strengthened provisions in the new national companies and securities code. The national co-operative companies code is expected to be in operation early in 1982. So far as the precise details of the new code are concerned, I will obtain them for the Leader and ensure that he gets them.

PASTORAL LANDS

The Hon. N. K. FOSTER: Has the Minister of Local Government a reply to my question about pastoral lands?

The Hon. C. M. HILL: The following is the reply to the question asked on 4 August:

1. Copies of the South Australian Pastoral Lands Report were posted on 10 June 1981 to all known and identifiable Aboriginal communities and groups in the subject area. In addition, copies of the report have been provided to all Adelaide-based representatives and offices of Aboriginal interests.

2. Not applicable.

3. No.

4. Not applicable.

5. Yes. The reference to Pitjantjatjara land rights in the report comprises a statement of facts relating to the freehold title provided by the subject Act. Such factual statements cannot be construed as having any meaning or implications for Aboriginal groups other than the Pitjantjatjara.

6. The closing date for receipt of public comments on the report was extended to 15 August 1981 in those cases where such a specific request was made.

COMPANY REGISTRATION

The Hon. ANNE LEVY: I seek leave to make a brief statement prior to directing a question to the Attorney-General on the matter of company registration.

Leave granted.

The Hon. ANNE LEVY: On 3 June this year I asked a question of the Attorney-General regarding the companies that are exempt under section 24 of the Companies Act from providing balance sheets. I received a reply from the Minister dated 3 July, the session having ended. That reply concluded by stating:

> The State A.D.P. Centre will now be approached to undertake a minor programming change aimed at obtaining a separate listing of what companies have Section 24 licences.

As that is now 2½ months ago, I ask the Attorney-General whether such a minor programming change has been achieved and whether that data is available.

The Hon. K. T. GRIFFIN: I will have to refer that matter to the Corporate Affairs Commission because of the detail. I will do so and bring back a reply.

MEAT

The Hon. N. K. FOSTER: Has the Minister of Community Welfare a reply to my question of 26 August about interstate meat importation?

The Hon. J. C. BURDETT: The reply, which I may say was available on 2 September, is that the Minister of Health has investigated the member's allegations and has been assured that McDonald's hamburger meat was derived from forequarters of beef. The Minister deplores the member's efforts to disparage a respected food chain. All food premises at all levels of production, particularly in the Metropolitan County Board area, are subject to routine inspections, the frequency of inspection being related to the particular operators. These types of outlet are inspected, on an average, three times a year. Where there is reason for more frequent inspections, these are made until it can be assured that normal surveillance is justified.

All food products coming into the State are assessed as needed. There is exchange of information about products between the State Health Departments. The exception is carcasses and primal cuts of meat which are subject to surveillance under the Meat Hygiene Act. The South Australian Health Commission has no knowledge of the range of animals slaughtered by the operator supplying McDonald's. Serological testing can determine the types of meat used in minced meat products.

The Hon. N. K. FOSTER: I wish to ask a supplementary question. Will the Minister give consideration to the unanswered portion of the question in respect of the expenditure that the State Government was involved in at the request of McDonald's to have provision made at the abattoirs for special meat for this company, which finally was used for only three weeks? One part of the Minister's answer implies that only beef is used by McDonald's fast food, profit-making outlets. However, the Minister's reply also indicates that the department has no knowledge of what type of meat is used.

The Hon. J. C. BURDETT: I point out that the final sentence of my reply indicates that serological testing makes it possible to ascertain the type of meat used in minced meat products. I will refer all of the honourable member's question to my colleague in another place and bring down a reply.

CORONERS ACT AMENDMENT BILL

The Hon. K. T. GRIFFIN (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Coroners Act, 1975. Read a first time.

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

That this Bill be now read a second time.

It gathers together various amendments to the principal Act, the Coroners Act, 1975, which are conveniently dealt with in one Bill. The Bill proposes an amendment designed to provide flexibility in fixing the salary of the State coroner. Under the present provision, the salary of the State coroner is a fixed percentage of the salary of a Local Court judge. The Bill proposes an amendment expanding the jurisdiction of the coroner to hold inquests so that it includes cases where a person dies outside the State but there is reason to believe that the cause of death arose within the State. The Standing Committee of Attorneys-General has

agreed that such an extension of jurisdiction should be adopted by the States on a uniform basis.

The principal Act presently provides that a coroner may hold an inquest where a person dies while detained or accommodated in a Government institution. 'Government institution' is defined in terms of the expressions used to describe the various bodies by the Acts under which they were established. This definition is now significantly out of date. The approach of listing appropriate institutions in this way has the defect that the list will inevitably require frequent revision. Accordingly, the Bill proposes amendments which would replace this provision with a provision under which an inquest may be held into the death of any person where the death occurred, or the cause of death arose, while the person was detained in custody pursuant to any Act or law or while accommodated in an institution, or a part of an institution, established for the care or treatment of persons who are suffering from mental illness or intellectual retardation or impairment or who are dependent upon drugs.

The Bill proposes an amendment designed to make it clear that a member of the Police Force has the power, when in possession of a warrant of a coroner, to force entry to premises to enable the removal of the body of a dead person. Concern has been expressed about the power of a coroner to commit a person for trial at the conclusion of a coronial inquest. That power was included in 1975, but is now recognised to be inappropriate having regard to the procedures and methods of inquiry in a coronial inquest and those which apply in a normal preliminary examination. The Bill therefore proposes amendments which remove the power of a coroner to commit for trial.

The principal Act provides that the coroner may re-open an inquest if the Attorney-General directs him to do so. The Bill proposes an amendment to this provision under which the coroner may re-open an inquest at any time according to his own discretion. Finally, the Bill proposes an amendment authorising the making of rules relating to the payment of the costs of holding of an inquest. It is envisaged that rules may be made authorising the coroner to order payment of the costs of an inquest by a party who has requested the inquest or who is likely to obtain some benefit from the holding of the inquest. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 deletes from section 6, the interpretation section, the definition of 'Government institution'. This is consequential on an amendment proposed by clause 4. Clause 3 amends section 7 of the principal Act which provides for the appointment of the State coroner. Paragraph *(b)* of subsection (2) of this section fixes the salary of the State coroner at eighty per centum of the salary payable to Local and District Criminal Court judges. The clause replaces this provision with a provision empowering the Governor to determine the salary of the State coroner.

Clause 4 amends section 12 which provides that an inquest may be held in order to ascertain the cause or circumstances of certain events involving the death or disappearance of a person or fires or accidents causing injury to persons or property. The clause amends this section by extending the jurisdiction to hold an inquest into cases where a person dies outside the State and there is reason to believe that the cause of death arose within the State. The clause also deletes the provision under which an inquest may be held into the death of any person while detained or accommodated in a Government institution. Instead, the clause substitutes provisions under which an inquest may be held into the death of any person where there is reason to believe that the death occurred, or the cause of death arose, while the person was detained in custody within the State pursuant to any Act or law, or while accommodated in an institution, or a part of an institution, established for the care or treatment of persons who are suffering from mental illness or intellectual retardation or impairment, or who are dependent upon drugs.

Clause 5 amends section 13 of the principal Act which provides a power of entry for the purposes of an inquest or determining whether an inquest is necessary or desirable. The clause amends this section to make it clear that the power of entry may be exercised at any time and by force, if necessary. Clause 6 amends section 14 of the principal Act. This amendment makes it clear that an inquest must be held if another Act makes provision for the holding of an inquest. Clause 7 amends section 26 which, by subsection (2), authorises a coroner in the course of an inquest to commit a person for trial for an indictable offence. The clause deletes that subsection.

Clause 8 amends section 28 which provides that a coroner may re-open an inquest if the Attorney-General directs him to do so. The clause removes the requirement for there to be a direction from the Attorney-General. Clause 9 amends section 35 of the principal Act which provides that the State coroner may make rules for the purposes of the Act. The clause inserts a provision authorising the State coroner to make rules empowering coroners to order the payment of costs in respect of inquests and providing for the recovery of such costs.

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

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 3)

The Hon. C. M. HILL (Minister of Local Government) obtained leave and introduced a Bill for an Act to amend the Local Government Act, 1934-1981; and to repeal the Levi Park Act, 1948. Read a first time.

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

That this Bill be now read a second time.

Legislation was enacted by Parliament in 1948 to establish a Levi Park Trust to provide for the management of Levi House and surrounding areas donated to the Town of Walkerville by Mrs Constance Belt (nee Levi). The legislation was required as the area at that time was within the Corporation of the City of Enfield and on the boundary of the Town of Walkerville. The trust has a membership of five: two from the Town of Walkerville, one from the City of Enfield, and two appointed by the Governor.

Some years ago the Vale Park area of the City of Enfield was ceded to the Town of Walkerville thereby overcoming the geographic problem which created the need for the trust in the first place. In 1978 the Government of the time attempted to amend the Levi Park Act to remove the City of Enfield membership. The amendment was not proceeded with because of strong representations from the Town of Walkerville that the Act should be repealed altogether.

The Government has had discussions with the trust and the councils involved with a view to making arrangements that will allow for repeal of the Act. The two principal bodies, the trust and the Town of Walkerville, have negotiated an agreement. Under the terms of the agreement the council will establish a management committee in pursuance of section 666c of the Local Government Act whose

membership will be drawn from the present trust. Agreement has also been reached on operational and financial procedures. The present Bill therefore repeals the Levi Park Act, vests the park in the Corporation of the Town of Walkerville and gives statutory recognition to the principal terms of the agreement. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal. Clause 3 enacts new section 886d. Subsections (1) and (2) provide for vesting of the park in the Walkerville Council. Subsection (3) requires the council to maintain the park in perpetuity as a public park. It also provides for the preservation of Vale House and the historic Moreton Bay fig tree growing in the park. Subsection (4) provides for the establishment of a controlling body under section 666c of the principal Act to undertake the care, control and management of the park. Subsection (5) provides that the council is not to alter the use to which the park or any part of the park is put without the consent of the Minister. Clause 4 repeals the Levi Park Act, 1948. As this is a hybrid Bill, I will move at the appropriate time for it to be referred to a Select Committee in accordance with the Joint Standing Orders.

The Hon. C. W. CREEDON secured the adjournment of the debate.

PRICES ACT AMENDMENT BILL

The Hon. J. C. BURDETT (Minister of Consumer Affairs) obained leave and introduced a Bill for an Act to amend the Prices Act, 1948-1980. Read a first time.

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

That this Bill be now read a second time.

It proposes the extension, for a further three years, of the powers conferred by the principal Act, to fix and declare the maximum or minimum price of certain goods and services. Section 19 of the principal Act empowers the Governor to proclaim specified goods and services as declared goods and services. Sections 21 and 24 empower the Minister of Consumer Affairs to fix and declare the maximum price at which, respectively, declared goods and services may be sold, while sections 22a and 22f empower the Minister to fix and declare the minimum prices respectively for which winemakers may purchase wine grapes and for the supply of liquor. Section 53 provides that these powers, and the orders made in pursuance of them, expire on 31 December 1981.

In December 1979, the Government approved the retention of formal price control in certain instances and the establishment of a system of price justification and price monitoring in other cases. Prior to 1978, section 53 of the principal Act was amended annually to extend for a further year the period for which declarations under sections 19, 21, 22a, 22f, and 24 could be made and remain in force. In that year, however, section 53 was amended so that the expiry date was extended for three years. This proposal was supported by the present Government while in Opposition, as it was recognised that, while the price control powers should be reaffirmed regularly by Parliament rather than continuing indefinitely, it was both inconvenient and unnecessary that this be done annually.

It is the Government's policy to minimise interference in the operations of businesses and, in particular, to minimise restrictions on the market pricing of goods and services. Nevertheless, the Government recognises the need in some circumstances to use price control as a legitimate tool for ensuring fair trading within the market place. This is particularly so in relation to prices for petroleum, liquor and wine grapes, which are some of the products in relation to which the price control powers under the Act relate. I believe that it is essential in these areas and other areas of public interest that a power should exist to regulate the prices of those goods. The present Bill accordingly extends the current expiry date by a further three years.

Clause 1 is formal. Clause 2 alters the date fixed for the expiry of the price-fixing powers from 31 December 1981 to 31 December 1984.

The Hon. C. J. SUMNER secured the adjournment of the debate.

BUDGET PAPERS

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

That the Council take note of the papers relating to the Estimates of Payments and Receipts, 1981-82.

In so moving, I draw the attention of honourable members to papers which, for the first time, encompass recurrent and capital transactions within the one Consolidated Account and within the one piece of legislative authority. I am also continuing the practice recently established of tabling the Budget papers before debate is called on on the Appropriation Bill so that every member will have more time to consider their contents.

In moving this motion, I want to draw attention to significant factors in the Budget papers by way of overview, putting the papers into context. The Government's Budget proposals for 1981-82 are for a small deficit of $3 000 000 on the Consolidated Account. A deficit of this order would increase the accumulated deficit of $6 600 000 recorded as at 30 June 1981 to $9 600 000 as at 30 June 1982. On the face of it, that does not appear to be a bad result. In terms of our overall Budget strategy, it is manageable. However, to gain a better understanding of the real position, it is necessary to look at the components which make up the deficit of $3 000 000. They are recurrent receipts and payments, where the forecast is for a deficit of $47 000 000, and capital receipts and payments, where the forecast is for a surplus of $44 000 000.

That, of course, is far from being an ideal prospect. In normal circumstances, it would not be necessary. However, it needs to be seen in the context of the most difficult financial situation that faces all States at this time—a situation that is, very largely, beyond the immediate control of the States. When those difficulties are outlined and appreciated, the people of South Australia will recognise this Budget as a realistic one and as representing the only responsible strategy which could be followed, properly, under all the circumstances.

Before turning to specific financial matters, I believe that it would be useful to refer to the economic background against which the Budget has been framed. Honourable members would appreciate that, while the Budget of a State cannot be regarded as an instrument of economic policy in the same way as the Budget of the Commonwealth, it is, nevertheless, influenced significantly by, and to some extent can influence, economic trends and developments in the State.

The Australian economy continues to grow quite steadily and more strongly than most other O.E.C.D. countries. Preliminary estimates put growth in real non-farm domestic product in 1980-81 at 4 per cent, and papers presented by the Federal Treasurer as part of the Commonwealth Budget suggest a growth rate in 1981-82 of from 3 per cent to 3.5

per cent. This performance compares favourably with recent and expected trends in other Western economies. For the first time for some years, there has been a perceptible improvement in the unemployment situation, as employment opportunities have grown faster than the work force. At the end of June 1981, Australia's unemployment rate had fallen to 5.2 per cent, the lowest rate since 1976.

In South Australia, the disastrous loss of some 20 000 jobs during the period 1977 to 1979 has been halted. However, while the number employed since then has increased significantly, unemployment still remains at an unacceptably high level. This is of great concern to the Government, as I am sure it is of concern to every honourable member. As is evident, it is a situation that has resulted from an accumulation of factors operating over a number of years, and the Government does not believe, nor has it ever pretended, that this problem can be solved overnight. We have set in train policies to improve the position, and we believe that these policies are starting to work. We have set a climate to encourage broad economic growth, to attract industry to the State and to create jobs.

In the past two years, at least 65 companies have established in South Australia or have expanded their activities here. This growth in the industrial sector alone has created more than 3 000 new jobs, and there are genuine prospects that this expansion in the private sector will continue. Last month, during the Address in Reply debate, I read into *Hansard* a long list of new investments in South Australia, which reflects the increased confidence expressed in our State.

In the natural resources area, prospects for future look good and the resource base is expanding. While it needs to be recognised that the main benefit of development in this area will be felt in the medium to long term, the high level of exploration activity is already translating itself into further employment opportunities. For example, Santos expects to increase its work force from its present level of about 500 to approximately 900 in the next three to five years, with the development of the Cooper Basin liquids project. At Roxby Downs, the number of people employed in exploration has more than doubled in the past two years and now exceeds 200. However, for some years, economic conditions in South Australia will continue to be heavily dependent on our basic manufacturing industries, such as the motor vehicle and white goods industries, and on levels of demand in the country as a whole. I will return to our natural resources in more detail in just a moment.

Any comment on the economy would be incomplete without reference to three important factors which, if not managed properly, could erode seriously the progress which has been made. The first is the emerging resurgence of excessive wage demands. While growth in prices moderated in 1980-81, the prospect of accelerating wage and price inflation in 1981-82 is of great concern. This Council is well aware of the Government's strongly held belief that the wage and salary earner should not have to bear the full brunt of the fight against inflation.

However, members are aware also of the Government's determination to do all it can responsibly to encourage moderation in wage and salary demands. It is a determination which stems from an equally strongly held belief that excessive wage demands will jeopardise potential major developments in the State with consequent adverse effects for employment and for the general well-being of all South Australians; secondly, the high rates of interest which have resulted from inflationary pressures and a strong demand for capital funds. Ironically, the latter springs from growth in the economy and the investment opportunities associated with that growth and the consequent pressure placed on the domestic capital market. Thirdly, because of the nature of this State's manufacturing sector, the Commonwealth Government's policies on protection are of critical importance to South Australia. The strong pressure for reduced tariffs, both within and outside the Commonwealth Government, is a matter of grave concern.

There is no doubt that the economic future of South Australia will be influenced substantially by resource development. The signs in this respect are indeed favourable. Exploration for a diversity of minerals and petroleum, mostly by large companies having extremely sound technical and financial capacities, is at an unprecedently high level in this State. Also, there has been an expanded and most gratifying interest in exploration for oil and gas over the past two years. There is petroleum exploration on-shore and off-shore at very satisfactory levels. On-shore exploration is now no longer limited to the Cooper and Pedirka Basins in the North of the State. It is also taking place in the Pirie-Torrens, Arrowie, Murray and Otway Basins. Expenditure commitments exceed $200 000 000.

Off-shore exploration commitments now total more than $130 000 000, with extensive work to be carried out in the Great Australian Bight and the Otway Basin. It is expected that Occidental and Outback will be drilling in this area in the Bight before the end of this year. This will be the first off-shore well to be drilled in South Australian waters since 1975. In the petroleum area, earlier exploration effort is now bearing further fruit as the Cooper Basin liquids project has accelerated. Activity on the Roxby Downs project is continuing apace. The Minister of Mines and Energy has been engaged in detailed negotiations with representatives of the joint venturers on the terms of indenture. The present aim is to present ratifying legislation for the consideration of Parliament before the end of the present calendar year.

A very large increase in the capital expenditure of the Electricity Trust reflects progress in building the Northern Power Station and associated development at Leigh Creek to make maximum use of our relatively poor grade coal. The recently upgraded assessment of the coal deposit near Sedan is further welcome evidence of potential expansion.

Against that general economic background, I turn now to discuss some of the main elements affecting the State Budget position. Two major issues stand out: the financial stringency arising from the Premiers' Conference and Loan Council meetings of 4 May and 19 June 1981; and the rate of wage and salary increases which are in prospect for 1981-82. Dealing with Commonwealth funds, the Premier states:

> Funds provided by the Commonwealth Government, together with borrowings over which it has a large influence, finance around 70 per cent of the outlays of the South Australian public sector. It goes without saying that trends in funds provided by the Commonwealth Government are of crucial importance in determining the shape of the State's Budget. I propose to outline briefly some of the broad features of the Commonwealth Government's financial policy. The Commonwealth Government has reduced its overall budget deficit from a peak of $3 600 000 000 in 1975-76 to an estimated $146 000 000 in 1981-82. A domestic deficit of $2 900 000 000 in 1975-76 has been turned into an estimated surplus of $1 500 000 000 in 1981-82.
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> This has been achieved largely as a result of growth in taxation. Commonwealth Budget receipts expressed as a proportion of gross domestic product increased in 1980-81 and are expected to do so again in 1981-82. The outlays side of the Commonwealth Government's Budget is most informative. One of the most notable features is that payments to the States have grown much more slowly than the Commonwealth Government's expenditure on its own purposes. Over the three years from 1977-78 to 1980-81, allocations to the States increased by only 24 per cent, while all other outlays increased by 43 per cent. The Commonwealth Budget for 1981-82 shows an increase of only 8 per cent in funds for the States, which is well below the current and expected level of inflation. That increase compares with a very high increase of 15 per cent (almost double the rate of increase to the States) on expenditures for Commonwealth purposes.

The contrast is stark. The Commonwealth Government's success in restraining its expenditures has been achieved at the expense of the States. For South Australia, the position is even worse than it is for the six States taken as a group, partly because of lower than average population growth and partly because we have not shared in special allocations made to some other States. After allowing for an incompatibility in the figures because of Land Commission funds, the estimated increase in Commonwealth payments to South Australia in 1981-82 is just over 6 per cent, obviously well below the rate of increase in costs which might be expected. To put these figures in perspective, we need to look at the gap between that increase and what would be required to keep pace with cost increases.

The Commonwealth Budget forecasts a rate of inflation in 1981-82 of about 10.75 per cent as measured by the consumer price index. But the rate of increase in costs for State Governments whose Budget outlays are so heavily in wages and salaries, currently increasing at a rate of about 14 per cent a year, is well above the rate of the C.P.I. On the conservative assumption that our cost increases overall will be about 12 per cent this year, the gap is equivalent to about $80 000 000. Even if we were to take into account the increase we received in borrowing authority under the infrastructure programme, the shortfall would still be of the order of $35 000 000.

Dealing with wage and salary awards, the Premier states:

The Budget I presented to Parliament last year included a round sum allowance of $79 000 000 for increases in wage and salary rates expected to occur in 1980-81. It was the second largest allowance included in a Budget of this State. With large indexation and so-called 'work value' increases, the actual cost turned out to be $92 000 000, despite the Government's best efforts to contain it.

For 1981-82, the position is most uncertain. Already, a number of claims are in the pipeline with a major one relating to a work value increase for school teaching staff. I must say that I find it difficult to reconcile the facts that, on the one hand, some teachers are prepared to demonstrate against soundly based management decisions using the protection of quality of education for students as their warrant; and yet, on the other hand, appear to be seeking a 20 per cent increase in their salaries, knowing full well that the granting of an increase of that magnitude (or anything like it) must inevitably deplete the limited funds available to provide essential resources for the education of those students.

If excessive claims of this kind are not resisted, then it is clear what the impact will be. Quite plainly, the State will be able to afford to employ fewer people than would otherwise be possible. I have put the point bluntly, not as a threat but as a fact of life, so that those seeking or supporting excessive wage increases will be left in no doubt of the inevitable consequences of their actions.

And for those who might believe that, because we have made a large provision of $78 000 000 for wage increases in 1981-82, we can afford to pay them, let me say this: that provision has been made largely at the expense of our capital works programme. It means less money for essential public works, less work for the building and construction industry and less employment for those who need it desperately. It cannot be emphasised too strongly that continued and excessive wage increases will cost jobs.

It is after having regard to these two major constraints that the Government's Budget strategy for 1981-82 has been developed. The Premier has already referred to the limited number of increases in State taxes, and the Budget papers I have already tabled. In dealing with expenditure restraint, the Premier states:

Firm and responsible control over all public expenditures is the single most important element in the financial policies of this Government. It is the major feature of the Government's 1981-82 Budget strategy. In pursuing that strategy, the Government has had regard to three key factors: holding the aggregate level of expenditures as far as practicable within the level of funds available; ensuring that, within the aggregate, individual allocations are made responsibly to reflect essential community needs; and ensuring that resources are used to provide for those needs in the most effective way so that maximum benefit is obtained for each dollar spent. To give effect to this approach in the strongest possible way, my Government has established a Budget Review Committee.

In performing its tasks, the committee has examined carefully with all agencies their objectives, the specific functions they perform, the effectiveness of those functions in meeting the needs of the community, and the resources allocated to the performance of those functions and savings which might be made.

The effect of that review enables the Government to plan now, in 1981-82, to reduce recurrent expenditures by some $22 000 000 below the level at which they were running at 30 June 1981 without affecting adversely the standard of services to the community.

Through the Budget Review Committee, the Government will be monitoring and reviewing expenditure trends carefully during 1981-82. It will ensure that agency expenditures are kept within the limits set by this Budget, unless exceptional circumstances arise or there is an unavoidable and unforeseen requirement.

As to capital works, funds will be under considerable pressure in future years as the State attempts to make some contribution towards infrastructure for major developments as well as coping with normal demands. In 1981-82, capital funds will be under further pressure due to the need to provide up to $44 000 000 to support recurrent operations, depending on the extent of wage increases during the year.

I refer honourable members to the papers which have been tabled for more details of other matters affecting the finances of the Government. I commend those papers to honourable members' attention. I also commend the motion to honourable members.

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

PUBLIC PARKS ACT AMENDMENT BILL

Read a third time and passed.

FIRE BRIGADES 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.

It originated in another place and has been to a Select Committee of that place, providing for a complete reorganisation of the South Australian Fire Brigade. The Bill provides for the abolition of the Fire Brigades Board and the establishment of a Government corporation constituted of the Minister. This is in accord with the recommendations of the Select Committee. Those recommendations were made after careful consideration of all the evidence submitted to the committee, including the advice from an experienced fire engineering consultant, Mr R. Cox. Instead of administration by the board it is proposed that the Chief Officer will be directly responsible for administration to the Minister. This innovation will, I am sure, be envied by other States in Australia. It was considered by the Select Committee and is proposed by the Government that the Chief Officer be employed on a contractual basis. It is apparent, from the evidence taken, that morale within the brigade will be lifted considerably with the implementation of these new arrangements.

The Government proposes to establish a Fire Service Advisory Council to advise the Government on all matters relating to fire services in South Australia. This will involve reporting to the Government on the ways and means of improving the efficiency of both the Metropolitan Fire Service and the Country Fire Service. The council will be widely represented to ensure that the Government is provided with expert advice on all matters concerning fire services in South Australia. The Chief Secretary has indicated in another place that the advisory council will consist of 10 members with representation as follows: a chairman who would be appointed by the Minister; a representative

of the Fire Brigade Officers Association; a representative of the Fire Fighters Association; two persons nominated by the Country Fire Services Board; a representative from local government; a representative from insurance companies; a person nominated by the South Australian Chapter of Architects; a person nominated by the United Farmers and Stockowners Association; and a person nominated by the Building Owners and Managers Association.

The Chief Secretary has also indicated to me that it is his intention to approach the Local Government Association for its representative to be the representative from local government and to approach the insurance council in Adelaide for its representative to be the representative from insurance companies.

The Government also proposes to establish a consultative committee within the corporation to enable clerical and administrative staff, as well as operational staff within the corporation, to exchange ideas on matters affecting their work environment. It is the policy of this Government to encourage on a voluntary basis communication between employees and management. The exchange of information is the core of good industrial relations, and the formation of this consultative committee will enable this objective to be achieved.

It is also proposed to establish a specialist committee to examine present funding arrangements and to make recommendations to the Government on a more equitable method of funding. The terms of reference of the Select Committee did not allow the committee to examine the question of funding and, therefore, the Chief Secretary has indicated that this matter will be examined as a matter of priority.

The Bill has been given a great deal of attention. It is what the operational staff of the brigade seek and I believe that in future other States in Australia will consider adopting the same administrative structure. I believe that the problems facing the brigade will be largely overcome with this change in administration, and I commend the Bill to the Council. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal. Clause 3 replaces section 1 of the principal Act. The new citation of the Act is a consequence of the decision to rename the authority responsible for fire-fighting services in built up areas of the State. Clause 4 makes consequential amendments to section 4 of the principal Act.

Clause 5 inserts new section 4a into the principal Act. This section is a transitional provision required because of the abolition of the Fire Brigades Board and the transfer of the board's function to a new corporation constituted of the Minister. New section 4a(1) vests the property and liabilities of the board in the new corporation. Subsection (2) ensures that references to the board that appear in other legislation will be construed as references to the new corporation. Subsection (3) provides that employees of the board will become employees of the new corporation without prejudice to the terms of their employment or to their accrued rights.

Clause 6 amends the definition section of the principal Act. A new term 'commanding officer' is defined by this amendment to mean a person who has command of a fire brigade, or is in command at the scene of a fire or who has the task of investigating and reporting on the causes of a fire. The other amendments are consequential.

Clause 7 replaces sections 6 and 7 of the principal Act with a simplified provision which has the same effect but which avoids the otiose parts of the existing sections. Clause 8 replaces the heading to Part II of the principal Act. Clause 9 replaces the provisions of Part II with four new sections. New section 8 establishes the South Australian Metropolitan Fire Service as a corporation constituted of the minutes. The committee recommends the use of the name, as it reflects the fact that the new corporation will be the counterpart of the Country Fire Services Board established under the Country Fires Act, 1976-1980. Section 8 (3) is an evidentiary provision. Section 9 provides the functions and powers of the corporation and section 10 allows the corporation to delegate its functions or powers to the Chief Officer or any other person. Sections 11 and 12 provide for audit of the corporation's accounts and the submission of an annual report of the administration of the principal Act to Parliament.

Clause 10 makes a consequential amendment to section 34 of the principal Act. Clause 11 makes consequential amendments to section 35 of the principal Act. At the moment, the board has power to make by-laws under section 31 of the principal Act. It is proposed that these will be replaced by regulations made under the Act. The amendment made by this clause to section 35 (1) is to substitute 'this Act' for 'by-laws'. Section 4 of the Acts Interpretation Act, 1915-1978, provides that the words 'this Act' includes a reference to regulations made under the Act in which they are used.

Clauses 12 to 14 make consequential amendments to various sections of the principal Act. Clause 15 repeals sections 40, 41, 42 and 43 of the principal Act and replaces them with three new sections. New section 40 (1) provides for the principal officers of the corporation. Subsections (2) and (6) provide for employment of employees and officers. By subsection (7) the appointment of a principal officer must be approved by the Governor. Subsections (3) and (4) provide for circumstances where the Chief Officer or any other person is absent or unable to act. Subsection (5) provides the structure of authority in the administration of the principal Act. Section 41 sets out the responsibilities of the Chief Officer and section 42 provides for the command of fire brigades.

Clauses 16 and 17 make consequential changes to sections 45 and 46 of the principal Act. Clause 18 repeals section 47 of the principal Act. This section is now otiose. Clauses 19 and 20 make consequential amendments to sections 48 and 49 of the principal Act. Clause 21 replaces section 50 of the principal Act. Under the new section the Chief Officer, or in his absence the most senior commanding officer at the scene of a fire will command all fire brigades at the fire. By subsection (2) where a fire brigade is called to a fire outside the area to which the principal Act applies the commanding officer must inform the Director of Country Fire Services. Clause 22 makes consequential amendments to section 51 of the principal Act. Paragraph *(b)* removes unnecessary verbiage from subsection (1). Subsection (2a) is a transitional provision that is no longer required and is therefore removed.

Clause 23 makes consequential amendments to section 52 of the principal Act. Clause 24 replaces the heading to Part VI of the principal Act. Clause 25 replaces the first three subsections of section 53 with four new subsections. Besides making consequential changes the new subsections replace the substance of the existing provision in a more concise form. Clauses 26 to 32 make consequential amendments to sections 54, 55, 58, 59, 60, 60a and 61 of the principal Act. Clause 33 replaces section 62 of the principal Act with a new section. The alteration is consequential.

Clause 34 amends section 65 of the principal Act. Paragraph *(a)* removes an anachronistic reference to 'artificial light'. Paragraph *(b)* is consequential. Clauses 35 and 36

make consequential changes to sections 66 and 69 of the principal Act. Clause 37 replaces subsection (1) of section 70 of the principal Act with a more concise provision that also makes consequential changes.

Clause 38 makes consequential amendments to section 71 of the principal Act. Clause 39 replaces section 72 of the principal Act with a more concise section having similar effect. The existing subsection (2) is now otiose because of the enactment of the Coroners Act, 1975. Clause 40 makes consequential amendments to section 73 of the principal Act. Clause 41 repeals section 74 of the principal Act. Clauses 42 and 43 make consequential amendments to sections 75 and 76 of the principal Act. Clause 44 replaces and expands the regulation-making power under the principal Act to accommodate the by-law making power contained in the repealed section 31. New subsection (3) is a transitional provision.

Clauses 45 and 46 repeal sections 79 and 80 respectively of the principal Act. The new corporation is an instrumentality of the Crown and the Crown Proceedings Act 1972-1980, applies to the matters provided for by these sections. Clause 47 repeals section 81 of the principal Act. Clause 48 makes consequential amendments to section 83 of the principal Act. Clause 49 repeals the third schedule to the principal Act.

The Hon. C. J. SUMNER secured the adjournment of the debate.

MINING ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

It makes a number of miscellaneous amendments to the Mining Act. Perhaps the most important of the proposed amendments are those relating to the creation of strata titles in respect of mineral lands. Western Mining Corporation presently holds an exploration licence in respect of the Olympic Dam area. An application for a licence to cover the Andamooka opal field has been lodged but it is not presently possible for the company to explore for minerals beneath the precious stones field. It is essential that Western Mining Corporation be allowed to drill in this area in order to determine whether the mineralisation similar to that existing at Olympic Dam extends under the field. The Bill accordingly introduces strata title provisions which will allow such exploration to take place. The proposed amendment has been discussed with the various opal miners' associations and has received their approval. It should be noted that the amendments permit only exploration at this stage, and that before a production tenement could be granted in respect of the sub-surface stratum a further resolution of both Houses of Parliament is required. Thus, the interests of the opal miners will receive proper consideration at the appropriate time if in fact the exploration work does reveal mineral deposits below the existing precious stones field which are commercially exploitable.

The maximum term of an exploration licence is currently two years. It is proposed to increase this maximum term to five years. However, after an initial period of two years the Minister may require a reduction in the area comprised in the licence. This provision is somewhat analogous to the system that operates in relation to petroleum exploration.

The principal Act at present provides for mining operators to enter into bonds ensuring satisfaction of civil liabilities that they may incur in the course of carrying on those operations. The Bill proposes to expand the existing provisions to make them more flexible and to make it possible for a bond to relate also to rehabilitation work that the mining operator is required to carry out either in pursuance of provisions of his tenement or in pursuance of provisions of the principal Act.

The Bill also proposes that notice of entry should be given by mining operators to the owner or occupier of all land except where the land is comprised in a precious stones field. At present notice of entry is only required where the land is freehold land or is held under a perpetual lease or an agreement to purchase from the Crown.

The Bill amends the principal Act in regard to royalty. It alters the point at which minerals are valued for the purpose of determining the value in respect of which royalty is calculated. It provides that the Minister shall fix a value based upon the saleable value of the minerals, assuming that any processing that would normally be carried out by the holder of the production tenement were in fact carried out by him. The Bill makes several modifications to the principal Act of a more minor nature. These include the following:

(a) Companies will not be allowed to hold precious stones prospecting permits under the provisions of the Bill. Many companies have been formed by opal miners in order to circumvent the principle that only one claim may be held by one person.

(b) A new provision requiring notice of intention to use declared equipment on an opal field is inserted by the Bill. This new provision is considered necessary in the interests of safety because large tracts of ground have been worked underground with no visible signs of surface disturbance.

(c) Provision for notice of pegging of precious stones claim is inserted by the Bill. Such a provision presently exists in the regulations but it is felt that the regulation may possibly be *ultra vires.*

(d) A provision is made for the surrender of a precious stones prospecting permit. Problems have arisen where people have applied for social security benefits but have been refused because they hold a permit. This provision will permit surrender of the permit.

I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1, 2 and 3 are formal. Clause 4 makes amendments to the definitions contained in the principal Act. A new definition of 'exploring' is inserted making it clear that this term includes both exploratory operations as such and operations for the purpose of proving the extent of a mineral deposit. A new definition of 'fossicking' is inserted to exclude any operations that involve a disturbance of land or water by machinery or explosives. The definition of 'minerals' is amended to make it clear that the term includes oil shale. A new definition of 'precious stones field' is included to make it clear that where the lands constituting the field have been divided into strata the field consists only of the surface stratum. A new definition of 'prospecting' is inserted in order to exclude from the meaning of that term operations that involve disturbance of land or water by machinery or explosives. New definitions of 'subsurface stratum' and 'surface stratum' are inserted. These definitions relate to the strata title provisions.

Clause 5 amends section 7 of the principal Act. This amendment makes it clear that the principal Act does not regulate quarrying operations carried on in pursuance of

the Highways Act or the Local Government Act. Clause 6 amends section 8 of the principal Act to make it possible for the Governor to divide mineral lands into strata. Clause 7 deals with the provision of the principal Act relating to exempt lands. The amendment relates to the cesser of exemption. At present the exemption ceases upon payment of compensation determined between the mining operator and the land owner or fixed in default of agreement by the Land and Valuation Court. The new provision gives the parties and the court greater scope to determine terms and conditions upon which the exemption shall cease to operate. It also provides that the exemption shall revive upon completion of the mining operations in respect of which it was granted or upon the expiration of such other period as may be determined by the parties or by the Land and Valuation Court.

Clause 8 makes amendments to section 10a of the principal Act which deals with mining for radioactive minerals. These amendments are consequential upon changes in the definition of 'prospecting'. They also provide that the Minister may authorise mining operations in respect of radioactive minerals where the relevant mining tenement is a retention lease rather than a mining lease. This amendment is consequential upon the recent introduction of this class of mining tenement.

Clause 9 amends the provisions of the principal Act relating to royalty. The amendments to subsection (4) vary the point at which the value of minerals is assessed for the purpose of calculating royalty. A new provision enables the Minister to remit payment of royalty where the burden of royalty payments would render mining operations uneconomic. Clause 10 amends section 20 of the principal Act by permitting surrender of a miner's right.

Clause 11 amends section 22 of the principal Act. The amendmens permit pegging of a claim in respect of a subsurface stratum. Clause 12 amends section 24 of the principal Act. At present a mining registrar may refuse to register a claim where the lands to which the claim relates are subject to an application for an exploration licence. The amendment provides that where the claim relates only to extractive minerals the mining registrar is not to exercise the discretion to refuse to register the claim.

Clause 13 amends section 25 of the principal Act which sets out the rights conferred by a mineral claim. The new subsection (1) is largley consequential upon alterations to the definitions of 'prospecting' and 'exploring'.

Clause 14 amends section 26 of the principal Act. The amendment permits surrender of a mineral claim in a prescribed manner. Clause 15 is a consequential amendment to section 27. Clause 16 amends section 28. The purpose of the amendment is to permit the grant of an exploration licence in respect of a subsurface stratum.

Clauses 17 and 18 make consequential amendments to sections 29 and 30 respectively. Clause 19 extends the maximum term of an exploration licence from two to five years, providing at the same time for possible reduction, upon renewal, of the area to which the licence relates. Clause 20 amends section 33 of the principal Act. The amendments are consequential upon other provisions of the Bill.

Clause 21 makes it possible to grant a mining lease in respect of lands within a subsurface stratum. However, it should be noticed that such a lease can only be granted if authorised by a resolution of both Houses of Parliament. Thus Parliament will have an opportunity to assess, and provide against, any adverse effects that might result from the granting of the lease before mining production is commenced.

Clause 22 deals with the information to be furnished by an applicant for a mining lease and provides that a lease is not to be granted unless commercially exploitable deposits have been found to exist. Clause 23 provides for notice to be given to the landowner and also to the council for the relevant area before a mining lease is granted. In deciding whether to grant the lease, or in framing the conditions on which it is to be granted, the Minister is obliged to have regard to submissions made by him by the landowner or the council.

Clause 24 provides for the grant of a mining lease for a non-renewable term. Clause 25 makes a consequential amendment. Clause 26 repeals section 41. This section provides for the granting of a mining lease, in special circumstances, over an area greater than that fixed by the regulations as the maximum permissible area in respect of which a mining lease may be granted. The provision is no longer considered necessary.

Clause 27 amends section 41a which deals with retention leases. The amendments are consequential upon the proposed introduction of strata titles. Clause 28 extends the term of a retention lease from one year to five years. Clause 29 re-defines the rights conferred by a retention lease.

Clause 30 prevents the grant of a precious stones prospecting permit to a body corporate and provides for the surrender of a precious stones claim. Clause 31 is a consequential amendment. Clause 32 provides for notice of the pegging of a precious stones claim to be given. Clause 33 reduces the period within which an application for registration of a precious stones claim must be made from 30 days to 14 days and makes provision in the regulations specifying the office at which the application for registration must be made.

Clause 34 is a consequential amendment. Clause 35 removes the requirement that prospecting for precious stones can only be carried out on a precious stones field on a precious stones claim that has been duly pegged out. Clauses 36, 37 and 38 make consequential amendments. Clause 39 reduces the period within which objection to entry of land for mining purposes may be made by a mining operator from six months to three months from service of notice of entry. A copy of any objection must be sent by the court to the mining operator.

Clause 40 provides that notice of entry must be given by a mining operator to the owner or occupier of land notwithstanding that the owner or occupier has no right to object (that is, notwithstanding that the land is not freehold land and is not held under a perpetual lease or agreement to purchase). Clause 41 provides for notice of intention to use declared equipment on a precious stones field to be given. Clause 42 allows for the case where detailed provisions relating to the rehabilitation of land disturbed by mining operations are inserted in the relevant mining tenement. These provisions may exclude the discretionary powers of inspectors under section 60.

Clause 43 expands the provisions relating to bonds in order to enable terms relating to the rehabilitation of lands disturbed by mining operations to be included. Clause 44 enacts new Part IXA of the principal Act. This new Part enables the pegging of access claims to permit access to subsurface strata. Clause 45 enables the Director or a mining registrar to appeal against a decision of the warden's court, whether or not he was a party to the relevant proceedings. It also deals with the time for institution of an appeal.

Clause 46 provides for the making of rules of the warden's court prescribing fees payable upon lodging documents with, or the issuing of documents by, the warden's court. Clause 47 corrects a typographical error. Clauses 48 and 49 prevent surrender of a mining tenement pending the determination of an application for its forfeiture.

Clause 50 amends a heading in the principal Act. Clause 51 provides for the lodging of caveats to protect interests that might have been acquired in mining tenements. Clause 52 expands to some extent the grounds on which an order may be made excluding a person from a precious stones field but provides that applications may be made to the Minister for revocation of such an order upon or after the expiration of 12 months from the date on which the order takes effect.

Clause 53 makes a consequential amendment to section 76. Clause 54 corrects a typographical error. Clause 55 provides for exemptions to be granted in appropriate circumstances either from the provisions of a mining tenement or the principal Act. Clauses 56 and 57 make consequential amendments. Clause 58 makes a typographical amendment. Clause 59 makes a consequential amendment.

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

COMMUNITY WELFARE ACT AMENDMENT BILL

In Committee.

(Continued from 16 September. Page 925.)

The Hon. BARBARA WIESE: I would like to indicate at the outset that the Opposition supports all three amendments made by the House of Assembly. The first one acknowledges the important role of the non-government sector in the design and delivery of community welfare services. In many cases non-government organisations provide services which Government bodies do not, and therefore they often have information and a perspective on welfare needs which is different from that of Government agencies, and can make a very valuable contribution. It is rather unfortunate and remiss of both the Government and the Opposition that we did not consider this matter earlier and include an expression like the one covered by the amendment. I am grateful that this matter has been brought to our attention. If the Government had not moved an amendment along these lines, it was the intention of the Opposition to do something similar. We are very happy to support the amendment.

While I have the opportunity, I would also like to clarify my own position on the work of voluntary agencies, in the light of remarks made in another place during the debate on this Bill. The member for Newland wrongly accused me of lacking support for non-government welfare organisations and implied that there was some difference in view between the Opposition shadow Minister and myself on this issue. Like my colleague in another place, I have the highest regard for the work of non-government organisations. Without their efforts there would be devastating gaps in the delivery of welfare services in this State which would cause enormous hardship to many people. The remarks which were referred to by the member for Newland and which I made in this place actually echoed reservations which had been expressed to me by non-government organisations in regard to problems which might arise through contracting out welfare services.

Those organisations were concerned that contracts may be used to promote and increase the use of voluntary programmes run by untrained amateurs in the welfare field. These organisations and I were concerned that this should not occur in areas where professionally qualified welfare workers would clearly serve the interests of the community better than untrained people. We have to face the fact that in some situations, regardless of their sincerity and commitment, untrained people may cause more damage than good. I think this was a perfectly reasonable concern which needed to be expressed during the debate in this place on the Bill. It was in no way meant to reflect on the many non-government agencies in South Australia which provide a magnificent service to the community.

The second amendment is also supported by the Opposition. The spirit of that amendment could perhaps be implied by the paragraph which will proceed it in the Bill. However, I believe that the amendment states much more clearly a principle which is crucial to the development of a multi-cultural society. It is consistent with A.L.P. philosophy, and we support that amendment. I take it that the term 'ethnic' for the purposes of this Bill will include Aboriginal people. Perhaps the Minister would like to comment on that later.

The third amendment is also agreed to by the Opposition. The intention of that amendment is implicit in the Bill as it stood, as the Minister has already pointed out. However, if it removes doubt which may exist among the medical profession about their rights and responsibilities in this area, we believe that it is desirable to spell out that provision much more clearly, and for that reason we support the third amendment.

The Hon. J. C. BURDETT: The Hon. Miss Wiese has said that in respect of the first amendment it was probably remiss of the Government and the Opposition that the provision had not been there before. That may be true but I point out the long history of consultation on this Bill. Before the last election, our community welfare policy was that, in Government, we would set up an inquiry into the delivery of welfare services and that the main thrust and emphasis of that inquiry would be to obtain the views of the clients, the recipients of welfare services. The outcome of that when we came into Government was the appointment of the Mann Committee. The committee did that and obtained the views of the clients. The South Australian Council of Social Service made submissions to the committee. There was every opportunity, during the several months that the committee sat, for suggestions to be made.

I originally introduced this Bill nearly a year ago. It was allowed to lie on the table of this place for some months until February for the very purpose of there being public comment and to have the Bill subjected to public scrutiny, particularly scrutiny by clients, SACOSS, other voluntary agencies, and other interested people. When the Bill was passed here and went to the other place, it lay on the table there until prorogation and was revived during the present session. The purpose of that proceeding, as expressed by me, was so that people could comment. One of the few suggestions made was this one from SACOSS that we should specifically refer in the clause to consultation with non-government organisations. As soon as that suggestion was made, I readily acceded to it. I think it is a compliment to the people in my department, Professor Mann, those involved in the draftsmanship, Parliamentary Counsel, and others involved that, after long consultation by the Mann Committee and after the Bill being on the table for about 12 months, only a small number of credible, acceptable and reasonable amendments was brought forward.

Regarding the comments by the Hon. Miss Wiese about volunteers, I have made clear statements that I do not regard volunteers as being a substitute for professionals. On the contrary, I have gone to great pains to say that they are not. They complement professionals, work with them, and do work in some areas that professionals cannot do. Generally they enable the entire organisations to work more effectively than it could if it did not have the volunteers.

Regarding the Aboriginal people being regarded as ethnic people for the purpose of this amendment, the answer is that they will be. On the matter of the third amendment,

the Hon. Miss Wiese's understanding of that was quite correct. It was my view and the view of Parliamentary Counsel that the power of the doctor to whom the abused child was reported to examine the child was implicit and that the examination could have been undertaken under the Bill as it stood and as it now stands if this amendment is accepted.

However, it was put to me that a few doctors (and I stress 'a few') are not happy to undertake these examinations, and it was pointed out to me by one member of the medical profession who has been very much concerned in the child abuse area that the clause in the Bill as it stands does not explicitly authorise the doctor to conduct the examination. The view was put to me that, because a few doctors do not want this kind of examination, they would use this as an excuse and say that they could not conduct the examination. They would say that the child could be brought to them, and so on, but that power was not given to conduct the usual procedure. Although my view and that of Parliamentary Counsel was that there was such power, the objective is that the child be examined and, by spelling that out in the Bill, it is more likely that such examinations will be conducted. Therefore, we included these amendments.

Motion carried.

ESSENTIAL SERVICES BILL

In Committee.

(Continued from 16 September. Page 924.)

Clause 2—'Interpretation.'

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

Page 1, lines 6 to 8—Leave out 'the health of the community would be endangered, or the economic or social life of the community seriously prejudiced' and insert 'the community, or a section of the community, would be deprived of the essentials of life'.

In the second reading debate I pointed out that this Bill went much further in its scope and its potential effect on the rights of citizens than other legislation of this kind, particularly the Labor Party's proposed legislation in 1974. I pointed out that the purpose of the Bill, as appears quite plainly from the title, is to protect essential services in a period of emergency. I think that the operative word is 'essential'. My amendment would emphasise that we are trying to protect the community or sections of the community against being deprived of the essentials of life, of essential services.

We are not talking in broad and general terms about the economic or social life of the community. That may be affected in some situations but the rationale of this legislation is the essentials of life. I believe that what the Premier, when Leader of the Opposition, and Mr Millhouse had said about this sort of legislation previously indicates that it ought not to be as broad as possible in its scope, which I think the existing provision is, but that it should be confined to what is intended to be achieved.

I believe the intention is to protect the community against being deprived of essential services. That would be covered by my amendment, and it would be consistent with the definition clauses in the 1974 Bill. If the Government's only intention is to protect the community, I cannot see why it should require any broader definition than that which is proposed by my amendment.

The Hon. K. L. MILNE: I support the amendment, because I think it defines what the Bill is trying to achieve. In effect, it is attempting to inform people involved in strikes about something that they usually take for granted. The Opposition amendment makes clear in people's minds those services which are usually taken for granted. I support the amendment.

The Hon. K. T. GRIFFIN: Last night I said that, when one looked at the essence of the 1974 legislation and legislation which is operative in other States, there is very little difference between what the Government has provided in the Bill before us now and the provisions in those other pieces of legislation. In the Victorian Essential Services Act of 1958 the definition of 'essential services' is as follows:

Transport, fuel, light, power, water, sewerage or services provided by statutory authorities involved in the provision of such services or any other service provided by any other person or body specified by order in Council.

Therefore, the Victorian Act has a very wide definition. Although it initially identifies certain specific essential services, it gives *carte blanche* to the Executive to widen it to cover any service which might be regarded as essential.

The 1974 Queensland Essential Services Act defines 'essential service' as public transportation of persons or freight other than taxi-cab services, fire brigades, hospitals, ambulances, electricity, water, garbage, sanitary cleaning or sewerage and activities relating to those items. It also gives power to extend that list by Order-in-Council. Therefore, both of these pieces of legislation provide for a fairly wide impact.

I believe that the 1974 legislation is as wide as the definition which is contained in the Bill now before us. Last night I quoted the then Premier (Hon. D. A. Dunstan) when on 6 August 1974 he said:

A state of emergency is where we cannot continue the essentials of life to a section of the community or the whole of it, where we cannot provide that the normal essential services of the community are continued, and where an emergency can arise when people's very conditions of existence are endangered. This is not new drafting. This measure has been copied from measures on the Statute Books of other British-speaking jurisdictions. It is not possible to spell out the particulars, simply because there must be a discretion in relation to matters of this kind.

The Government's preference is to remain with the definition in the Bill, because the Government believes that the definition is appropriate for this type of legislation. It does not extend, as the Leader of the Opposition has suggested, to anything much wider than the 1974 legislation, and it is certainly on all fours with the definition contained in the Victorian and Queensland legislation.

The Hon. C. J. SUMNER: It is interesting to hear the Attorney-General quoting the former Premier, Mr Dunstan, in support of his proposition. However, Mr Dunstan's comments were in support of the Labor Government's Bill of 1974 which, in substantial terms, is the same as the amendment that I have moved to this Bill. Clause 3 (1) of the Emergency Powers Bill of 1974 provided:

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 as 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.

I think in all relevant respects that is exactly the same as the amendment that I am moving to this clause. In other words, it refers to the essentials of life and to depriving a community or part of a community of those essentials of life. Mr Dunstan, as the Attorney has said, was supporting that concept of the essentials of life.

I believe that the Government's proposed definition is much broader. I do not think any lawyer reading the definition could come to any other conclusion, because it talks in general terms about the health of the community and the economic or social life of the community and that, of course, is open to a much broader interpretation than merely the essentials of life. I emphasise that the Hon. Mr DeGaris and Mr Tonkin, when in Opposition, complained about broad powers in emergency legislation. There is no doubt

about that. They made the point that if we are going to have this type of legislation it should be confined to the emergency situation, and that it should be as confined as possible, given that it means that the Executive can act virtually without any specific legislative authority and without any specific Parliamentary sanction. I believe that the Government, through this definition, is taking the proposition much further than is necessary for the purposes of the Bill. That is contrary to the position the Government has previously adopted.

The Hon. R. C. DeGARIS: I believe I made my position quite clear about this clause during the second reading debate. I have some questions about the definitions contained in the Bill before us. I believe that the amendment has certain merit, but I feel that it does not go quite far enough in relation to the exact meaning of 'essential service' where something has been deprived. For example, the amendment moved by the Hon. Mr Sumner provides that the community, or a section of the community, would be deprived of the essentials of life.

I wonder exactly what 'deprived of the essentials of life' means. It could involve a serious situation where, although perhaps the whole community or a section thereof was not being deprived of the essentials of life, the matter was creating a good deal of concern to that community. I do not think, therefore, that the amendment goes far enough.

However, I am concerned about the Bill where it deals with the health of a community. I would like to see included 'a section of the community' or 'the economic or social life of the community is seriously prejudiced'. I have serious doubts about legislation such as this being able to be applied when the social life of the community is seriously prejudiced. That takes it a little too far in relation to this type of legislation. I will vote against the amendment but, if it is defeated, I will seek to amend the clause in a way different from that proposed by the Hon. Mr Sumner.

The Hon. K. T. GRIFFIN: I can appreciate that, whenever one talks about emergency services, the essentials of life or essential services, there will be some debate as to the technical meaning of those phrases. Unless there is a specific list, as, for example, in the Victorian or Queensland legislation, there will always be that debate as to the precise meaning of 'essential services'.

However, we must recognise that in the Queensland and Victorian legislation there is power, by Order-in-Council, to widen the services that are to be regarded as essential. I appreciate the comments that honourable members on both sides have made about the definition. Perhaps at a later stage of the consideration of the Bill there will be an opportunity to wrestle further with a definition. However, for the moment I take the view that the definition provided by the Government in the Bill is appropriate.

The Committee divided on the amendment:

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

Clause 3—'Declaration of periods of emergency.'

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

Page 2—
Lines 11 to 13—Leave out paragraph *(a)*.
Line 14—Leave out 'other'.

My amendment deals with the period of time within which Parliament must be called together. The present Bill provides for a period by successive periods of seven days, with a maximum of 28 days in all, before Parliament needs to authorise the period of emergency within which this legislation can operate. The Opposition believes that that period of 28 days is far too long, and the amendment will restrict it to seven days.

In other words, the Government can act, declare a state or period of emergency, and bring into operation the essential services legislation. However, the Opposition believes that, if the situation in the community is such as to require this sort of governmental action, Parliament should be called together at the earliest possible opportunity. We believe that that is reasonably covered by a period of seven days.

The procedures in this Bill are not the same as the procedures that operated in the 1974 Bill. The 1974 Bill required Parliament to be called together within seven days. The Government is now retreating from that procedure by introducing a period of 28 days. Quite frankly, I find it difficult to understand how the Government, and particularly the Premier, the Hon. Mr DeGaris, and indeed, the Attorney-General, could arrive at that proposition after what they said in 1974.

The Hon. K. T. Griffin: I didn't say anything in 1974.

The Hon. C. J. SUMNER: After what Mr DeGaris and the Premier said in 1974 and after what the Attorney said in 1979 in relation to petroleum shortages legislation—

The Hon. R. C. DeGaris: What did I say in 1974 about the seven-day period?

The Hon. C. J. SUMNER: You said that the Bill was, in effect, giving powers to a dictator.

The Hon. R. C. DeGaris: You've got it wrong.

The Hon. C. J. SUMNER: That is what the honourable member said, and I quoted his remarks in the second reading stage. The honourable member certainly implied, at the very least, that Parliament should not be overridden by legislation of this kind. Certainly, the Premier said that and made quite clear that in his view in 1974, if a situation such as this arose, Parliament should be called together. In case the Attorney-General, who interjected, has forgotten what his Leader said, I will remind him. The Premier stated:

> I believe that any state of affairs that is sufficiently serious to lead to declaration of a state of emergency should be sufficiently obvious and apparent for Parliament to be informed of it beforehand ... I should like to see Parliament called together, wherever possible, before this action is taken.

The Hon. R. C. DeGaris: That cannot be done, can it?

The Hon. C. J. SUMNER: The Premier, when he was Leader of the Opposition, seemed to think it could be done. Even putting the most generous interpretation on his remarks, even if on that occasion he did not know what he was talking about (which is not unusual), and even trying to construe his remarks, one would have to come to the conclusion that he wanted Parliamentary scrutiny of the Government's action at the earliest possible moment. Yet here, even though the Premier had the precedent of the 1974 Labor legislation providing for seven days, he is saying that Parliament need not be involved for 28 days.

There are two objections: first, the Premier seems to be unable to make up his mind again. He seems to put one proposition in Opposition, which he now ignores in Government. Secondly, in any event, as a matter of principle, we believe, as we did in 1974, that it is not unreasonable for Parliament to be called together within seven days in this sort of situation. I am pleased to see that the member for Mitcham supported this amendment in the Lower House and, of course, on many occasions he has talked about the rights of Parliament in this sort of situation. Therefore, I feel quite confident that his colleague in this place, the

Hon. Mr Milne, will do likewise, because he too has commented on a number of occasions that the Parliament's rights in these matters should not be denied.

The first part of the amendment could be treated as a test case, but the effect will be, if it is passed, that instead of Parliament having 28 days in which it can be called together, it must be called together within seven days if the period of emergency is to extend beyond that time.

The Hon. K. L. MILNE: I indicate at this point that I will vote against this amendment as it stands, because I intend to move an amendment of my own (which is on file). We believe that the correct time is 14 days.

The Hon. C. J. Sumner: What did Robin do in the other House?

The Hon. K. L. MILNE: What he did in the Lower House and what we have done since is our business. Do not try to put over that one. We have reconsidered the matter and that is our business.

The Hon. C. J. Sumner: I know you are very good at that.

The Hon. K. L. MILNE: I believe that on a lot of occasions the honourable member would have been wise to reconsider a decision he has made. He does no want to give an impression of brilliant obstinacy.

The Hon. C. J. Sumner: You are doing it all the time.

The CHAIRMAN: Order!

The Hon. K. L. MILNE: It does not help to get the right answer always. I believe that 14 days is the correct period, not seven days or 28. I quite agree that 28 days is too long and seven days is too short, because the Government of the day (and if the Opposition gets into Government it will be glad I did this) has so much to do in the first few days of a crisis that it is unlikely it will have plans available to be discussed properly by Parliament within seven days. Secondly—

The Hon. C. J. Sumner: Why is there a provision for four days in the Natural Disaster Act?

The Hon. K. L. MILNE: It is a different thing altogether. Secondly, because the political leadership in South Australia is responsible (particularly in another place), and because the Leader of the Government is unlikely to do anything dictatorial within the first few days of a crisis, knowing that Parliament will be called together later, I believe that the sensible thing in the circumstances, knowing what the Government would have to achieve in the first few days, would be to do as I suggest. I indicate now that, if this amendment is lost, I will move my own amendment, which is on file.

The Hon. K. T. GRIFFIN: I appreciate the points of view that have been put by the Opposition and by the Hon. Lance Milne. It really is a matter of judgment as to what is the most appropriate time within which Parliament should be convened. In this Bill, the Government seeks to maintain a consistency between the earlier legislation relating to petroleum shortages and the legislation in other States, all of which focuses on periods of 28 days, 30 days, or one month.

Let me remind honourable members that under the Victorian Essential Services Act, 1958, a period of one month is provided unless revoked earlier by resolution passed by both Houses of Parliament. There is provision for that period to be reproclaimed later. In Queensland, a period not exceeding one month applies, and further periods not exceeding one month can be proclaimed. In the Energy Authority Act in New South Wales, 30 days is provided. Again, fresh periods can be proclaimed from time to time. Right around Australia the period that applies is about 28 days, four weeks or one month.

The Government has provided for four periods with a maximum of seven days each on the basis that the emergency should be reviewed at seven-day intervals. After the maximum of 28 days (which is the period in the Petroleum Shortages Act), a period of 14 days will have to elapse before any fresh proclamation of emergency can be made. Therefore, I take the view that the Government should adhere to the period that is presently provided in the Bill to maintain consistency.

The Hon. C. J. SUMNER: First, in regard to the Attorney's reply, it is a curious provision that the Government has in this Bill, where it has a period of 28 days which is renewed after every seven days.

The Hon. K. T. Griffin: It's not after 28 days that is reviewed, but seven days.

The Hon. C. J. SUMNER: In respect to the seven-day period, the Attorney gave the impression to the Committee that the decision is reviewed after seven days. It is reviewed, but it is reviewed by the Government. That is farcical and nonsensical. It does not mean a thing. It is not an independent review or a review by Parliament, and I find the whole provision curious. If the Government wants 28 days, why does it not say so? If it believes there is some merit in the seven days, as apparently it does, why will it not allow Parliament to look at it after seven days? The Attorney used the phrase 'review after seven days', but review by the Government after seven days is no review at all.

All it means is that Executive Council authorises another proclamation, and that may take two seconds. It makes the legislation a joke. If the Government wants a decent review after seven days, the only way is to ensure that Parliament is called together.

In regard to the Hon. Mr Milne, I appreciate that he has on file an amendment providing for 14 days, but I find that almost as unacceptable as the Attorney's 28 days. I am a little surprised that Mr Millhouse, who was quite trenchant in his criticism of the Bill when it left another place, said it was a thoroughly bad and unnecessarily authoritarian Bill and that, if South Australians want to have a dictatorship, it is a good first step towards it. He had that to say in not exactly mild-mannered remarks in relation to this Bill.

Further, he voted for the Labor Opposition's amendment to restrict the initial period to seven days. Now it appears that the compromising Democrats have come up with a typical Democrat compromise. The Labor Party may have said five and the Liberal may have said 10, so the Democrats will go for 7½, and that is exactly what the Democrats have done here.

The Hon. K. L. Milne: Seven and a half what?

The Hon. C. J. SUMNER: Anything. I was merely giving that as a typical compromise position that the Democrats could take. In this case the Government has chosen 28 days. The Opposition believes it should be seven days, because that is perfectly reasonable, and the Democrats, believing they have to balance and cannot be seen as being committed one way or the other, have decided on 14 days. As the Hon. Mr Chatterton has pointed out, it should more correctly be 17½ days. The Hon. Mr Milne's maths is not as good as it used to be. It is unfortunate that the Democrats have chosen to do their usual straggling exercise on this matter. I believe there is an important principle involved that the Committee should accept. If there is a crisis, let us get Parliament together within a reasonable time. Mr Tonkin thought seven days was reasonable in 1974, and we certainly think it is now.

The Hon. R. C. DeGARIS: In my second reading speech I expressed concern about the period of 28 days, which is too long for this matter to roll without Parliament's being recalled. I agree with the Hon. Mr Sumner in that I cannot see any sense in having four periods of seven days to make up 28 days. If the Government wants 28 days it should say

that without the necessity of requiring a reproclamation. Without wishing to be the subject of accusations by the Hon. Mr Sumner, I believe that seven days involves some difficulty if Parliament has been prorogued.

The Hon. Frank Blevins: What is the difficulty?

The Hon. R. C. DeGARIS: Parliament must be reopened.

The Hon. Frank Blevins: That takes half an hour.

The Hon. R. C. DeGARIS: True, but the organisation is not so easy in such a period.

The Hon. Frank Blevins: It would take the staff a day.

The Hon. R. C. DeGARIS: It takes more than that. The four seven-day periods appear to be unnecessary. The Executive can review it in a day, two days, or any time it wishes in any case. I do not see any need for a reproclamation, but I believe that a 28-day period is too long for the emergency situation to be declared by proclamation without any Parliamentary review. I do not see any grave difficulty in calling Parliament together not later than after 14 days. The Government may find that it can call Parliament together within four days. There should be no difficulty in calling Parliament together in a period not exceeding 14 days. The Government would be well advised to consider this position. I ask the Attorney whether any real benefit obtains from having four seven-day periods for reproclamation, because I see that as unnecessary in this situation.

The Hon. Frank Blevins: It's a bit of nonsense.

The Hon. R. C. DeGARIS: That is what it appears to be, but the Attorney may have good reasons for doing it. I would like to know what are those reasons. If the Government requires 14 days or 21 days, there should be no need to reproclaim the emergency situation.

The Hon. FRANK BLEVINS: I made my position clear at the second reading. I am not convinced that we need enabling legislation of this type at all.

The Hon. R. C. DeGaris: You should have been here in 1974.

The Hon. FRANK BLEVINS: Well, I was not, although I did try to get here and was not successful. In regard to the set periods of 14, 21 and 28 days, my objection is to the principle of having enabling legislation on the Statute Book and not to those specific periods. Considerable reference has been made to the 1974 Bill, and members opposite have been extensively quoted. It is my impression that there was a series of industrial disputes going on at the time, so that the debate in Parliament around those disputes resulted in that legislation, which does have some rationale. I do not object to that. I do not object, when there is difficulty in the community, to Parliament coming together and discussing the best way to deal with it. That is what we are here for.

Since he has been on the back bench the Hon. Mr DeGaris, more so than when he was on the front bench, has told us that Governments are cutting down as much as they can on the role of Parliament and that the Executive is assuming, and Parliament is allowing it to take, all this power unnecessarily. I believe that that is the nature of Governments, whether they be Liberal or Labor. They want as much power as they can possibly get, and they will rationalise that on all occasions. The Hon. Mr DeGaris said that this has to be resisted. There is still a role for Parliament, or the whole system collapses. Before we allow that to happen we should look at what is going to replace it. I have a great deal of sympathy for that viewpoint. I find it rather odd that the Hon. Mr DeGaris is able to support this Bill, as in the debate in 1974 he 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.

The Government was so crook that Mr DeGaris said that it was necessary to do this to give it quite Draconian powers. He continued:

> 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.

Why does the Hon. Mr DeGaris believe that the power is necessary now? Does the position apply now with this Government that there is a lack of leadership and that it is a weakness of an emotional Government? If that was the case in 1974, what reason does the Hon. Mr DeGaris have for supporting this Bill today?

The Hon. R. C. DeGARIS: I have very firmly stated why the Bill should be supported today, the same as I supported the 1974 legislation; I did not oppose it. I was giving the reasons why the power was necessary. I do not think that those reasons have changed at all, because Governments have been powerless up to the present time to come to grips with the causes of total disruption of supplies of essential services to the community.

Whatever colour Governments may be, they have not yet come to grips with that problem. Parliaments have not come to grips with the problem. There is no change in that situation, and that is the reason why these powers are necessary to clothe the Executive with powers to overcome the problems that can arise when there is total disruption of supplies of essential services of life to the people.

The Hon. Frank Blevins: That is not what you said. You said that the Government was sick.

The Hon. R. C. DeGARIS: I did not say that the Government was sick or crook. It is not possible to solve the problem without clothing Government executives with some power for a limited period. I said that in 1974, and I still hold to that viewpoint.

The Hon. R. J. RITSON: I wish to argue against the notion of Parliament being recalled within seven days. The Leader of the Opposition implies rather unkindly that the Hon. Mr Milne had argued against that proposition merely to reach a compromise. I do not think that the Hon. Mr Milne deserves an unkind attack in that way, because there are some practical reasons why a seven-day period is too short. One does not need to discuss the question of industrial disputation in order to discuss those reasons because they would apply equally, or even more so, if the disruption to essential services was caused by natural phenomena. The disruptions that mostly occur are to communications. It would require only a major accident to our gas pipeline—

Members interjecting:

The CHAIRMAN: Order!

The Hon. R. J. RITSON: The last time that happened we recall the difficulties in which the city of Adelaide was placed. The telecommunications system was within hours of being threatened as a result of that breakdown. The last time Parliament was called together urgently, namely, last year there was a communication problem in finding one member of Parliament. We sought him here and we sought him there. I do not think it is too difficult to imagine a situation, whether caused by industrial disputation or not, in which the extent of disorder in society was not so great as to amount to a natural disaster but which would call for the exercise of some emergency powers by the Executive and which would, by virtue of a breakdown in transport and communication, mean that it may not be possible to call Parliament together within seven days. In a natural disaster situation, it may not be important that the whole Parliament be called together. Indeed, a large number of members may be dead. However, in a situation that the Opposition is so fond of emphasising, a situation of indus-

trial disputation short of national disaster, it may be very important that key members of the Parliament be able to attend or be called to the telephone. I feel that in that situation a period of seven days is cutting it short indeed.

The Hon. N. K. Foster interjecting:

The Hon. R. J. RITSON: Mr Chairman, protect me, please. Because our most vulnerable services are communications and transport, I feel that a period of seven days is too short.

The Hon. N. K. FOSTER: Let me say to the Hon. Dr Ritson that the profession to which he belongs keeps its patients incommunicado outside office hours, almost as a fact of life.

The Hon. R. J. RITSON: I rise on a point of order.

The CHAIRMAN: I think I can handle the situation. I ask the Hon. Mr Foster to relate his remarks to this amendment, and I point out that, no matter how many words are said, the result will be the same.

The Hon. N. K. FOSTER: I want to answer the preposterous allegations by the Hon. Dr Ritson. The Parliament of the Commonwealth was not called together over the greatest natural disaster that this country has seen. I refer to the cyclone in Darwin. Communications were blown away. They were non-existent. Only one small ship alerted the nation to the disaster. The member has talked a load of rubbish.

The Hon. M. B. Dawkins: That would be the pot calling the kettle black.

The Hon. N. K. FOSTER: I am glad you called me that instead of a bastard.

The CHAIRMAN: Order! The honourable member should put his viewpoint.

The Hon. N. K. FOSTER: Regarding being incommunicado, it happens in this Parliament. If we ring a number, we get a telephone answering service. We tell the people what we want and we are told that the matter will be looked at the next week. The two amendments reduce the period from 28 days to 14 days and seven days, respectively. Inherent in those two amendments is some form of conflict, the matter that has given rise to the Bill. If it is valid to say that Parliament cannot be called together within seven days, it is also valid to say that it cannot be called together in its entirety in 28 days, in certain circumstances. If a member was in America during the airways strike, he could not have got back within a month. If he went to Great Britain on a package tour he would have to stay for 30 days. Otherwise, the return ticket is invalid. When we had the disaster in Darwin, there were no communications. The first member there was Jim Cairns, and Frank Crean was the next.

The CHAIRMAN: I draw the honourable member's attention to the fact that the Bill provides for 28 days, which is close to a month, if that is what the honourable member wants.

The Hon. N. K. FOSTER: I support a period of seven days. That would be sufficient to enable members to make a decision on the circumstances at the time. A period of 28 days is an inhibiting factor to the settlement of the dispute.

The Hon. G. L. BRUCE: I am amazed that Parliament can argue about abdicating its responsibility in this matter. We are representatives of the people and, if we have an Essential Services Bill before us, surely we should provide for Parliament to come together as soon as possible. I will wear a period of seven days if I have to wear anything, but I do not like the Bill at all. Why push the period off to 28 days or 14 days?

The Hon. L. H. DAVIS: I am somewhat bemused to listen to the Opposition making much of the period of 28 days, because the Petroleum Shortages Bill, which was before Parliament last year, contained in what is now section 5 of the Act a provision identical to the provision we are now seeking. Petroleum is an essential service, just as bread, milk, electricity and other goods and services that are now the subject of this Bill are likewise regarded as essential services. In the debate on the Petroleum Shortages Bill last year, the Hon. Mr Sumner said, as reported at page 2501 of *Hansard:*

> The period of restriction or rationing can last for only 28 days before Parliament is called together, when it can deal with any abuses. I do not intend to move any amendments to that provision.

In Victoria, the essential services legislation, which includes petroleum, is contained in one Bill, and that could have been the case here. Because we had a special situation last year, we passed the Petroleum Shortages Bill and provided for a period of 28 days. The essential services legislation will include things such as the delivery of coal or the provision of electricity, when a strike can go on for an indefinite period. I fail to see the distinction that some members opposite have tried to draw between petroleum and other essential services. Therefore, it is with surprise that I hear them say that a period of 28 days is too long. The Hon. Mr Sumner was talking about such a period last year.

The Hon. C. J. SUMNER: The problem with the Hon. Mr Davis is that he does not listen. It was made quite clear early in the debate on this Bill that the Petroleum Shortages Act did have a period of 28 days. The Essential Services Bill now before us is quite different from the Petroleum Shortages Act. First, it deals with services across the board, and it is very broad in its scope. The Petroleum Shortages Act deals with one product—petroleum. It deals with a situation that we have now been faced with in this State over the last decade on at least half a dozen occasions.

People know the position in relation to petroleum shortages, and they know what Governments do and how they operate in those situations. It may be that the 28 days in that Bill was too long, but that was the provision in the Government's Bill and also in the Labor Government's Bill when it tried to introduce permanent legislation. There is a clear distinction between a petroleum shortage, which we are used to and which deals with one product only, and a Bill of this kind which deals with all essential services and which we had never had to invoke before in the history of this State. In those circumstances, the Committee should see the clear distinction and restrict the period to seven days.

The Hon. K. T. GRIFFIN: There has been an interesting debate on this clause. I revert to what I said earlier, that there is no inconsistency between the provision of the Bill and the period which is provided in other States. The Hon. Mr DeGaris asked why there were periods of seven days with a maximum of four consecutive periods of seven days. The Leader of the Opposition criticised that provision in the sense that it provided a review by Government at the end of each period of seven days. Whilst it may be that in any Government of which he was part the renewal by way of proclamation would have been achieved in two seconds flat, the fact is that this Government, on the occasions when it has had to act to renew proclamations, has made a conscientious review of the progress of the emergency before the proclamation has been made.

At the end of the 28-day period or after the end of the last period of emergency, 14 days must expire before a fresh period can be invoked. There seems to be no point in making the period 28 days rather than the four periods of seven days each, because it may be that the emergency lasts for only seven days, a few days less or a few days more. In that event there is no point in having the full force of the Act in operation when there is no need for the Government to have the powers granted in the Act. Accord-

ingly, the Government believes that, in the context of this legislation and in the Petroleum Shortages Act, the renewal period of seven days provides the best mechanism for ensuring that the emergency does not go on for any longer than necessary, but that if a subsequent emergency erupts the provisions of the Act can be reimposed without having unnecessarily wasted a full period of, say, 28 days.

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 (teller), C. M. Hill, D. H. Laidlaw, K. L. Milne, and R. J. Ritson.

Majority of 1 for the Noes.

Amendment thus negatived.

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

Line 13—Leave out 'twenty-eight' and insert 'fourteen'.

I move this amendment because, even though other States provide for 28 days, that is not necessarily relevant to South Australia. Providing 14 days does not necessarily mean that the Government would take 14 days if it could be avoided. I am sure that, if the Opposition was in Government, it would do exactly the same. To support a period of 14 days is not, as the Hon. Mr Sumner suggested unkindly and hurtfully, an exercise in fence-sitting.

The Hon. C. J. SUMNER: I should explain the Opposition's position on this amendment. This seems to be a Democrat compromise. It represents some improvement on 28 days, and for that reason, to improve to some extent the Bill as we see it, the Opposition will support the amendment.

The Hon. Frank Blevins: Without any enthusiasm.

The Hon. C. J. SUMNER: That is so. Of course, we still reserve our position on the third reading.

The Hon. K. T. GRIFFIN: The issue has been canvassed quite extensively. I still take the view that the provision ought to remain at four periods of seven days each, with a maximum of 28 days.

The Hon. R. C. DeGARIS: I want to make my position perfectly clear. I will be supporting the period of 14 days.

The Committee divided on the amendment:

Ayes (13)—The Hons. Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, R. C. DeGaris, J. E. Dunford, N. K. Foster, D. H. Laidlaw, Anne Levy, K. L. Milne (teller), C. J. Sumner, and Barbara Wiese.

Noes (8)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie, L. H. Davis, M. B. Dawkins, K. T. Griffin (teller), C. M. Hill, and R. J. Ritson.

Majority of 5 for the Ayes.

Amendment thus carried.

The Hon. C. J. SUMNER: I do not intend to proceed with my amendment to line 14. Clause 3 (1) states:

Where, in the opinion of the Governor, circumstances have arisen, or are likely to arise, that have caused, or are likely to cause, interruption or dislocation of essential services in the State, he may, by proclamation—

It goes on to indicate what else the Governor may do in a period of emergency. The 1974 Bill talked about the opinion of the Governor and circumstances having arisen or being likely to arise. In the debate on that Bill, the Hon. Dean Brown, in the House of Assembly, stated:

I am concerned about the words 'or is likely to arise' appearing in subclause (1), as I believe the Governor could place virtually any interpretation on those words, even taking them to include the case of a trade union's threatening to go on strike. I presume that the Governor would make a decision at a meeting of Executive Council. If that is the case, will the Government try to influence a decision, as it has tried to do recently?

It is quite clear that Mr Brown was a bit worried that the Government would try to influence the Governor's decision as to whether a state of emergency should be declared in the circumstances in which an interruption or dislocation of essential services was likely to occur. Will the Attorney-General say whether or not he agrees with Mr Brown's worry about the clause, the words of which are now included in the Government's Bill and to which Mr Brown apparently took objection? He also seemed to be saying that he was most concerned lest the Governor used those words to deal with a trade union's threatening to go on strike. Will the Attorney let the Committee know just where he stands in regard to the Hon. Dean Brown's criticism of the wording?

The Hon. K. T. GRIFFIN: The Hon. Dean Brown quite obviously was raising questions about the way in which this clause would operate. The Leader knows that constitutionally the Governor acts on the advice of his Ministers. In this instance, under clause 3 (1), the Governor, acting on the advice of his Ministers, acts in the context of Executive Council, and if the advice is that circumstances have arisen or are likely to arise that will cause interruption or dislocation of essential services in the State, he can make a proclamation that would cover the matters referred to in paragraphs *(a)* and *(b)* of clause 3 (1). That is the constitutional position and I see no other explanation that can be given in respect of that clause.

The Hon. C. J. SUMNER: The other matter referred to in the Hon. Dean Brown's comments of 1974 was that he thought that the words in the clause could be used to include the case of a trade union threatening to go on strike. The implication in what he said was that he did not think that the power ought to be used in those circumstances. In view of the Hon. Mr Brown's opinion in 1974, and in view of the fact that he is now the Minister of Industrial Affairs in the Tonkin Government (and therefore has the responsibility for industrial relations), can the Attorney say that the Government now agrees with the Hon. Mr Brown that this legislation ought not be used in a situation of a trade union's threatening to go on strike?

The Hon. K. T. GRIFFIN: The question is completely speculative and hypothetical. Any assessment of the circumstances must take into account all of the factors which are likely to affect the provision of essential services in the State. We have seen in this State, in Victoria, and in other States in the past month or two a combination of circumstances which have caused a dislocation of essential services in Victoria. South Australia faced a threat of such a dislocation of essential services. The Governor in Council will need to take into account all of the circumstances, and not just the isolated circumstances to which the Leader referred, to make an assessment as to whether or not there is or is likely to be such an interruption or dislocation of essential services in this State, and having made the assessment what has occurred, or is likely to occur, the proclamation can be made.

The Hon. R. C. DeGARIS: I draw attention to the fact that, the clause having been amended to provide for 14 days instead of 28 days, the subclause does not now make sense.

The Hon. K. T. GRIFFIN: I suggest that we leave the provision as it is. As I have a dislike for on-the-feet drafting where it involves a change of quite a few words, I undertake to raise the matter with the Parliamentary Counsel and ensure that the Bill is recommitted and the clause reconsidered before the Bill finally passes.

Clause as amended passed.

Clause 4—'Directions in relation to proclaimed essential services.'

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

Page 2, after line 40—Insert subclause as follows:

(2a) A direction under this section—
(a) shall not impose any form of industrial conscription;
(b) shall not 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; and
(c) shall not otherwise interfere with a strike or other industrial action.

I canvassed this issue in the second reading debate. We believe that, if you get a situation of essential services being questioned in an industrial situation, there are better ways of dealing with it than by legislation of this kind. I mentioned the establishment of consultative machinery. I also indicated that there has not been a situation in South Australia since 1836 where a situation has arisen where essential services legislation has been necessary in an industrial situation.

Indeed, in the most recent dispute, which caused disruption to some services, the issue was resolved properly by consultation between the Government, the trade union concerned, and the Trades and Labor Council. Even on that occasion there was no need for this legislation in an industrial situation. We have the position where it has not been demonstrated in 150 years of South Australia's history that this legislation has been required.

I believe that the right to strike is fundamental in a democratic community, that is the right of workers to withdraw their labour is fundamental in a democratic community. This Bill could be used to break strikes or force people to work when they are on strike, and I do not believe it is necessary. I do not believe that it would add, in general terms, to the situation of trying to get a settlement of an industrial dispute. Normally, the use of this sort of power in an industrial dispute merely exacerbates the situation. The prime argument which I put is that it has not been found necessary. If it were to be necessary, I believe that some form of consultative machinery would be a much better way of dealing with any problem, as indeed it was a month or so ago during the national transport workers dispute. Accordingly, my amendment would withdraw those aspects involving industrial relations from the purview of the legislation.

The Hon. K. L. MILNE: I will support the amendment for the inclusion of subsclause (2a) *(a)*, which states 'shall not impose any form of industrial conscription'. However, pararaph *(b)* and paragraph *(c)* would emasculate the Bill and make it completely useless. I believe that the people responsible for drafting the Bill were in fact emasculating and reducing the effect that a strike would have. I do not think it is interfering with the right to strike. We have that part tidied up, and I do not want to undo that by going too far with this amendment. I give an indication that I will support the Opposition's amendment including new subclause (2a) *(a)*. It might be an idea (although I have not given notice that I will move it) to include words in the provision to read 'A direction under this section shall not impose any form of industrial conscription beyond that which is required in the administration of this Act.' Words to that effect could be included, as I think that is what is meant. It does not mean that one cannot do anything to anybody, but it means that the Minister or the Government will do the minimum of bullying in the course of administering the Act.

The Hon. M. B. DAWKINS: I oppose the amendment. It may be said that the amendments to clauses 2 and 3 would not very seriously affect the Bill. Some people may argue that to some extent they are cosmetic changes, although I do not agree with that. However, this amendment to clause 4 emasculates the Bill. I disagree with the Hon. Mr Milne in his intention to support the provisions in subclause (2a) paragraph *(a)*, but not those in paragraphs *(b)* and *(c)*. The wording of paragraph *(a)*, 'shall not impose any form of industrial conscription', is exactly the wording which was in the 1974 Bill. Those words are to some extent all-embracing, and paragraphs *(b)* and *(c)* only really spell out what paragraph *(a)* means.

As I said last night during the second reading debate, this is a Bill which would be used only in a dire emergency, no matter what was the political colour of the Government. Therefore, the Bill must contain the power that it contains at present. If we take that power away by adding the words 'shall not impose any form of industrial conscription', we are simply making the Bill a useless piece of legislation—a toothless tiger, similar to the legislation we had before us in 1974, put forward by the Labor Party. I oppose the amendment.

The Hon. FRANK BLEVINS: The Hon. Mr Dawkins has spelt out quite clearly what the Bill is all about. The Government wants a provision to allow for industrial conscription, and the Hon. Mr Sumner is asking to remove it.

The Hon. N. K. Foster: A despicable provision.

The CHAIRMAN: Order!

The Hon. FRANK BLEVINS: The Bill must contain, according to the Hon. Mr Dawkins (and he spelled it out very clearly), a provision to allow for industrial conscription. That is what it is about. It is no good the Hon. Mr Milne, in his rather naive way, saying that is not what the Bill is for.

If he does not understand the Bill (and there would obviously be a charitable excuse for that), this is fine. The Hon. Mr Dawkins put it so simply that even the Hon. Mr Milne should be able to understand. Unless we have a provision for industrial conscription, the Bill is worthless. That is absolutely correct. The Bill is about one thing, and only one thing—industrial conscription.

The Hon. K. T. Griffin: Rubbish!

The Hon. FRANK BLEVINS: You said it.

The Hon. M. B. Dawkins: I said it was about a dire emergency.

The CHAIRMAN: Order!

The Hon. FRANK BLEVINS: As the Hon. Mr Sumner and other members have pointed out, the necessity for a Bill such as this has never occurred in this State. I do not know what happened in 1836. My research did not go back that far. Certainly as far as anyone can remember it has never been required in this State or anywhere else in Australia. The reason is that the trade union movement, in its industrial disputes, never goes to the extent of causing any serious injury to anybody or creating any situation of danger to health or life. The reason why they do not do it is that, apart from the humanitarian reason, the first time they do it the trade union has blown itself up. It would lose whatever sympathy it ever had from the public and from its members, and it is something that they have never done and will never do, so there is no necessity for this Bill whatsoever.

The danger I see in the Bill is that there will be a temptation for somebody like the Hon. Dean Brown, particularly in the period of an election—

The Hon. R. J. Ritson: You don't like him, do you?

The Hon. FRANK BLEVINS: It is not a question of liking him or disliking him: it is a question of assessing the character of the man as best I can from observing him for six years. Frankly, I do not like to see legislation like this in the hands of the Hon. Dean Brown or, even worse, in the hands of anyone he cares to nominate. He does not have to do it himself. With all due respect, from what I have seen of the gentleman over the last six years, I think that he should not have that kind of power to delegate to anyone, let alone to use himself.

The danger is that in an election situation the trade union movement can be threatened with this power. The Government can say, 'Either you go back to work or we will invoke the essential services legislation and industrially conscript you or anyone else we choose.' I know what the reaction will be in the trade union movement. If the Government picks the wrong union that union will say, 'Go ahead. Try to conscript us to go to work; put us in gaol, and then we will show this country what union solidarity is all about.' They will really turn it on. Very few will do that. The majority will ignore the childishness of Dean Brown and go about their business in the normal way. However, one or two unions in this country would be delighted to say, 'You go ahead. Never mind settling the dispute; we will show you a little bit of anarchy in this country.' That is the danger in the Bill. Obviously, I support the Hon. Mr Sumner's amendments, but I still maintain, as I did in the second reading debate, that legislation of this nature has never been found to be necessary and never will be necessary. It could cause provocation and could cause an explosion, either by accident or design, especially in a dispute situation.

The Hon. N. K. FOSTER: I strongly support the amendment, and I want to use the word 'conscription' in the real and proper sense. That is that it is not to be covered by a call by Government, commerce, the public, or anyone else seeking volunteers to do the work. I remind members that in 1928 such a call was made in South Australia, and the call was successful against a *bona fide* trade union. The pages of the *Advertiser*, probably from September to October 1928, bear testimony to the frightful situation. That situation was not resolved until 1952, when the so-called volunteers were absorbed into a *bona fide* trade union, the Waterside Workers Federation.

Yesterday I referred to the last death that occurred in an industrial dispute in South Australia. That was in 1934. Side by side with that was a call by the Government, as there was in 1928, to protect such volunteers on the journey from the Adelaide railway station to the police barracks hastily set up at Nos. 13 and 14 wharves. Those barracks were still there in 1939 and still had a Police Inspector in command.

The call by the Government was to protect the volunteers, and they rode *en masse* on the roofs of carriages from Adelaide railway station to Port Adelaide, with rifles and ammunition supplied by the Government. The late Sir Norman Jude, who sat here, was one of them, and the late Victor Richardson was another. I do not want to name any more. Their names were black-listed in this State for ever and a day.

The Charge of the Light Brigade was insignificant compared to the 500 mounted troopers who used to charge down the sandhills between Fort Largs and Outer Harbor to prevent waterside workers from demonstrating when the scabs were employed on ships at Outer Harbor. It also makes the murder of two miners at Cessnock in New South Wales pale into insignificance. That was brought about by the transport legislation introduced by the Federal Government.

When the Waterside Workers Federation commenced to reassert itself in the late 1930s, the men resolved that they would not work in a ship where there was volunteer labour, and that organisation of scabs was in existence until it was absorbed in 1954. I spoke before 2 000 or 3 000 trade unionists in the early 1940s, on my discharge from the army, and I moved a motion that we absorb these people into the *bona fide* organisation. I do not think I had more than one supporter then. I plugged away until 1953, when only one or two people were not supporting me. Those people were absorbed. People were thrown into the river. As I said yesterday, the last death occurred at the Port Dock station, when a man named Harrison was stabbed to death by two men.

The Hon. Mr Dawkins has left the Chamber. He has probably realised what he has said. It is absolutely scurrilous to want to place this on the Statute Books; it only aids and abets anarchy and violence. If you vote in support of this, you know not what you do. This has never solved and will never solve a dispute.

The Hon. R. J. Ritson: That is a pretty fair threat.

The Hon. N. K. FOSTER: It is not a threat; it is a statement of fact. You can go down to Port Adelaide and see people in their mid-fifties and bet that they suffered from malnutrition resulting from their parents being denied the right of a living back in the depression years. You could have walked through the back streets of Port Adelaide, Birkenhead, Peterhead, and those districts to see this effect. In the newspaper this afternoon there is an article about a gentleman who was hoodwinked into a voluntary force in those days and is now aged 87. He bore that indignity for a great many years of his life. It is not necessary, having in mind the rest of the clauses of this Bill, to have in this particular Bill anything that breathes of conscription. A short time ago the live sheep dispute resulted in near violence. Are members aware that bolt cutters were going to be used on the valve stems of all the trucks, but the people that were going to do it were slow getting to the area just north of Adelaide?

The CHAIRMAN: Order!

The Hon. N. K. FOSTER: I am coming to my point. There would have been overturned trucks, death and destruction, dead animals and what-have-you. Are members aware that in Wallaroo on the evening when this situation arose, when the stock were taken up there, the Rural Youth organisation was being used? I saw them stiff-legged walking around the town with pipes in their trouser legs—the trappings of violence. We can thank our stars that the matter was settled, because we would still be suffering the results of such action if it had not been settled. I played no small part in trying under the lap to ensure it did not happen. When so-called do-gooders in the community want to set themselves up as Ian McLaughlin did—

The CHAIRMAN: The honourable member has developed his story on conscription extremely well and done it very thoroughly. Now he ought to return to the Bill.

The Hon. N. K. FOSTER: I will bow to your wishes. What conflict there will be in the House in the next few moments if the amendment is accepted! If there is any form of industrial conscription, you strip dignity from a man and set person against his fellow in the community, in the city and in the common environment in which they and their children have to live. I quote: 'shall not prevent a person from taking part, or continuing to take part', and so forth. The operative words are 'shall not impose any form of industrial conscription'. I have a photo of the Hon. Mr Dawkins attempting to address—

The CHAIRMAN: Order!

The Hon. N. K. FOSTER: I will deal with it in a later debate. I will continue my remarks in respect of the clause now before this Chamber. If you think violence does not beget violence, you have to be stupid. If members call volunteers and have the necessary protection of the Police Force, then you are asking for a situation that we have witnessed on our television screen as a result of the Springboks being in New Zealand in the last few weeks.

The Hon. K. T. GRIFFIN: If this amendment is passed, it will provide one law for members of the community, less the trade unions, and one for the trade unions. I repeat what Mr Millhouse said in 1974, as follows:

I agree with the member for Bragg that if in fact there is an emergency it is an emergency for everyone in the community, not for the community less members of trade unions, and yet this is what one would imagine from clause 5 (3). If we were facing a shortage of petrol because of industrial action, no doubt the only effective way to deal with the matter would be by taking some action which affected trade unions or a strike that had occurred. The [Labor] Government, by its very action, is making sure that power is not given. What could be the reason for inserting this subclause? The only reason is that it is a sop to trade unionists.

I believe that the amendments should not be accepted, and that the Bill should stand *in toto*, having application to every member of the community, as does the Petroleum Shortages Act.

The Hon. R. C. DeGARIS: What does the Attorney-General understand by the term 'industrial conscription'?

The Hon. K. T. GRIFFIN: It is a very vague term which could mean anything that anyone wishes it to mean. The Hon. Mr Foster has given it a description and colour with which others would probably not agree. I think it is particularly vague, and in this context lacks any precision.

The CHAIRMAN: The Hon. Mr Milne has indicated that he intends to support only part of this amendment, so I will take it in two parts. The Hon. Mr Milne's amendment is really the same as the part of the amendment moved by the Hon. Mr Sumner, down to paragraph *(a)*. Therefore, I intend to put the question in two parts.

The Hon. G. L. BRUCE: Mr Chairman, I rise on a point of order. Surely the amendment moved by my Party should be put first. If that amendment does not succeed, I understand that the Hon. Mr Milne will be putting a further amendment.

The CHAIRMAN: Order! The Hon. Mr Milne could not put his amendment then because the Committee will have passed that stage. The only way would be to recommit the Bill. The amendment moved by the Hon. Mr Sumner can be put in two parts.

The Hon. G. L. BRUCE: Mr Chairman, I rise on a further point of order. I believe that the Leader's amendment should be dealt with first, because the Opposition has not indicated that it is prepared to accept it in two parts. The Hon. Mr Milne has indicated that his amendment is the same as part of one of our amendments. I believe that the Leader's amendment should be a complete amendment on its own.

The Hon. K. L. MILNE: I do not object to that procedure being followed. Actually, my amendment has slightly different wording, so it might be tidier to follow the Hon. Mr Bruce's suggestion. I will co-operate with that procedure.

The CHAIRMAN: I cannot understand the Hon. Mr Bruce's opposition to doing it in the way I have suggested. The Hon. Mr Milne's amendment is precisely the same as the first portion of the Hon. Mr Sumner's amendment. If that is agreed, the Hon. Mr Sumner can then proceed with the second part of his amendment.

The Hon. K. L. MILNE: I suppose that that is strictly true. In fact, it changes the typing set-up and slightly changes the wording, although that is not important. It puts it in one line instead of in two lines.

The CHAIRMAN: I am pleased to do whatever is easiest for honourable members. I put the question: that new subclause (2a) proposed to be inserted down to and including paragraph *(a)* be so inserted. For the question say 'Aye', against 'No'. I think the Ayes have it.

The Hon. K. T. Griffin: Divide!

The Committee divided on the amendment:

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

The CHAIRMAN: I now put the rest of new subclause (2a) as proposed by the Hon. Mr Sumner: that the remainder of new subclause (2a) proposed to be inserted be so inserted.

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 (teller), C. M. Hill, D. H. Laidlaw, K. L. Milne, and R. J. Ritson.

Majority of 1 for the Noes.

Amendment thus negatived; clause as amended passed.

Clause 5—'Minister may take over, etc., the provision of essential services.'

The Hon. G. L. BRUCE: Clause 5 (2) provides:

For the purpose of providing, or assisting in the provision of, a service under subsection (1), the Minister may—

(a) employ at not less than award rates such persons as he thinks fit; and

(b) enter into such contracts or arrangements as he thinks fit.

It seems to some people that this means that no volunteer labour will be used. Will the Minister assure me that this provision means that no volunteer labour will be used, or does it allow for the use of volunteer labour?

The Hon. K. T. GRIFFIN: It would still allow volunteer labour. Volunteer labour is not employed labour. It is only when people are paid that they become employees. That is what is intended; it extends to both volunteers and employees.

Clause passed.

Clauses 6 to 9 passed.

Progress reported; Committee to sit again.

IRRIGATION ACT AMENDMENT BILL (No. 2)

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

MOTOR VEHICLES ACT AMENDMENT BILL (No. 4)

Returned from the House of Assembly without amendment.

SOUTH AUSTRALIAN HEALTH COMMISSION ACT AMENDMENT BILL

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

ADJOURNMENT

At 6.23 p.m. the Council adjourned until Tuesday 22 September at 2.15 p.m.