LEGISLATIVE COUNCIL

Wednesday 30 September 1981

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

PAPERS TABLED

The following papers were laid on the table:

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

Pursuant to Statute—

The Australian Mineral Development Laboratories—Report, 1981.

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

Pursuant to Statute—

Engineering and Water Supply Department—Report, 1979-80.

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

Pursuant to Statute—

South Australian Housing Trust—Report, 1980-81.

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

Pursuant to Statute—

Adelaide Festival Centre Trust—Report, 1980-81.

Auditor-General's Report, 1980-81.

South-East Regional Cultural Centre Trust
Northern Regional Cultural Centre Trust
Eyre Peninsula Regional Cultural Centre Trust
Riverland Regional Cultural Centre Trust

State Theatre Company of South Australia—Auditor-General's Report, 1980-81.

QUESTIONS

AGRICULTURE DEPARTMENT RESEARCH WORK

The Hon. B. A. CHATTERTON: I seek leave to make a statement before asking the Minister of Community Welfare, representing the Minister of Agriculture, a question regarding research work by the Department of Agriculture.

Leave granted.

The Hon. B. A. CHATTERTON: Since the hullabaloo surrounding the release of the PERI urban report, there has been a clamp-down on the release of research papers by the Department of Agriculture. Honourable members will recall that the PERI urban report was released with the authority of the Director-General of Agriculture but not with that of the Minister of Agriculture, and that there was considerable controversy over the matter.

I have been informed that there has been a clamp-down and that all material released by the Department of Agriculture must be submitted to the Minister or his Press Secretary. Of course, that would be quite normal in matters of policy, but I believe that these new guidelines extend to every research paper, fact sheet and piece of information that has been produced by the department.

I ask the Minister what are the new guidelines for the release of research papers and other material from the Department of Agriculture. Is all the material now being scrutinised by the Minister of Agriculture or his Press Secretary, or perhaps even by his new appointee, Colonel C. C. Kennedy? What is the reason for introducing the new procedures other than the matters to which I have referred, namely, the fiasco over the PERI urban report, and what qualifications does the Minister or his Press Secretary have for judging the scientific worth of research papers and other technical material emanating from the Department of Agriculture?

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

FIRE PROTECTION

The Hon. J. R. CORNWALL: I seek leave to make a brief explanation before asking the Minister of Local Government a question on fire safety.

Leave granted.

The Hon. J. R. CORNWALL: Yesterday, the Minister of Health replied to a series of questions which I asked in the Council on August 19 and which concerned fire protection. Those answers were evasive, mischievous and misleading. They completely failed to acknowledge the very serious fire safety problems which exist in dozens of private hospitals, nursing homes and rest homes in Adelaide. The Minister claimed that no existing hospital or nursing home failed to meet the building regulations. That was an untruth of enormous magnitude. She said that no regulations have been adopted by the Government specifically relating to fire protection in health buildings. That is technically correct only in the sense that the regulations apply to other buildings as well. The Minister also stated:

> All existing health buildings necessarily conform to the fire protection regulations which applied at the time of their construction.

That is technically correct but grossly misleading. Some of the buildings being used as hospitals and nursing homes were constructed before the turn of the century. Furthermore, many of them were not built as hospitals or nursing homes but were converted many years later. It is a matter of concern to both the Health Commission and the Building Fire Safety Committee that they are literally fire traps. This is particularly so in many old two-storey buildings, many of which do not have lifts or fire escapes. In addition, the existing stairways are narrow and difficult to negotiate. These situations are made even more dangerous by the common practice of keeping all bedridden patients upstairs for the convenience of management.

The Minister has chosen to mislead the Parliament in a totally irresponsible way about the seriousness of the situation. I am therefore reluctantly obliged to name three of the worst cases that have come to my attention. Milford House Private Hospital at 97 Jeffcott Street, North Adelaide comprises a series of old two-storey terrace houses. There is no lift, the stairways are narrow and in the event of fire the authorities believe the non-ambulant patients upstairs would be incinerated.

The Glenelg Private Hospital Pty Ltd at 5 South Esplanade, Glenelg, is also a very old building. It has no lift and the stairs are also very difficult to negotiate. It is a matter of public record that the Hutt Street Private Hospital was recently sold because the proprietors were unable or unwilling to meet the cost of the extensive alterations needed to meet fire protection standards. The situation is so bad that St John Ambulance officers have had a ban on several private hospitals since late last year. The instruction to members of the Ambulance Employees Association reads in part:

> The situation appertaining to private hospitals is that it has been agreed that patients located upstairs in private hospitals where there are no lifts shall be carried on a first-carry occasion down the stairs by A.E.A. members and in the event of any continuing treatment the hospital be advised by the management to relocate the patient downstairs. Patients to be admitted to such hospitals will not be carried upstairs by A.E.A. members.

Many people have contacted me over what they consider to be a scandalous attempt by the Minister of Health to cover up the situation. The situation has been compounded by the Minister's recent suggestion that the building regulations regarding fire safety should be watered down.

In a letter to an applicant for a subsidy for fire protection upgrading on 17 August she said that it was a Federal responsibility, that she was not prepared to set a precedent

by providing State capital funds, and in any case the Government had no money. She went on to say (and this is the extraordinary part of the letter):

> Similar requests from other organisations have had to be refused and I have recommended to those bodies that they approach the Minister of Local Government and seek a review of the regulations affecting their buildings.

The Hon. C. J. Sumner: If they can't be complied with, they are reduced.

The Hon. J. R. CORNWALL: Exactly. She is recommending that the Minister of Local Government be lobbied to water down regulations in regard to fire safety. Is the Minister of Local Government aware that the Minister of Health is recommending that he be approached in an effort to have regulations relating to fire safety quite improperly relaxed? Have any such representations been made to the Minister? If so, what was his response? Will the Minister of Local Government, with the assistance of the Building Fire Safety Committee, provide to this Council a list of private hospitals and nursing homes that do not meet fire safety requirements?

The Hon. C. M. HILL: Yes, I will obtain the list that the honourable member has sought in his last question. With regard to the other matters, let me say that the Minister of Health has not been attempting to cover up anything at all. What the Minister of Health did was advise representatives of the Private Hospitals Association to come and see me to discuss their problems with me. Those people came to see me recently and I said that I would look into the matters that they had raised. They are in the course of being looked into at the present time.

The Hon. J. R. CORNWALL: I wish to ask a supplementary question. In view of what I have told the Council, and in view of the fact that, quite clearly, many of these places have totally inadequate fire safety, does the Minister have any intention of amending the regulations?

The Hon. C. M. HILL: The whole matter is under review at present. It is under review, and has been for some time because, as honourable members opposite know, this problem has existed for a long time. Indeed, I find that, when some of these people come to see me about their problems, they explain to me the response that they received when they went to see Ministers in the previous Government about this same problem.

The Hon. J. E. Dunford: About watering down? We wouldn't be in that.

The PRESIDENT: Order!

The Hon. C. M. HILL: Not watering down, but trying to keep proper standards of safety in these private hospitals.

The Hon. J. R. Cornwall: Private, profit making hospitals.

The Hon. C. M. HILL: I know the word 'profit' is offensive to the honourable member. In some cases, time must be given for some owners to make alterations to their buildings so that those buildings conform with these requirements. We are trying to find our way through the problem but, at the same time, insisting that the safety of the patients is paramount. That is what we are doing.

The Hon. J. R. Cornwall: That is not what the Minister suggested in that letter.

The Hon. C. M. HILL: What she said in that letter was that she had asked those people to come and see me to discuss the problem.

The Hon. J. R. Cornwall: To water down the regulations.

The PRESIDENT: Order!

The Hon. C. M. HILL: What I said is exactly what she did. The people came to see me, and we are investigating the whole issue at present.

FIRE RISK

The Hon. C. J. SUMNER: I seek leave to make a brief explanation before asking the Minister of Local Government, representing the Chief Secretary, a question on fire safety in high-rise buildings.

Leave granted.

The Hon. C. J. SUMNER: In a recent television programme shown in Adelaide about the risk of fires in high-rise buildings in the United States, it was alleged that, if a fire broke out in a high-rise building, the fire services could not effectively fight it above a height of eight storeys. The so-called 'Towering Inferno' has received considerable publicity in recent times, both through a film and from publicity about fires in high-rise buildings. That, fortunately, has not so far happened in Australia. The programme also indicated that the fire precautions taken in high-rise buildings are, in many cases, not satisfactory and that the sprinkler systems are not adequate to quell a fire. It would be most disturbing if such a situation existed in South Australia.

The programme also dealt with the testing of equipment to fight fires in high-rise buildings. This involved the use of a helicopter to evacuate people and to facilitate the application of water to the fire. My questions are as follows: would it be possible to effectively fight a fire and evacuate people if a fire occurred in a high-rise building in Adelaide? What facilities and equipment exist to fight fires in high-rise buildings, and what additional facilities are required?

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

MODERATELY RETARDED PEOPLE

The Hon. C. W. CREEDON: I seek leave to make a brief explanation before asking the Minister of Community Welfare, representing the Minister of Health, a question about moderately retarded people.

Leave granted.

The Hon. C. W. CREEDON: Recently, it was brought to my attention that the Pines on Marion Road, Plympton, owned by the South Australian Government, had been closed down and sold. That site was used by the Intellectually Retarded Services to house about thirty-two people in hostel type accommodation. Those people had been trained to commute to other centres for their work activity and return to the Pines at night, when they would resume their normal social activities. Three years ago, there was a proposal to extend this type of accommodation on this site, along with a proposal to construct new accommodation for handicapped people with more serious problems. Will the Minister tell the Council where the moderately retarded persons have been moved to? Is their present accommodation as satisfactory as or better than that provided at the Pines? Do they still have the privilege of travelling to work?

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

INDUSTRIAL ACCIDENTS

The Hon. FRANK BLEVINS: I seek leave to make a brief explanation before asking the Minister of Community Welfare, representing the Minister of Industrial Affairs, a question about industrial accidents.

Leave granted.

The Hon. FRANK BLEVINS: The Australian Railways Union has brought to my attention a problem for which it seeks some assistance from the Government. I think the

best way to explain my question is to read a letter which I received and which outlines the problem, as follows:

As you are no doubt aware, a member of this union was seriously injured in a railway accident at Bridgewater on the morning of Tuesday 23 September 1981. This organisation is very concerned at the manner in which notification of the accident was relayed to this employee's wife and clearly demonstrates the cold heartedness and almost a 'couldn't care less about employees' attitude by A.N. officers in responsible, high and well paid positions.

The accident in which the employee was injured happened at 12.30 a.m. and he was taken to the Royal Adelaide Hospital by St John Ambulance and admitted to hospital for extensive surgery to his hand. This surgery took in the vicinity of 7½ hours and the extent of the injuries are the loss of the little finger, ring finger and the top of the thumb on the right hand and very extensive nerve damage to the hand and a broken right wrist.

The reason for our concern is the fact that this member's wife was not informed by A.N. of the accident, although I have since ascertained that the officer under whose control Bridgewater is, was informed by Train Control at 2-10 a.m. of the accident and the fact that our member had been admitted to Royal Adelaide Hospital for surgery.

We have discovered that the member's wife was made aware of the accident and the hospitalisation of her husband by a doctor from Royal Adelaide Hospital. I admit that the employee's wife was therefore notified of the accident, but I would insist that there is a definite indication of a shirking of responsibility by officers whose duties should definitely include notification to next of kin as soon as possible after any accident or mishap in which one of their employees is injured, whilst on duty, to the extent where he or she is unable to return to their home due to hospitalisation.

I am led to believe that at least 12 hours had elapsed since the time of the accident before any officer of A.N. made contact with the employee's wife to speak to her and this was done by telephone without even the decency of a personal visit, which I think is just not good enough for a statutory authority of the size and importance of the A.N. The Government of the day grasps every opportunity that comes along to 'have a go' at the terrible people that belong to the trade union movement and the number of strikes and irresponsible actions implemented by trade union officials which cause hardship and inconvenience to the community at large.

In the case detailed above the members of this union wished to take industrial action, to bring forcefully to the attention of their employer that they were intensely dissatisfied with the heartless and unjust treatment meted out to this injured employee and his family by the complete lack of notification to the family by the A.N. in as short a time as possible. It was only due to the elected officials of this union that industrial action was avoided because of our insistence that the problem could be handled internally between the union and the employer.

I believe that all honourable members will agree—and regret—that industrial accidents happen from time to time, despite everything we try to do to avoid them. They will continue to happen, and at times they are very serious. The Australian Railways Union has advised me that the incident referred to is not an isolated example. This sort of thing has occurred in the past, and union members have been taken to hospital without their wife, next of kin, or anybody else, being immediately notified by Australian National.

If no satisfaction is obtained in resolving this problem with Australian National, no doubt some industrial action will be taken by the railways union in this State. In an endeavour to avoid the disruption to the community that could occur if this problem is not resolved, I direct my question to the Minister. In the interests of industrial peace in this State, will the Minister contact Australian National and request that it negotiate immediately with the railway union with a view to adopting a more satisfactory method of notification after a serious accident?

The Hon. J. C. BURDETT: The honourable member will no doubt be aware that Australian National is outside the jurisdiction of the State Government and the Minister. Nonetheless, I will refer the question to the Minister, who, I am sure, will be prepared to consider taking up the matter with Australian National as best he can. However, I point out that not our Workers Compensation Act, the Government or the Minister has any active power in this matter. I shall refer the matter to my colleague and bring back a reply.

MENTAL HEALTH ACT

The Hon. R. C. DeGARIS: I seek leave to make a brief explanation before asking the Attorney-General a question about the Mental Health Act.

Leave granted.

The Hon. R. C. DeGARIS: On Monday, I had occasion to refer to the Mental Health Act, and I must admit I found it very difficult to understand exactly what Parliament had done in regard to this Act. I will not go into a long explanation, but I point out that the principal Mental Health Act, 1935-1974, was amended in 1977. A schedule was attached to the amending Bill that struck out certain parts of the principal Act. That Bill was not proclaimed until after a further amending Bill was passed that altered the schedule.

The matter is so complex that even the people in Parliament House who have the task of annotating our Acts have not interpreted the position correctly. I do not lay any blame on the staff of Parliament House, because this is an extremely complex matter and anyone could make a mistake. However, I draw this matter to the Attorney's attention and ask him whether he will examine it, with a view to getting a reprint of the Mental Health Act.

The Hon. K. T. GRIFFIN: I will certainly have the matter examined. My officers are currently working on proposals that will enable more regular reprinting and consolidation of Acts of Parliament, so that the Acts are more readily available to the public. I will examine the matter raised by the Hon. Mr DeGaris, and I will advise what can be done.

ENGLISH CLASS

The Hon. ANNE LEVY: I seek leave to make an explanation before asking the Minister of Local Government, representing the Minister of Education, a question regarding English classes.

Leave granted.

The Hon. ANNE LEVY: At a number of our community colleges classes in English are held at both Matriculation and pre-Matriculation levels. My attention has been drawn to the fact that at Kensington Park Community College a pre-Matriculation English class has been cancelled as from the end of the second term. This is despite the fact that the students who enrolled in that class did so in good faith at the beginning of the year, expecting a full year's course. They have bought the textbooks necessary for a full year's course, and certainly feel very let down at having their class chopped off part way through the year with the work not completed.

It has been suggested to the students that, in place of the cancelled course, they should attend a six-week bridging English course which is designed to prepare students for undertaking the Matriculation English course next year. However, this course is quite unrelated to the course that these students have been doing, in no way follows from it, is designed with very different educational objectives, and can in no way be considered a substitute for taking the course on which they embarked at the beginning of this year.

I make clear that I am not allocating great blame to the college concerned. It has had to cancel this course because of the lack of funds provided to the college by the Government. When funds are cut, the whole question of priorities is raised in relation to what courses should bear the brunt of these cuts in funds.

I wonder whether the course in question was viewed as being fairly readily expendable, as it is attended mainly by women and migrant people, that is, people who for a variety

of reasons missed out on educational opportunities when they were young. Instead of being allocated a very high educational priority, they are allocated a low educational priority in so many of our institutions.

I should say that, to take this course, some students come from up to eight kilometres away from the college and use public transport, as they do not have private transport available. These students have very long journeys, as there is a lack of cross-country public transport. Furthermore, if this course ceases, they will not have another comparable course without travelling a further 10 kilometres to another community college. This would mean a total of 16 kilometres cross-country travel for people who have no private transport to enable them to attend the course. To expect people to undertake such a journey seems to me to be entirely unreasonable.

Will the Minister see that the Kensington Park Community College has sufficient funds to enable it to complete this course this year without interruption, and also see that it does not need to axe this course next year, either? Also, will the Minister ascertain what other courses at this college will be axed next year, as well as the sex ratio and proportion of people from ethnic communities who are currently in the classes that it is proposed to axe because of the parsimony of the Government in providing funds for the community college?

The Hon. C. M. HILL: I will refer those questions to the Minister of Education and send a reply to the honourable member.

MOUNT GAMBIER TRAIN SERVICE

The Hon. G. L. BRUCE: I seek leave to make a statement before asking the Attorney-General, representing the Minister of Transport, a question regarding rail transport to Mount Gambier.

Leave granted.

The Hon. G. L. BRUCE: On 23 September 1981, a group of 42 elderly citizens went to Mount Gambier by rail on a tour conducted by Acacia Tours. On 25 September 1981, they returned to Adelaide by rail. All had reserved tickets that had been booked, and they travelled on a single Bluebird railcar. The train left 20 minutes late because sufficient seating was not available, and kitchen chairs were placed in the baggage compartment for passengers.

I understand that three elderly people stood for up to four hours. More elderly people joined the train between Mount Gambier and Naracoorte, and more chairs were placed on the train at Naracoorte. About 30 people were left to stand after leaving Naracoorte. This occurred at Coombe, where up and down Bluebird train services cross, and where an additional railcar was attached. Passengers were not only denied seating between Mount Gambier and Coombe, but were also denied refreshment services, as these operate only from Coombe to Adelaide and vice versa.

As seating was booked, surely provision should have been made to ensure that adequate seating was available. Why was this not done? If we are concerned with tourist potential in this State, why are not adequate refreshment services available for the full length of the journey from Mount Gambier to Adelaide and vice versa?

Also, is there a thrust by Australian National Railways to downgrade country passenger services at the expense of long-distance haul freight, and what does the Minister intend to do about it if there is? Finally, complaints were lodged by passengers, who indicated that the guard and the stewardess had done a wonderful job in the circumstances. What was the outcome of those complaints?

The Hon. K. T. GRIFFIN: It must be remembered that that service is conducted by Australian National, and that the State Minister of Transport has no jurisdiction at all in respect of the matters raised by the honourable member. Notwithstanding that, I will refer the questions to the Minister of Transport, who may be able to gain access to some information. If he can, I will be able to bring back a reply.

MEAT HYGIENE

The Hon. B. A. CHATTERTON: I seek leave to make a short explanation before asking the Minister of Community Welfare, representing the Minister of Agriculture, a question regarding meat hygiene.

Leave granted

The Hon. B. A. CHATTERTON: Last year, Parliament passed a new Meat Hygiene Act that gave the Minister power to exempt abattoirs from the provisions of the Act. Two sections thereof gave the Minister power to exempt. Section 49 gave the Minister power to vary or set aside a notice to upgrade facilities that was served on a particular abattoir or slaughterhouse owner. That was a specific form of exemption. Also, section 57 of the Act gave the Minister power to make general exemptions to whole classes or groups of abattoirs or slaughterhouses. Will the Minister say how many exemptions have been granted under the Act under those two sections, and what was the nature of the exemptions given?

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

CONSTITUTIONAL LINKS

The Hon. C. J. SUMNER: I seek leave to make a brief explanation before asking the Attorney-General a question on constitutional links with the United Kingdom.

Leave granted.

The Hon. C. J. SUMNER: In the *Parliamentary Newsletter* of 27 August 1981, put out by our trade union, the Commonwealth Parliamentary Association, the following article headed 'Australian Constitution', states:

> Australian Attorneys-General have launched a programme to cut the country's last constitutional ties with the United Kingdom. Federal and State Attorneys-General have consolidated the existing links in a report covering such matters as appeals from state supreme courts to the Privy Council in London and the application of some restrictions on state legislation.
>
> The report was being considered by state Premiers and a series of constitutional referenda in Australia and legislation in that country and in Britain will probably be necessary to complete the evolution towards full independence.

I have raised this issue in the Council on a number of occasions and indeed last session by way of a private member's Bill. I have also raised the question of the Parliament being informed as to what our Government representatives are doing at meetings of Ministers from the State and Commonwealth Governments. When I have raised this issue with the Attorney-General he has said quite flatly that no information will be provided to the Parliament on the matters being discussed by, for instance, the Standing Committee of Attorneys-General.

So, honourable members in this Council and in the House of Assembly have to rely upon the Commonwealth Parliamentary Association newsletter to be informed that a report has been prepared by the Attorneys-General on the constitutional links of Australia with the United Kingdom. To my mind, that ought to be a position that is totally rejected by all members of the Council. The Attorney-General will

not tell us what issues are being discussed yet, at the same time, in this document we learn that a report has been prepared. Quite clearly, that report ought to be made available to members of this Council. Will the Attorney-General make the report on constitutional links with the United Kingdom available to the Parliament? When is it likely that the matter will be resolved and legislation presented to Parliament and a constitutional referendum held?

The Hon. K. T. GRIFFIN: The Leader of the Opposition knows that the matters raised at meetings of Ministers are discussed on a confidential basis until Governments have made decisions. The Leader also knows that I have previously informed the Council that the Standing Committee of Attorneys-General has discussed the question of residual constitutional links and has prepared a report. The report is confidential to the Standing Committee. It was a request from the Premiers Conference to the Standing Committee of Attorneys-General to examine the question of residual constitutional links and produce a report. A report has been provided by the Standing Committee to the Premiers and the Prime Minister, and it is for the Premiers and the Prime Minister to make decisions on the course which will be followed as a result of that report.

Until the Premiers Conference has made a decision there is no way that I am able to table that report or otherwise make its detailed contents available to this Council or Parliament. The report which has been prepared by the Standing Committee is on the agenda for the Premiers Conference and as soon as it has been considered the Council will be informed.

ABORTION PAMPHLET

The Hon. ANNE LEVY: I seek leave to make a brief explanation before asking the Minister of Community Welfare, representing the Minister of Health, a question on an abortion pamphlet.

Leave granted.

The Hon. ANNE LEVY: I have asked a series of questions in this Council ever since 1979 regarding a recommendation of a conference held in late 1977 that the Health Commission should produce a pamphlet outlining the procedures, availability and the legal situation on abortions in this State to be available for any woman wishing to have information on the topic. I understood that a pamphlet had been prepared but in May last year the Minister decided that the pamphlet was too technical and that a simpler one was required. I asked again about this matter in March this year, and in June I received a reply from the Minister saying that a draft pamphlet had been developed on behalf of the committee chaired by the late Sir Leonard Mallen but that no firm date for publication was then available. As that is now nearly four months ago, is a date of publication yet available and how much longer do we have to wait before the recommendation of the 1977 conference is carried out?

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

MEAT SUBSTITUTION

The Hon. B. A. CHATTERTON: I seek leave to make a brief explanation before asking the Minister of Community Welfare, representing the Minister of Agriculture, a question on meat substitution.

Leave granted.

The Hon. B. A. CHATTERTON: There has been considerable publicity over recent months about the substitution of kangaroo meat and horse meat for beef on the export market. More recently there has been some publicity about the research work being done in Melbourne which has shown that on the domestic market a number of meats are being substituted for pig meat and that products labelled as pork contain large quantities of other meats. Some of the research has shown that some pork sausages contain no pork whatsoever—only mutton or beef—and have been coloured and flavoured to make them look and taste something like pork sausages. The important point is that under many State Acts the substitution of a large proportion of pig meat is in fact legal. However, the product is misrepresented to the consumer. The matter is of great concern to producers of pig meat who were the people who financed this research.

Will the Minister of Agriculture state whether any of this research work has been done in South Australia to ascertain the prevalence or otherwise of the practice of substituting other meats for pig meat? If this research work has not been done, will he try to undertake such work to protect the pig producers and to amend the necessary legislation to see that consumers are not being given products under quite false labels?

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

REINSTATEMENTS

The Hon. G. L. BRUCE: Has the Minister of Community Welfare an answer to my question of 27 August on reinstatements?

The Hon. J. C. BURDETT: My colleague, the Hon. D. Brown, Minister of Industrial Affairs, has advised that the matter raised by the honourable member will be considered by Mr Frank Cawthorne.

COMMUNITY LIBRARIES

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

Leave granted.

The Hon. ANNE LEVY: As I am sure the Minister is aware, there are a number of institute libraries in this State which are gradually being absorbed by municipal libraries, but I understand that the process of amalgamation and reorganisation of library facilities has been temporarily slowed down because of a review which is being undertaken on joint use library facilities involving school and other community libraries. I understand that earlier this year a committee was established to undertake a review of the guidelines which relate to joint use library facilities and that on the committee were representatives of the Education Department, Public Libraries Division, Institutes Association, Local Government Association and the Further Education Department. The committee's terms of reference include a requirement to investigate and report on all problems and to review procedures for joint use libraries.

Initially, I understand that this committee was due to report by the end of June. I understand, also, that it has not yet done so. Can the Minister inform us when it is expected that this committee will report and whether the report will be made available to members of Parliament, who have a considerable interest in this matter, and whether he expects the amalgamation of institute libraries to proceed at a greater rate once this committee has reported?

The Hon. C. M. HILL: I think the committee to which the honourable member refers is not a committee investi-

gating the question of the institute libraries being changed to the community library system. It is a committee that was basically called together to deal with the school library situation. Its meetings were really at the initiative of the Minister of Education. Some country school councils were concerned that there were some delays in approvals for their schools to be granted the community school library system.

It is true that the committee did take a little longer than was expected to begin its inquiry into the whole State-wide situation. I am not sure whether that committee has reported or not to date, but what I am sure of is that the committee's deliberations have not really delayed the overall programme for upgrading school community library complexes. What, of course, has been a factor has been the financial situation, although it is interesting to note that the total allocation for last year was not fully absorbed by the end of the last financial year and a credit was carried over.

The honourable member would no doubt have seen, in the Estimates in the Budget Papers in Parliament at the present time, that the Government has not been able to maintain the same momentum of installation of public library services as was the case in the last couple of years, although the Government still has hopes of meeting the overall target of completing the programme in accordance with the Crawford Report by 1986. I will look further into the matter of the specific report that the honourable member has referred to, but it has not, to the best of my knowledge, been the basic factor in any delay in the question of approval of libraries in country areas where the school community library approach is being recommended. So far as making that report public, I will first have a look at the report. I do not think it is of the kind that is of great interest publicly but if there is anything in it that I think the honourable member or the Council ought to be informed about, I will consider that.

CHOGM DINNER

The Hon. B. A. CHATTERTON: I seek leave to make a short explanation before directing a question to the Attorney-General, as Leader of the Government in this Chamber, on the matter of the CHOGM dinner.

Leave granted.

The Hon. B. A. CHATTERTON: The Premier of Queensland, Mr Bjelke-Petersen, has refused to attend the CHOGM dinner because he disagrees with the views of the Prime Minister regarding South Africa. He thinks that the Prime Minister is being too hard on South Africa and its policies of apartheid. I read recently that the Premier of South Australia, Mr Tonkin, is not going to attend the CHOGM dinner, either, and I ask the Attorney-General whether Mr Tonkin is doing that as a protest, also, against the Prime Minister's views and as a gesture of solidarity with Mr Bjelke-Petersen, or are there other reasons for his non-attendance?

The Hon. K. T. GRIFFIN: I cannot imagine that the Premier would refuse an invitation on those sorts of grounds. He must, obviously, have some other good reasons. I do not know what they are. The Premier and the Prime Minister have a close personal relationship.

Mr DAVID LANE

The Hon. C. J. SUMNER (on notice) asked the Attorney-General:

1. Has a Mr David Lane, a shearer, been in breach of the Pastoral Industry (S.A.) Award in a number of ways and in particular by:

(a) failing to sign an industrial agreement with his employers; and

(b) shearing at weekends contrary to the award?

2. Specify in what other ways Mr Lane has been in breach of the award.

3. Why has a prosecution against Mr Lane not been pursued?

The Hon. K. T. GRIFFIN: The replies are as follows:

1. *(a)* Probably yes.

(b) No; the Pastoral Industry (S.A.) Award does not prohibit weekend shearing.

2. Mr D. Lane has not been found to be in breach of the award in any other ways.

3. In September 1980 the Australian Workers Union alleged that David Lane was crutching sheep without having signed an agreement form. The Department of Industrial Affairs and Employment did not commence prosecution proceedings in this instance as it was considered that the allegation constituted only a minor technical breach of the award and that the available resources of the department should be concentrated on more serious complaints such as underpayment of wages, non-payment of annual leave, non-payment of long service leave, etc. Accordingly, the Australian Workers Union was advised that if it considered that Mr Lane was in breach of the award it should launch a prosecution itself. This is not a novel procedure as far as the union is concerned as it has launched a number of prosecutions in recent years.

MILAN TRADE FAIR

The Hon. FRANK BLEVINS (on notice) asked the Attorney-General:

1. What was the cost to the Government of its participation in last year's Milan Trade Fair and what were the detailed items of expenditure which made up that cost?

2. What was the cost of preparation of the publicity booklet *L'Australia Meridionale* and what were the detailed items of expenditure which made up that cost?

3. Will the Attorney-General outline what response in increased trade opportunities or other benefits have resulted from these initiatives.

The Hon. K. T. GRIFFIN: The replies are as follows:

1. The cost of the participation in last year's Milan Trade Fair was $19 752.24; rental of the stand, and preparation costs, were $11 745.19; the total expenses of the people serving the stand totalled $1 109.45; the reception and wine-tasting amounted to $1 264.90; and publications used for the fair cost $5 632.70.

2. The cost of preparation of the publicity booklet *L'Australia Meridionale* which has been used locally by Italian businessmen as well as in other regions of Italy other than Milan, was $3 801.20. As this booklet already existed in English, the breakdown of cost is $300 for translation and $3 501.20 for printing.

3. While South Australia has been represented at the Milan Trade Fair on previous occasions, this is the first occasion on which a delegation of South Australian businessmen from the Italian Chamber of Commerce have formed a trade mission to attend the fair. While it is of course not possible to quantify the increased trade resulting from the participation, the level of commercial interest was such that the Italian Chamber in Adelaide has requested the Government to repeat the exercise. This will not be possible in view of the State's wide ranging interest in trade and countries other than Italy, but the Italian Chamber

will be represented in Milan next year with some minor assistance from the Government.

MENTAL HEALTH

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

1. Is the Minister of Health aware that e.c.t. is a highly controversial treatment?

2. If so, can the Minister explain why no adequate records are kept of the use of this treatment so that its value may be judged?

3. Will the Minister instruct her department to record the following information:

(a) Number of persons receiving e.c.t. and number of treatments received by each person?

(b) Frequency of and time of interval between treatments?

(c) Type of disorder being treated by e.c.t.?

(d) Concurrent treatments used for the same disorder?

(e) Type of anaesthetic used?

(f) After effects, side effects and outcome of treatment by e.c.t.?

(g) Type of consent gained (voluntary or not)?

4. Will the Minister instruct her department to publish these figures yearly without identifying any individuals?

The Hon. J. C. BURDETT: The replies are as follows:

1. In the field of medicine generally there is no controversy concerning the efficacy of e.c.t. as a form of treatment for particular types of illness. This treatment is used in all States of Australia and throughout the world. The only controversy within this State has been raised by the Church of Scientology and its associated Citizen's Commission on Human Rights. It is considered by most psychiatrists that the criticisms of this treatment are based on unsound information.

2. Adequate records are kept in relation to e.c.t. Prior to 1981 these records related to total numbers of treatments.

3. Since early 1981 records have been kept that give the date of treatment, ward, patient's name and sex, classification of admission (voluntary, detained), the extent of the treatment (for example, whether unipolar or bilateral), and the number of treatments for the patient to date. For all e.c.t. a general anaesthetic of brief duration is given by a specialist anaesthetist.

4. It is not practical to publish the figures in the format requested without embarking on an extremely extensive statistical programme. Detailed records are kept in each patient's case notes of all treatments given, including e.c.t., and the records that have been kept since early 1981 are kept for medical research reasons. The Annual Report of the Director of Mental Health will show the number of e.c.ts given and the classification of admission, etc.

The Hon. FRANK BLEVINS (on notice) asked the Minister of Community Welfare: Referring to the answer given to the question on mental health (18 November 1980), it is noted that of the 32 persons who appealed to the Mental Health Review Tribunal, 17 were released and 12 of those were released before they appeared before the tribunal.

1. Does this mean that a large proportion of those persons detained for longer than three days are detained unnecessarily?

2. Does this mean that the proceedings of the tribunal are so slow and cumbersome that patients get better before their appeals are heard?

3. If the tribunal's hearings are frequent and efficient then what is the significance of the fact that 12 persons were released from custody before they ever reached the tribunal?

4. Does this imply that their detentions were questionable?

The Hon. J. C. BURDETT: The replies are as follows:

1. No.

2. No. Legal requirements need to be met. See 3. below.

3. Each appellant has the right to be represented by a legal practitioner at tribunal hearings. Such arrangements may take up to two weeks to complete. During this period continued treatment may often result in improvements in the appellant's mental condition resulting in a change in classification of the person from detained to voluntary status.

4. No.

ADMINISTRATIVE DECISIONS (DISCLOSURE OF REASONS) BILL

The Hon. C. J. SUMNER (Leader of the Opposition) obtained leave and introduced a Bill for an Act to require disclosure of the reasons for certain administrative decisions. Read a first time.

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

That this Bill be now read a second time.

The purpose of this Bill is to require that a person who has made an administrative decision must, if requested by a person aggrieved by the decision, provide reasons for such decision. The common law applicable in South Australia is that there is no rule which compels reasons to be given for administrative decisions. Although the decision may still be challenged in the courts, for instance, by a prerogative writ, there are obvious difficulties if no reasons are given. The difficulties were recently highlighted in a case brought to my attention involving the dismissal of a teacher. The teacher was dismissed following allegations of inefficiency and incompetence in the discharge of his duties. An appeal was lodged with the Teachers Appeal Board, but the original decision was upheld.

Attempts to obtain the reasons for the decision of the Teachers Appeal Board were refused. The Minister of Education, Mr Allison, passed the buck in the following terms, replying to representations made by Dr Hopgood, the member for Mawson:

> The Teachers Appeal Board is constituted under the Education Act, Part III, Division VIII and its actions are prescribed by regulation 114. In particular, regulation 144 (3) states:
>
> Where the Board has made its determination of any particular appeal made to it, it shall notify the Director-General and the appellant of its decision.
>
> The board is therefore not required to give reasons for its decisions nor is it required for the Chairman to make any remarks in handing down the board's decisions. No transcript is made of the proceedings before the board nor of its deliberations. Therefore I regret that I am unable to accede to your request because the information you seek is not available.

In view of the legal position stated above, the former teacher was advised by his lawyers that court proceedings to force reasons to be given were unlikely to succeed.

At a Federal level, a highly developed system of Administrative Law has been established through the Administrative Appeals Tribunal Act, 1975 and Administrative Decisions (Judicial Review) Act 1977 and reasons for administrative decisions must be given if requested. The traditional means of review of administrative action is by Parliament and this should not be downgraded, indeed it should be strengthened. However, the effectiveness of Parliamentary review is open to considerable question and in due course further attention should be given to this.

With the increasing complexity of society and more and more Government decisions impinging on the rights of citizens, more effective systems of review of administrative decisions are necessary. In 1972 the Labor Government established the office of Ombudsman, to assist citizens in complaints against Government Departments. The Labor Opposition will give further consideration to this issue, keeping in mind the paramountcy of a Government in policy matters and ensuring that responsibility for policy is not transferred to the courts.

A more effective system of judicial review of administrative decisions is necessary but in the meantime this Bill would at least make the present methods of judicial review (prerogative writs and the like) more effective. Justice requires that reasons should be given for administrative decisions which impinge on the rights of citizens. It is worth noting also that in the United Kingdom the general common law position has been modified by the Tribunals and Inquiries Act 1971 which requires reasons to be given by a large number of statutory tribunals and on Ministers in certain circumstances. 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 provides that the measure is to come into operation on a day to be fixed by proclamation. Clause 3 sets out definitions of expressions used in the measure. 'Decision to which this Act applies' is by this clause defined as a decision of an administrative character made (whether in the exercise of a discretion or not) under an enactment, that is to say, an Act or instrument made under an Act. Under subclause (3) the making of a report or recommendation pursuant to an enactment shall be deemed to be the making of a decision if under that enactment such a report or recommendation is required to be made before a decision may be made.

Clause 4 provides that a person who has made an administrative decision must, if requested by notice in writing given by a person aggrieved by the decision within a reasonable time after the making of the decision, furnish to that person, as soon as practicable after his receipt of the request, a statement in writing setting out the findings on material questions of fact, referring to the evidence and giving the reasons for the decision. Subclause (2) excepts from this requirement decisions made by the Governor, decisions excepted by regulation and decisions in respect of which provision is made by any other enactment as to the giving of reasons. Subclause (3) provides that certain information need not be included in a statement. The information that may be excluded is, firstly, information the disclosure of which the Attorney-General has certified would be against the public interest by reason that it would prejudice relations with another Government or involve disclosure of Cabinet deliberations or for any reason that could form the basis for a claim in judicial proceedings that the information should not be disclosed. Secondly, information may be excluded if it relates to certain personal or business affairs and was supplied in confidence, contains trade secrets, was furnished in compliance with a duty imposed by an enactment or is required not to be disclosed under any enactment.

Clause 5 provides that where a statement of reasons is given by a tribunal whether pursuant to this measure or otherwise the statement shall be deemed to form part of the decision and to be incorporated in the record. This provision is designed to facilitate judicial scrutiny and correction of decisions of administrative tribunals. Clause 6 empowers the making of regulations for the purposes of the measure.

The Hon. K. T. GRIFFIN secured the adjournment of the debate.

EVIDENCE ACT AMENDMENT BILL

The Hon. C. J. SUMNER (Leader of the Opposition) obtained leave and introduced a Bill for an Act to amend the Evidence Act, 1929-1979. Read a first time.

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

That this Bill be now read a second time.

This Bill gives effect to the recommendations of the Select Committee of the Legislative Council on the Unsworn Statement and Related Matters, the report of which will be tabled today. The committee recommended that the unsworn statement should be retained but that reforms should be made with respect to it. The reforms suggested by the committee were that the unsworn statement should be made subject to the general rules of evidence applying to sworn evidence except those relating to cross examination, that section 34i of the Evidence Act should cover assertions in unsworn statements, that the prosecution should have the right to rebut any new matters raised in an unsworn statement, and that section 18(VI) *(b)* of the Evidence Act be amended to more clearly define the circumstances in which previous convictions or character of a defendant can be brought before the court. I draw honourable members' attention to the report of the Select Committee and I will not repeat the arguments in this second reading explanation.

Clause 1 deals with the title. Clause 2 amends section 18 by providing that the protection against evidence of character is lost only if the defendant places his own character in issue or if imputations are made against Crown witnesses which would not necessarily arise from a proper presentation of the defence. In this respect, the Bill is in similar terms to the Bill introduced by the Government which abolished the unsworn statement.

Clause 3 inserts a new section 18a in the Act which affirms the right to make an unsworn statement but prohibits assertions in the unsworn statement which would be inadmissable if given in evidence on oath. It affirms that evidence may be given in rebuttal and provides that evidence of character and previous convictions may be given if, in the unsworn statement, the defendant makes assertions establishing his own good character or makes imputations on the character of the prosecutor or witnesses for the prosecution which would subject him to cross examination on character if such evidence had been given on oath. It makes clear that a person is not entitled to make both an unsworn statement and give sworn evidence. The clause retains other rules of common law relating to unsworn statements.

Clause 4 amends section 34i to ensure that assertions made in the unsworn statement are governed by the provisions of section 34i relating to prior sexual history. Clause 5 amends section 68 to ensure that the existing judge's discretion to prohibit publication of evidence contained in section 69 also includes any statement made before the court. This gives effect to recommendation 8 in the report. Although this recommendation referred to an amendment to section 69, the recommendation has in fact been given effect to by this amendment to section 68. This is in line with a proposal made in a report on victims of crime and will make clear that a judge's discretion to prohibit publication extends to any material in an unsworn statement or any other statements made during the trial.

The Hon. K. T. GRIFFIN secured the adjournment of the debate.

MONEY BILLS

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

That the only Bills to be dealt with as money Bills shall be Bills so defined in clause 60 of the Constitution Act, 1934-1980.

On 6 March 1980 the Legislative Council upheld a ruling given by you, Mr President, about the introduction of a Bill by the Hon. Chris Sumner, the short title being the Pitjantjatjara Land Rights Bill, 1980. The motion was that that Bill be laid aside. In giving that ruling you followed the precedent that had been set by previous Presiding Officers, both Speakers of the House of Assembly and Presidents of the Legislative Council. In upholding your ruling, the Legislative Council also took into consideration that it would have been foolish to establish a new precedent by vote of the Council when that decision, if made, should be made by both Houses of Parliament. The ruling quoted by you was given by the Speaker of the South Australian House of Assembly (Votes and Proceedings, page 256 of 6 November 1884). Part of that ruling, in relation to the Working Men's Holding Bill, stated:

There are two fundamental objections to the Bill as introduced either of which is fatal. It is contrary to precedent and to constitutional usage. Up to 1874, it had been regular practice to regard Crown lands Bills as money Bills. Since that date this practice and custom has been allowed to fall into disuse but such Bills have invariably originated in the House of Assembly.

It is, therefore, contrary to the uniform practice of this Parliament that a Bill dealing with the alienation of Crown lands of the province should originate in the Legislative Council, and, so far as my research extends, the same practice has been strictly adhered to by the Parliaments of New South Wales and Victoria. This Bill should therefore have been introduced in the House of Assembly, and properly, if at all, by the Government. If a private member desires legislation in the direction contemplated by this Bill, his proper and constitutional course would be to move resolutions affirming the principle, and addressing the Governor, praying His Excellency to recommend the House to make provision by Bill to give effect to the resolution. It will be observed that this does not take away the right of a private member to initiate legislation, but only prescribes the mode.

On 7 October 1981 the President, in giving a ruling on the Park Lands Resumption Bill, endorsed the principle contained in the 1884 ruling in relation to a Bill dealing with the public estate—that such a Bill must be a Government measure and, failing this, must be laid aside. However, the Park Lands Resumption Bill dealt with what was no longer public estate but lands already taken from the public estate and dedicated to a specific purpose. Therefore, this principle did not apply and it was ruled that the Bill could proceed. This raises a very interesting point that may be seen in greater clarity as the history unfolds.

In the Pitjantjatjara Land Rights Bill, introduced by the Hon. Chris Sumner, four blocks of land were classified as unallotted Crown land. If all the land referred to in that Bill had been allotted for any purpose (that is, as another conservation park, Aboriginal reserve or pastoral lease), no longer would the restriction apply under the 1891 ruling, except for the constitutional restrictions on money clauses and the resolution in Joint Standing Orders relating to private Bills.

Let us suppose that these four blocks of land had been allocated previously as pastoral leases or for some other purpose and recently had been surrendered and were now unallotted Crown land. Would or would not the restrictions apply? It is a fine point but, nevertheless, one that must be considered. Also, in the Legislative Council on 6 August 1902 the President gave a similar ruling regarding a Bill to amend the Crown Lands Act, saying:

I find that the practice of Parliament is undoubtedly opposed to the introduction of any Crown lands legislation by a private member and the argument is stronger when the question of the revenue from Crown lands is involved. This should in principle be a matter of Government policy inasmuch as the question of revenue may be materially affected by a facility being afforded to private members to alter that revenue by any alteration of the rents derived from such lands. I wish to point out that the constitutional course to adopt is to move a resolution approving the principle and leaving the Government to make provision by a Bill to give effect to the resolution.

That ruling appears to conflict with the proceedings on a Crown Lands (Agricultural) Amendment Bill in the Legislative Council in the 1883-84 session. On 20 November 1883, the President ruled that the Bill should be laid aside, but on 29 November 1883 the Council passed a motion dissenting from that ruling.

The Speaker's concise statement in the 1884 ruling was the ruling on which you, Sir, relied when you made your ruling on the Pitjantjatjara Bill, and, if one wants to judge, it was the correct precedent on which to rely. If that ruling is to be followed, Crown lands Bills are to be regarded as money Bills.

In researching this question, it must be pointed out that the terms 'public estate', 'public domain', 'waste lands', and 'unallotted Crown lands' (sometimes just 'Crown lands'), are synonymous terms. I have endeavoured to locate statements as to why any Crown lands Bills should be viewed in the same way as money Bills.

The Hon. Mr Sumner, in speaking to the motion on your ruling, Sir, regarding the state of the Pitjantjatjara Land Rights Bill, said that the only restriction that should apply was that in section 60 of the Constitution Act, which was written into our Act in 1913.

While I am inclined to agree with the point made by the Leader of the Opposition, the Parliamentary practice and constitutional practice followed over many years is not based on the Constitution Act, which in section 60 only places in that Act the compact of 1857 which did not cover the question of Crown lands, waste lands or the public estate. So, one must look elsewhere for the beginnings of the practice that we have followed. Those who have written on the constitutional history of South Australia clearly point out the importance of legislation dealing with the public estate.

In the debates that occurred during the early days of South Australia considerable argument took place as to whether the right to dispose of waste lands should remain with the Imperial Administration, or whether it should be handled locally. This controversy occurred during the period leading up to the granting of responsible government in South Australia and other Australian Colonies. The crux of the argument appears to be that all land is vested in the Crown as the ultimate owner and all waste land is its absolute property. In *The Dominions as Sovereign States,* 1938, page 160, the *Government of the British Empire,* 1935, page 481, and in *The Sovereignty of the British Dominions,* 1929, page 91, by A. B. Keith, these points are made abundantly clear.

Imperial control of land administration was tried in Australia but it was decided, with responsible government, to hand over control of Crown lands. The controversy as to whether Imperial or Colonial control of disposition of waste lands should supervene is apparent from chapter XI of *Britain and Australia, 1831-1855,* by Peter Burroughs. Major steps outlined in that book are as follows.

In 1847 Earl Grey outlined constitutional proposals for Australia. Representative institutions were to be granted to all the colonies. On 4 April 1849, a special committee of the Privy Council reported on the proposals. The Privy Council report was the basis for Imperial legislation passed in 1850 (the Australian Colonies Government Act). That

measure preserved Imperial control over Crown lands and their revenues. In 1852, Earl Grey was succeeded by Sir John Pakington, who decided that the Imperial Government should concede Colonial control of both lands and revenue. Peter Burroughs reports the culmination of the controversy on page 379, as follows:

> The grant of self-government was made contingent on the adoption of suitable constitutions, which the colonists were invited to prepare.
>
> With the subsequent adoption of these new constitutions in New South Wales and Victoria in 1855, and in South Australia and Tasmania in 1856, the management of Crown lands became one of the administrative duties of the local Government.

The constitutional position of South Australia is dealt with in *Australian Constitutional Law* (1972) by Fajgenbaum and Hanks. The power to legislate in South Australia stems from section 14 of the Australian Colonies Government Act of 1850, pursuant to which the South Australian Constitution Act was passed. The South Australian Constitution Act was thus subject to the limitations in section 14 of that Act. I refer to Fajgenbaum and Hanks, *Australian Constitutional Law* (1972), chapter 6, under the heading 'The State Parliaments', as follows:

> In each of the six Australian Colonies representative Legislatures were established during the nineteenth century, the establishment of each of these Legislatures being sanctioned or authorised by the Imperial Parliament. That Imperial sanction is currently regarded as having legal significance; the ultimate source of legislative power in Australia is held to lie in grants from the Imperial Parliament whose legislative pronouncements are traditionally regarded as superior to local (Colonial or State) legislation. Accordingly, the limits imposed, expressly or by implication, by the Imperial Parliament can be regarded as the grundnorm, the basic premise, of the Australian constitutional system.

How long that premise will survive the growth of Australian nationalism is a difficult question to answer, for it is conceivable that the ultimate source of the legislative powers of Australian Parliaments will come to be regarded as historical or political rather than statutory; that is, the State legislative powers could be said to depend on the *de facto* independence and autonomy achieved or assumed by the Colonies during the nineteenth century, the Imperial legislation being no more than a statement or recognition of the fact of autonomy.

But, for the present, as in the past, the legal foundations of the legislative competence of the Australian Parliaments lie in the Statutes of the United Kingdom Parliament at Westminster, Acts of Colonial Legislative Councils and Orders-in-Council of Her Imperial Majesty Queen Victoria.

The first representative Legislature established in Australia was the New South Wales Legislative Council, set up by the Australian Constitution Act (No. 1) 1842 (Imp.). The Governor, with the advice and consent of the Legislative Council, was authorised to 'make laws for the peace, welfare, and good government of the Colony'.

Legislative power in substantially identical terms was conferred on Legislative Councils set up in Victoria, Van Diemen's Land, South Australia and Western Australia under section 14 of the Australian Constitution Act 1850 (Imp.). That Act invited these new representative Legislative Councils to draft and pass new and separate Constitution Acts, which were to avoid certain delicate or controversial matters and which were then to be reserved for Her Majesty's assent; that is, only to come into force after scrutiny by Her Majesty's advisers in London.

Tasmania (as Van Diemen's Land was renamed) and South Australia accepted the invitation and the limitations. In each colony an Act of the local Legislative Council (assented to in London) established a bicameral legislature which, with the Governor, was to have power to make laws for the peace, welfare and good government of the colony. But the New South Wales and Victorian drafts struck some trouble in London after their approval by the local Legislative Councils. Each of them ignored the restrictions which the Imperial Parliament had imposed in 1850. After some consideration, legislation was passed by the Imperial Parliament, specifically authorising the Crown to assent to the New South Wales and Victorian Constitution Acts notwithstanding their inconsistency with the Imperial Act of 1850.

The 'certain delicate or controversial matters reserved for Her Majesty's assent' are explained in a footnote as being that there should be no interference with the Governor's discretionary power to control and dispose of Crown lands. That extract ignores still another important point in the Imperial surrender to the Colonies of Crown Lands, in the Waste Lands (Australia) Repeal Act of 1855. There was little debate on this Bill in the British Parliament, but it passed at the same time as the New South Wales Government Bill, to which members devoted some attention. Lord John Russell's remarks on page 728 on 17 May 1855 (*Hansard*) are worth quoting:

> With respect to South Australia, they have, in the Legislative Council, declared that they wished to reconsider the recommendations which they had made, as they had doubts with reference to the constitution which they had proposed. The Act has been sent back for recommendation, and, provided they conform to the Act of Parliament, the constitution they may desire will most likely be granted. If the Waste Lands Bill which I propose to introduce should be passed, they will then have the disposal of the waste lands of the Crown.

Lord John Russell makes the intention of the 1855 Waste Lands Bill perfectly clear in that statement. Section 14 of the Australian Colonies Government Act of 1850 states:

> And be it enacted that the Governors of the said colonies of Victoria, Van Diemen's Land, South Australia and Western Australia respectively, with the advice and consent of the Legislative Councils to be established in the said colonies under this Act, shall have authority to make laws for the peace, welfare and good government of the said colonies respectively, and with the deductions, and subject to the condition herein contained by such laws to appropriate to the Public Service within the said colonies respectively the whole of Her Majesty's revenue within such colonies arising from taxes, duties, rates and imports levied on Her Majesty's subjects within such colonies;
>
> *(a)* Provided always that no such law shall be repugnant to the law of England;
>
> *(b)* Or interfere in any matter with the sale or other appropriation of the lands belonging to the Crown within any of the said colonies, or with the revenue thence arising;
>
> *(c)* And it shall not be lawful for any such Council to pass, or for any such Governor to assent to any Bill appropriating to the Public Service any sums or sum of money unless the Governor on Her Majesty's behalf shall just have recommended to the Council to make provision for the specific public service towards which such money is to be appropriated; and that no part of Her Majesty's revenue in any of the said colonies arising from the sources aforesaid shall be issued, or shall be made by any law issuable, except in pursuance of warrants under the hand of the Governor of the Colony directed to the Public Treasurer thereof.

It seems clear that the practices we have followed stem from section 14 of the Australian Colonies Government Act of 1850. But section 5 of the Waste Lands Act of 1855 states:

> It shall be lawful for the Legislature of South Australia, after such change in the Constitution as aforesaid, by any Act or Acts to be passed from time to time in the same manner and under the same conditions as are or maybe by law required in respect of other Acts of the said Legislature, to regulate the sale and other disposal of waste lands of the Crown, and the disposal of the proceeds arising therefrom for the Public Service of the said colony, any provisions of an Act of Parliament instituted an Act for the better government of Her Majesty's Australian Colonies or of any other Act of Parliament notwithstanding.

Although the Constitution Acts have endowed the Parliament only with the powers of its predecessor and although a prohibition against waste lands legislation applied to that predecessor until proclamation of the Constitution Act in 1856, that predecessor continued to exist after that proclamation (by section 42 of the Constitution Act, it continued until the election writs were issued for the Parliament).

Thus that predecessor and, consequently, the Parliament have been empowered to pass waste lands legislation.

The mode of passing waste lands legislation has, pursuant to rulings stemming from that of the Speaker in 1884, been aligned to the mode of passing money Bills. It is established by those rulings that a pre-requisite to the passage of any such legislation is a Governor's recommendation to the House of Assembly. Such a procedure is required for money Bills by the Imperial legislation authorising the Constitution Act and by the Constitution Act, but no such legislative requirement appears to exist in relation to waste lands legislation.

While the Imperial Parliament conceded its powers in relation to the Public Estate in South Australia, by the passage of the Waste Lands Bill of 1855, it still does not solve satisfactorily the question of how all Bills dealing with Crown lands came to be classified as money Bills. During the debates on the New South Wales and Victorian Constitution Acts, it is clear that they did not heed the conditions of the 1850 Act; South Australia did.

I would say that the genesis of our rulings, our constitution practice and usage, stem from section 14 of the 1850 Act. A strong argument can be advanced that the practice and usage referred to in the 1884 ruling is wrongly based because of the effect of clause 5 of the Waste Lands Act 1855. The position becomes even more complicated if one considers the ruling of 1891 that lands that had been allotted for any purpose do not fall into the category of 'public estate'.

I think the point is that the precedent we have established is now an anachronism and should be dispensed with, and the only restriction we should entertain is the strict definition of a money clause or a money Bill in our Constitution Act. It seems an unnatural restriction on the rights of a private member, or on this Council, that this distinction show now persist. The problem lies in how to proceed to provide a new rule. Clause 5 of the Colonial Laws Validity Act states:

> Every Colonial legislature shall have and be deemed at all times to have had full power within its jurisdiction to establish Courts of Judicature and to abolish and reconstitute the same and to alter the constitution thereof and to make provision for the administration of justice therein: and every representative legislature shall, in respect to the colony under its jurisdiction have, and be deemed at all times to have had, full power to make laws respecting the constitution, powers, and procedure of such legislature; provided that such laws shall have been passed in such manner and from as may from time to time be required by any Act of Parliament, letters patent, Order in Council or Colonial Law for the time being in force in the said colony.

Taking all things into consideration, the Parliament, by resolution of both Houses, should create a ruling to be followed by Presiding Officers in the future, as to the restrictions imposed upon this Parliament, and upon private members in general related to Bills dealing with Crown lands, and that the only restriction should be those restrictions that are spelt out in section 60 of the Constitution Act referring to money clauses and money Bills.

Of course, some Bills dealing with the public estate will be money Bills, or contain money clauses, but the blanket definition being applied by precedent, that any Bill dealing with Crown lands is a money Bill, appears in this modern day to be anachronistic. I wish to make one thing perfectly clear, Mr President; nothing I have said in this speech is to be taken as a criticism of your ruling in March 1981.

The Hon. C. J. Sumner: Why not?

The Hon. R. C. DeGARIS: Because your ruling, Mr President, in in my opinion, was correct based upon previous rulings that had been given and it was correct that the precedent should follow those rulings until such time as this House or the Parliament as a whole makes a decision to change them.

I believe it is time the Parliament examined the reasons for the precedent we are following and, if they are found now to be over-restrictive of the right of members in the Parliament, the correct steps should be taken to follow a new course. Alteration of that procedure appears to be open to the Parliament, by resolution of the two Houses. I believe that, if we do overcome this particular problem, it does not finally overcome the absolute problem of the definition of money clauses and money Bills.

It may be that some machinery should exist in the South Australian Parliament for determining when a Bill is a money Bill, perhaps by means of a procedures committee to determine that question.

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

SELECT COMMITTEE ON UNSWORN STATEMENTS AND RELATED MATTERS

The Hon. C. J. SUMNER (Leader of Opposition): I bring up the report of the Select Committee on Unsworn Statement and Related Matters, together with minutes of proceedings and evidence and move that it be printed. In so moving, I point out to the Council that a slight amendment has been made to paragraph 7 on page 9 of the report, such that that paragraph should now read:

> *(j)* Similar figures appear from an analysis of defendants making unsworn statements in the Local and District Criminal Court. In 1979 the number of defendants acquitted after making an unsworn statement was 6 (4 per cent of all not guilty pleas). In 1980 it was 7 defendants (again only 4 per cent of all not guilty pleas).
>
> Thus 13 is the upper limit which can be placed on defendants abusing the unsworn statement in the Adelaide District Criminal Court over the two year period.

Motion carried.

MINING ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 29 September. Page 1212.)

The Hon. D. H. LAIDLAW: I support the second reading of this Bill. I wish to comment on two clauses only: clause 9, which prescribes a different basis for assessing mining royalties, and clause 19, which deals with an extension of the period of exploration licenses. The Hon. Ren DeGaris, who served as Minister of Mines and Energy in a former Liberal Administration, made an excellent speech on this Bill yesterday. He gave details, *inter alia*, of the mining royalties charged in the other mainland States for extracting minerals and energy sources.

Each State adopts different standards. In New South Wales, as the Hon. Mr DeGaris pointed out, the Minister is given a wide discretion, and this can vary between producers of the same minerals. In some instances, the Minister bases the royalty on the value of the mineral free on board. In other instances, it is based on the value at site and, in the case of the Broken Hill mines, it is based on the escalating scale of profit earned by the mining companies. This method has led to much dissension and to accusations of favouritism. I agree that a Minister should have some discretion in order to assist marginal or newly started operations. However, it is most undesirable for the discretion to be as wide as that existing in New South Wales.

In Queensland, Western Australia and Victoria royalties are set according to the product extracted but, unlike New South Wales, the respective Ministers do try to apply a common royalty for each particular mineral or energy

source. In South Australia at present, under section 17, the amount of royalty is set at 2½ per cent or, in the case of extractive products like quarry stone and sand, at 5 per cent of the value which the Minister assesses is the value immediately on recovery from the earth. In practice, the Minister generally has calculated the royalty as 2½ per cent, or 5 per cent of the difference between the value of the mineral on board ship and the cost of getting it there. However, I am informed that there are many exceptions to this rule.

With regard to natural gas, royalty is fixed under the Petroleum Act at 10 per cent of the value at the well head. This, once again, is determined by deducting the cost of processing and conveying the gas to the point of delivery from the price a producer might obtain by making a sale to a person. This rate is comparable to other States. In Queensland, the royalty on natural gas is also set at 10 per cent of the value at the well head, whilst in Victoria it ranges between 10 per cent and 12½ per cent, depending on the size of the gas field.

The Auditor-General, in his report on the Department of Mines and Energy, at page 135 states that royalties on minerals, etc. for the year ended 30 June 1981 amounted to $6 500 000, an increase of 25 per cent over the previous year. Of this sum, $4 600 000 came from natural gas; $1 600 000 came from minerals; $170 000 came from coal; and $120 000 came from salt and gypsum. In addition, $774 000 was derived from stone and sand quarries and passed to the Extractive Industries Rehabilitation Fund.

For those who believe that minerals in the ground properly belong to the State, this may seem a paltry sum, but it must be remembered that many mining operations are quite marginal, especially at present when the world prices for base minerals are depressed, and they do provide employment in decentralised areas. Since South Australia is the most urbanised State in the most urbanised country in the world, mining and primary industry should be encouraged, if only to keep some of the population outside of Adelaide. For that reason alone, the Government should resist the temptation to increase mining royalties dramatically.

Clause 9 amends the basis for assessing royalties. The rates of 2½ per cent for minerals generally and 5 per cent for quarry stone and sand remain unchanged. In future, however, the rates will be assessed as a proportion of the amount that could reasonably be expected to be realised upon the sale of the minerals, assuming that any processing that would normally be carried out by the operator would be done by him or at his expense, and the minerals were delivered to the nearest port at the expense of the producer. There is a proviso that the Minister can waive or reduce the royalty if, in his opinion, such an impost would render a mining operation uneconomic, and I will comment on that in a moment.

In effect, in future, royalty is to be based on the value of the processed mineral rather than on the value of the mineral immediately upon extraction from the earth. In the Budget papers tabled recently, the Treasurer stated that he expects to receive in royalties from mining and so on, $9 000 000 in 1981-82, which is an increase of 38 per cent over the $6 500 000 received in 1980-81.

This change in the basis of assessing royalty has alarmed some mining operators because it affects companies differently according to the value of a mineral after processing. The executives of one small mining company, which is the main employer in a country town, have informed me that they expect their annual royalty payments to rise from $57 000 to $173 000. That is an increase of over 200 per cent, which is very different from the overall increase of 38 per cent stated in the Budget Estimates.

I suggest that it would be more equitable for the Government to increase the royalty rate on minerals generally by 40 per cent from 2½ per cent to 3½ per cent, calculated according to the old formula, rather than to change the basis as is proposed. A simple increase in the rate would affect each operator similarly, rather than hurting one and aiding another.

I am aware that the Minister has the power to waive or reduce the royalty if the operator became uneconomical as a result. In the example I have quoted, an increase of 200 per cent annually in royalties would not render the operation uneconomical. However, the company is running out of ore reserves, and it needs to plough back any profits that it earns to finance the search for new deposits without delay. If the Government insists on changing the basis for calculating royalties, I think that the discretionary powers of the Minister should be widened to enable him to assist either newly started operations or those of the kind that I have mentioned.

The second matter that I wish to comment on relates to clause 19, which deals with extension of the period of exploration licences. Under the present Act, the Minister may grant to any person an exploration licence authorising him to prospect for minerals other than precious stones and extractive minerals such as quarry stone and sand over an area usually no greater than 2 500 square kilometres for a period no longer than two years. Permits to prospect for precious stones or quarry stone and sand may be granted within the overall area of a normal mining exploration licence, because generally they cover a small area and are extracted from near to the surface.

Under the proposed amendment, the Minister may grant an exploration licence to one party for an initial term not exceeding two years, and that term may be extended from time to time for a period not exceeding five years. This amendment covers the needs of explorers such as the BP-Western Mining joint venture which, after discovering the copper, gold, and uranium deposit at Olympic Dam, wants to carry out an extensive search of the adjoining area to determine the extent of the ore body or to find other bodies with similar characteristics.

On the other hand, the proposal to grant exclusive rights to one party over a large area for five years has alarmed many small explorers who may want to search for different minerals in those areas. For example, a South Australian-owned company has, for several years, been searching to find phosphate rock in this State of a quality suitable for making superphosphate. At present, South Australia imports its phosphate rock requirements from Nauru, Christmas Island and Florida. However, the price has multiplied several times in recent years.

The Department of Mines and other private geologists have identified several phosphate rock deposits, but to date those tested have either contained impurities or have been too small or too remote to be economically viable. More potential phosphate deposits remain to be tested, and it is important for this State that this should be done expeditiously. Some of these deposits exist in exploration areas granted to large mining companies which are actively exploring for other minerals. If this amendment passes, these phosphate deposits are unlikely to be tested for a period of up to five years. Of course, it may be possible for an outside party, by paying some fee, to arrange with a mineral holder to search for other minerals within his exploration area, but, generally, a large company does not welcome such an intrusion unless the fee offered is very substantial.

One way to overcome this problem is to adopt legislation similar to that existing in Queensland.

The Hon. C. J. Sumner interjecting:

The Hon. D. H. LAIDLAW: I do not always support the activities of the Queensland authorities, but I do in this instance. In that State, an exploration licence is called an Authority to Prospect, and the applicant must specify for which minerals he is searching. A second party may overpeg the authorised area and apply for the right to search for different minerals at different levels. I am informed that the large mining companies dislike other parties intruding on their areas and want the Act to be changed.

Nevertheless, I suggest that this Government should consider amending clause 19 to give the Minister power to grant a second licence over an exploration area on condition that the second operator searches to a depth of no greater than, say, 100 metres and for minerals which the Minister deems to be of importance to the State, for example, phosphate. This could serve to overcome the objection to extending exploration licences from two to five years. With these qualifications, I support the second reading.

The Hon. L. H. DAVIS secured the adjournment of the debate.

BUDGET PAPERS

Adjourned debate on motion of Hon. K. T. Griffin:

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

(Continued from 29 September. Page 1217.)

The Hon. R. C. DeGARIS: When I sought leave to conclude my remarks yesterday, I was dealing with the concept of a financial plan. I said that a financial plan would enable Parliament and the people to know the course the Government proposed to follow. The plan must reflect Government goals and priorities in relation to economic developments and it should form the basis for the allocation of financial resources to departments and other authorities.

It would not be expected that all of the projections of the plan be met precisely. That would be a complete impossibility, particularly in the longer term, but it would show the path the Government intends to follow. Variations would require deliberate Cabinet decisions and disclosure to Parliament. The plan would be presented annually to Parliament and referred to a committee, which should be formed in the House of Assembly, specifically for its examination. The existing system used for the first time last year is not correctly structured to fulfil this purpose. Just a breaking of the committee of the whole into two does not fulfil the function required.

At the Cabinet level, the financial plan must be the specific responsibility of a high-powered committee of the Cabinet. Secondly, the work cannot be divorced from setting expenditure limits for departments. Thirdly, there must be a single focus for the Government's collective management responsibility. Fourthly, the plan must be based on the best available information of the Government's priorities and objectives.

When the long-term plan is established, the detailed spending proposals for the coming financial year are submitted for Parliamentary approval in the form of Estimates. Treasury should be the authority for establishing the long-term plan, and should work with the other established heads in formulating recommendations to Cabinet. It should also have the role of overseeing the management of government in all its aspects. When presented to Parliament, all legislative proposals of a financial nature should be accompanied by five-year projections of their financial implications and a statement of any consequent adjustments necessary. That means that, when a Bill comes into the Council, the financial impact of that Bill should be projected by Treasury into the five Budgets that have been presented, so that Parliament has knowledge of the financial impact after five years of the policy in that financial measure.

A management group is required, based in Treasury, for this purpose, to be also responsible for screening the detailed allocations among departments or authorities. Those Estimates should form the basis for the implementation of departmental plans and the starting point for the means of requiring efficiency and requiring some accounting of their performance in achieving agreed objectives. This sort of approach would significantly strengthen the ability of the Government to impose realistic expenditure ceilings from the top as opposed to the present system which tends to move incrementally or decrementally in funds sought in every line in a Budget.

From this point, if the Government wants to develop a programme budgeting system in a modified form, then it may do so, but the long-term projections under the structure I have mentioned is a more important step. To be effective, programmes must be under the direct control of not more than four Ministers. It should be noted that Cabinet has already delegated powers to four Ministers to achieve Budget cuts. They have been branded as the razor gang in South Australia. It is interesting that four Ministers were given that task. As I pointed out, in programme budgeting it is necessary that the focus be on no more than four Ministers.

Four programme areas I would suggest are:

1. Welfare, health and education, industrial affairs, mines.
2. Agriculture, lands, water resources, environment, fisheries, marine.
3. Common services.
4. Transport, local government, housing.

The reason for this is to ensure as little overlapping as possible in programme areas, and to provide a focus for final accountability. So the structure should begin with the establishment of a Cabinet committee of four Ministers who are responsible for the presentation of the five-year plan.

In Treasury, a small management group should be established to act as a central agency responsible for the compilation of the five-year plan, effective management in government of both personnel and financial resources, and the means by which Cabinet calls departments and authorities to account for how they have fulfilled their managerial responsibilities.

On the last point, the management group should be required to ensure that the managers manage. I stress this important point. If we are to have some system of accountability, those people who are appointed to manage should be given the opportunity to do so. This management group should also be responsible for personnel as well as being responsible for departmental performance reviews.

I admit freely that one of the fundamental flaws in the present system is the almost total absence of any means to account for efficiency and effectiveness with which departments have employed human and financial resources made available to them. The management group should be left with the Cabinet committee to determine how it should proceed with evaluation of performance, and I assure honourable members that that is not a very easy task.

The group should meet each year with the department head (and manager) to review the performance of the department. A report evaluating the performance should be submitted to the Minister, who may append his own comments. Cabinet should then be provided with an assessment by the management group of the performance of the State's administration. The reason why the management group

should be responsible for personnel as well as having financial responsibility is that it is not possible to divorce personnel assessment in any performance assessment. In other words, it is quite useless to look at the question of financial performance and divorce it totally from assessment of personnel performance.

Such rearrangement raises the question of the future of the Public Service Board. In the cause of organisational purity, the management group must be responsible for personnel. Therefore, the personnel management role should be incorporated in the responsibilities of the management group. The management group should be constituted of two secretariats—financial and personnel. The chairman of the management group should be responsible to the four Ministers primarily responsible for the financial plan and programmes under that plan. The management group should be responsible for the general administrative policy organisation of the Public Service, financial management, and personnel management.

With regard to financial management, the group should have responsibility to review annual and longer term expenditure plans and programmes of departments and authorities requiring appropriations from Consolidated Revenue, and programmes should be reviewed to ensure they are in accordance with priorities and ceilings approved in the five-year financial plan. The management group should also have responsibility for screening of departmental and authority plans and estimates, advice on expenditure ceilings and personnel ceilings in the financial plan and programme evaluation, including, where applicable, performance measurement standards. The preparation of consolidated estimates and the public accounts, accounting principles and practices, internal audits, and training and development of financial officers, should also be included.

The purpose of the proposals I am suggesting is to provide a practical means of improving efficiency in Government expenditure, indeed, one may say, improving the delivery of Government policy. I believe that weaknesses in management stem from the failure to delegate authority to enable management techniques to be utilised in pursuit of clearly defined objectives. The second leg is the weakness in the means to require departments to account for their management. In any examination of these questions one must start with the supposed cornerstone of our system—Ministerial responsibility.

If any new arrangement is to be successful, the question of a Minister's final accountability to Parliament cannot be overlooked. The question inevitably arising from this is whether it is practical for a Minister, beset as he is with representation of an electorate, with other political considerations, to be accountable for efficiency and management of a Government department or agency. I ask myself this question. Why are Governments considering (and some have already been established) committees to review statutory authorities, when most of the authorities are under Ministerial responsibility?

The next question that arises is how the Parliament is to be acquainted with the facts to be able to require Ministerial responsibility for management and efficiency. One step would be to require that all departments and authorities prepare annual reports by 30 September and that those reports be tabled and referred to relevant standing committees, or Parliamentary committees appointed for this purpose. Any rearrangement that does not propose a strengthening of the ability of Parliament to be able intelligently to require accountability of a Minister is doomed to failure. Unless this point is understood and corrected the incestuous arrangements of peer group controls, a process developed in the Australian political arrangement, will continue and, indeed, flourish.

As I said before, I believe that the Legislative Council should follow the lead of the Senate in appointing standing committees which could, in their operation, provide some relevance to that concept. The other way is to reduce the number of Ministers but to provide for greater responsibility to Parliament of top departmental heads. I point out that this has occurred already in Canada, which has developed the PEMS system based on the English PESC system. In that system, certain departmental heads are designated as Deputy Ministers, with responsibilities to the Parliament. After all, the departmental heads, particularly those who will be responsible for the four proposed programme areas suggested, should bear greater responsibility to the Parliament for their managerial skills.

This is not the time or place for the examination in depth of this point, yet it remains a centre point in the whole procedure. The inability of Parliament to require accountability and Ministerial responsibility is the Achilles heel of any proposals that may be made for this accountability.

The Senate Standing Committee on Finance and Government operations, for example, has already reported on a number of Commonwealth statutory authorities, from which an interest has been generated in the Australian States in providing means of greater accountability to Parliament for the activities of statutory authorities. The variety of statutory authorities, ranging from such organisations as ETSA to S.A.I.D.C., which has shareholdings in private enterprise organisations, and such interstitial organisations as Red Cross to certain co-operatives, places extreme difficulties in the path of a simple system for accountability. But, until there is an acceptable categorisation of statutory authorities and Crown agencies, it is not possible to make any firm proposals for accountability.

I submit the following for consideration. In most statutory authorities one executive officer should be responsible for the supervision and direction of the work and held accountable for the administration of the authority. In most cases, the management group's responsibility for financial and personnel management should apply to statutory authorities. Responsible executive officers of statutory authorities must undertake annual performance evaluations, where possible, under the advice and guidance of the management group. All statutory authorities should be required to report annually, and the annual reports should be tabled and referred to the appropriate committee.

More thought needs to be given to this area of Crown responsibility as the requirements for accountability grows. I suggest that in the statutory authority area the following categories should be considered: first, Ministerial appointed agencies; secondly, independent deciding bodies; thirdly, independent advisory bodies; fourthly, Crown corporations; fifthly, shared corporations; and sixthly, subsidised enterprises. Looking at those categories one can understand the difficulty of applying any one system to the range of authorities and agencies that we have developed.

Apart from the vexing question of accountability and responsibility to Parliament, we need to examine the processes through which any new arrangement will fit into our Parliamentary system. The starting point, of course, would be the presentation of the five-year plan that the Government would be required to present annually to Parliament, and revise as necessary, to reflect changing circumstances.

The five-year plan provides an important perspective against which annual spending plans will be considered by the Parliament. The Treasurer should be required to provide far more detailed and meaningful information linking proposed goals and objectives with the financial and human resources that Parliament is being asked to approve. I believe that this should be undertaken in the present Government proposals in relation to programme budgeting.

That can be taken through into the concept of a five-year plan.

Accompanying the annual expenditures should be the annual reports of departments that provide disclosure of their performance in relation to the objectives spelled out in the previous year's Estimates. This information should be immediately referred to a reconstituted Public Accounts Committee. It may well be needed that the Auditor-General should be required to report on the questions of economy and efficiency and upon the utilisation of human resources. Both the Public Accounts Committee and Auditor-General should be expected to investigate management policies and practices, and the efficiency and effectiveness of financial and personnel management. The Public Accounts Committee and Auditor-General are, of course, working *post facto.* As far as the Parliament is concerned a rational consideration of the proposed annual Estimates (which includes the five-year plan) needs to be examined in depth by Parliamentary committees. The present arrangement, as I have pointed out earlier, does not satisfy the necessary inquiry that is needed.

Perhaps I should elaborate a little more on the particular aspect of Parliament's role in the processes. Effective accountability demands that evaluation of all aspects of the Government's financial plans is begun by Parliament, requiring identification of expenditures and revenues and ends by Parliament requiring accounting for the results achieved.

This point raises the question of the relationship between the Parliament and the Government, and the concept of what we mean by responsible government. While Parliament consists of two Chambers, our Constitution Act requires that money Bills originate in the House of Assembly. Therefore, in the accounting owed to Parliament the House of Assembly must have the box seat in the task of scrutiny. This should not in any way detract from the role of the Council, which should have a standing committee on State finance and which should include the necessary reviews of statutory authorities. But, the most vigorous role should be vested in the committees of the House of Assembly.

In the relationship between Government and Parliament, the balance of power has shifted many times. At present we have allowed the Parliamentary system to resemble more the position before the granting of responsible government than the position 50 years ago. One of the reasons for this has been the evolution of the disciplined parties which has relieved the Government of the task of convincing Parliament and has seriously eroded the ability of Parliament to fulfil its role. The relationship between Government and Parliament is so unequal that the principles of responsible government are in danger of becoming irrelevant, if they have not already become so.

To take the point a step further, the Government's ability to build and defend strong policy positions has been greatly enhanced by the growth in Government responsibilities, increasing areas of Government involvement and the consequent growth of the Public Service. To put it more simply, the Government is assisted in what is now only a spasmodic struggle with Parliament by the research and policy making expertise of thousands while the Parliament is struggling on a wing and a prayer. This situation profoundly affects the question that I am discussing, namely, accountability to Parliament.

The key to Parliament's role as a body to which accountability is owed is the need for Parliamentary approval of Government expenditure and its power to review that expenditure. Dealing with the House of Assembly, I pose the question: is it possible, given the nature of the place, for this task to be undertaken? Is it possible to reinforce its procedures so that it can fulfil its obligations? If it is to fulfil its obligations, can it make the necessary organisational, procedural, and attitudinal changes? It is difficult for any House that is dominated by Cabinet to fulfil that responsibility, as I have explained in speeches before.

Any new system must be based upon multi-year estimates in a financial plan. Given overall Government priorities, financial policy considerations, costs of existing policies, programmes and plans of the sectional policy committees of Cabinet, expenditures can be set for each policy sector and departmental planning figures are established for the initial multi-year plan. It may be necessary to establish in each section a strategic overview group to provide an overall multi-year perspective and an annual focus to the strategic planning process so that Ministers can relate departmental plans to Government policy priorities and to the overall expenditure framework.

Accountability to Parliament, accountability within government, accountable financial management, accountable personnel management, all fall into place much more easily once the important two pivotal procedures of multi-year projections and performance accountability are correctly functioning. The Government has quite wisely taken initiatives in regard to accountability and in applying greater pressure on demanding performance or expenditure.

I trust the Government will take note of my speech and reassess its proposals on programme budgeting and redirect its thinking towards the successful methods adopted in the United Kingdom and Canada, rather than use systems now almost totally discarded on the North American continent and in Europe. In the statement by the Treasurer in the papers that came before us there is a question as to whether programme budgeting in its classic form should be continued in South Australia. I trust also that the Parliament will, with the Government's concurrence, look at strengthening the structure and procedures of the Parliament to enable it to play its role in the adoption of modern practices that have shown themselves to be successful in improving efficiency in public administration.

I trust that the Government recognises that in this process the two key pivotal features are the multi-year financial projections and acceptable means of performance accountability. These are crucial policies to any improved system we may devise. Aaron Wildavsky, whom I have quoted previously, said in his book on programme budgeting:

> My policy recommendations on P.P.B.S. are direct and straightforward. If you are more interested in being than appearing rational—don't do it. It is difficult to learn entirely from failure. Normally one proceeds by trying to compare causes for success here with failure there. This cannot be done with programme budgeting which fails everywhere.

I agree with that view. If the Government follows slavishly the proposals in its tabled document on programme performance budgeting, it will be promoting a system that has failed to produce any real or lasting benefits. If, however, the Government needs to introduce some form of programming to satisfy an election promise, then it can achieve that by adopting the procedures I have tried to outline which incorporate a limited use of parts of the proposed programme budgeting techniques but graft those techniques onto budgeting policies that have proved so successful in the U.K. and Canada. I reiterate that in these proposals the two key pivotal points are the five-year projects as far as budgeting is concerned and the question of the demand for performance accountability.

The Hon. L. H. DAVIS: In speaking to this motion, I commence by saying that State Governments, like corporations, partnerships and individuals, use 30 June each year

to rule off the ledger to ascertain the financial position of the State in terms of comparing actual receipts and payments with budgeted figures. As has been mentioned in the financial statement of the Premier and Treasurer, when delivering the Budget on 15 September, this Government has consolidated recurrent and capital items within the one account and has substituted the terms 'receipts' and 'payments' for the previously used terms 'revenue' and 'expenditure'. Consistent with the Government's commitment to promote effectiveness, efficiency, and accountability, further progress has been made in the introduction of programme performance budgeting. Additional information will be provided to the Estimates Committees to assist their scrutiny of the Budget papers.

Of particular interest is the undertaking to table in Parliament as soon as practicable the special Treasury information paper which relates to the financial operations of the public sector, both departments and semi-Governmental authorities, and which presumably will cover all statutory authorities with any significant loan raisings or surplus funds on deposit. It is often forgotten that while high interest rates impose a burden on borrowers, whether they be State Governments or individuals, they also offer benefits to Governments, institutions or individuals with surplus funds. With numerous statutory authorities having the power to borrow up to $1 200 000 it is important that loan raisings and surplus funds are not excessive to what is required. It is important also to ensure that they are placed to the best advantage. This is an area which was to all appearances neglected by the previous Labor Administration. I am pleased to see that a positive move to consolidate this information has been undertaken by the present Government. One could presume that the foreshadowed standing committee to review statutory authorities will have more than a passing interest in the Treasury information paper.

However, the annual Budget is much more than a review of actual and budgeted receipts and payments. In addition, it provides the Government of the day with an opportunity to review priorities, to choose the direction and the course to be followed for the next 12 months and beyond. This review will inevitably involve a reallocation of financial and physical resources, for no economy is stationary. It is fluid and ever-changing.

Associated with this review is the need to examine the various receipts through taxation and charges and payments both of a recurrent and capital nature. Lastly, the results of the previous fiscal year can be subject to examination to measure the performance of the Government, the effectiveness and efficiency of its financial management, and some judgment can be made regarding the financial course to be steered over the next 12 months. It is true to say that a State Government is very much like a commercial organisation. Good financial management is almost invariably an absolute prerequisite to success. Positive, practical, enthusiastic leadership with a competent team of management is also a valuable attribute. Flexibility, awareness of one's market and of one's strength and weaknesses—the comparisons are all very obvious.

And yet it is not true to say that a State Government is the same as a commercial organisation. Whereas new management can often make a big difference to a run-down commercial organisation in a relatively short time, the same is generally not true of a Government. New management in, say, a transport or engineering group is not fettered by State boundaries, and there is not the same limit on the growth in revenue as necessarily occurs in our Federal system through the Commonwealth repayment to the State of an agreed (perhaps 'imposed' is a better word) percentage of the tax receipts. Nor are there the limitations on the raising of additional revenue through State taxation and charges.

In addition, whereas new management in a commercial organisation has the ability to make big decisions quickly involving a major reallocation of resources, or a change in direction, an economy simply cannot be handled in that manner. Sharp changes in direction are unsettling and disastrous. Witness, for example, the 25 per cent cut across the board in tariffs by the Whitlam Government in 1974. Similarly, whereas a commercial organisation through aggressive marketing, leadership and new products can rapidly increase revenue, that is not possible when one talks of State Governments. Also, public scrutiny and the need to take notice of existing commitments mean that the turning circle of a Government is necessarily larger than the turning circle of a commercial organisation. Admittedly, the Budget does not and should not lay bare every strategy of the Government today, but it does set down the financial framework under which the Government will operate. So, when it is remembered that the Labor Government delivered 12 of the 14 State Budgets in the 1965-79 period, it is not an unreasonable proposition, *prima facie*, to say that the Labor Party had a long time to ensure that it left its mark, its imprint, its style and priorities. It had a long time to demonstrate its financial effectiveness and efficiency, or lack thereof. Certainly, anyone in the Labor Party would be hard pressed to deny that observation.

The Liberal Party, coming to Government as it did on 15 September 1979, had precious little time to do little else than make some hurried adjustments to the already prepared and ready to go Labor Budget. That point is one that I would hope is not seriously in dispute. The 1980 and 1981 Budgets represent what the Liberal Party Government believes should be done in South Australia—the priorities of that Government. They can be examined to compare and contrast the financial effectiveness and efficiency of the Labor Party and the Liberal Party while in Government.

We are aware that (in terms of payments to the States, the Northern Territory, and local government, including specific purpose payments) Federal Government Budget payments have increased by 8 per cent in the 1981-82 period, although the outlays of the Federal Government in that same period 1981-82 are budgeted to increase by some 12.6 per cent. Although much criticism has been laid at the door of the Federal Government in respect to the squeezing of the States and to the extent of the amount of the Federal Government outlays, it is all too easy to remember those disastrous times when Budget outlays of the Federal Government grew at a rather more rapid pace than they are growing at the moment. Who can forget the 45.9 per cent increase in Federal Government outlays which occurred during the Whitlam regime in 1974-75 and the necessarily large turning circle that was required to bring the economy back in the right direction at a national level?

There have, to date, been no speakers from the Opposition noting the Budget papers, at least in this House. However, some observations have been made in the press and in another place. It is suggested that this Budget stands alone amongst the Budgets of the States as a Budget which indicates a State Government in difficulty. That is a proposition that I would deny. Also, it is a proposition which is at odds with the situation. The financial situation which exists in other States is as follows. In Tasmania, for example, there is a record deficit projected, as I understand, of some $13 900 000. There have been heavy increases in fuel tax, tobacco charges and stamp duty on cars. They have imposed a fuel tax of 1.6c a litre. In Victoria, the Government, notwithstanding that a State election is imminent, has raised an additional $300 000 000 by way of increases in taxation and charges. There has been $30 000 000, for

example, raised by a new tax on oil and gas pipelines styled a 'Pipelines licence fee'.

There has been a 10c transaction tax imposed on credit cards. There has been an increase in gas prices and a new turnover tax and levy on the Gas and Fuel Corporation. They still have in Victoria, as they have in New South Wales, gift duty and probate, which admittedly is in the course of being phased out. The New South Wales Government, notwithstanding the fact that an election was imminent, also made cuts in spending, in health, public works and welfare and the capital works programme for 1981-82 was deceased in real terms by some 6 per cent.

Queensland alone, of all the States (given that the Western Australian Budget is not due to be brought down until mid October) has had a relatively easy financial time. The Queensland Treasurer, Mr Lou Edwards, announced an 18.6 per cent increase in payments and a 6 per cent to 8 per cent real growth, in revenue. To underline the benefit which exists from royalty payments from natural resource development in Queensland, an additional $18 000 000 is expected to be raised from a 15 per cent rise in railway fares and freight rates, which are, in effect, resource taxes in that State. Therefore, as a result of that, over $100 000 000 in mining and railway revenues will assist the State in expanding its outlays in the 1981-82 fiscal year. They, of course, are also benefiting from a steady increase in population with the inflow into Queensland running at the rate of some 4 000 per month. To suggest that the South Australian situation is unique is nonsense.

I seek leave to have inserted in *Hansard* a purely statistical table without my reading it.

Leave granted.

RECEIPTS OF A RECURRENT NATURE

STATE TAXATION

	1978-79 Actual		1980-81 Actual		1981-82 Estimates	
	$m	Per cent of total taxation receipts	$m	Per cent of total taxation receipts	$m	Per cent of total taxation receipts
Property						
Land Tax	22.6	5.9	17.3	3.9	19.9	4.0
Gambling						
Commission on bets, small lotteries, totalisator tax, etc. Hospital fund (from lotteries, T.A.B.) Recreation and Sport fund, etc.	21.9	5.7	31.7	7.1	28.7	5.8
Motor Vehicles						
Registration fees, drivers licences	49.6	12.9	44.4	10.0	49.0	9.8
Pay-roll Tax	150.7	39.2	183.9	41.3	211.0	42.3
Stamp Duties	83.1	21.6	98.0	22.0	107.5	21.6
Business Franchises						
Gas, liquor, petroleum, tobacco	23.2	6.0	46.9	10.5	55.4	11.1
Gift Duty	1.3	0.3	—	—	—	—
Succession Duties	16.1	4.2	2.6*	0.6*	0.2*	0.04*
Fees for Regulatory Services	2.5	0.7	3.2	0.7	4.9	1.0
Statutory Corporation Contributions	13.6	3.5	16.9	3.8	22.0	4.4
	384.6	100.0	444.9	100.0	498.6	100.0

Source: Estimates of Revenue for year ending 30 June 1980. Estimate of Receipts for year ending 30 June 1982.
*including gift duty duty.

The Hon. L. H. DAVIS: This table sets out receipts of a recurrent nature with respect to State taxation. It takes the actual taxation figures raised by the State Government in 1978-79, which was the last financial year of the former Labor Administration and the actual tax for 1980-81 and the estimated tax receipts for 1981-82. It demonstrates that the percentage of taxation from pay-roll tax has increased marginally over that period of time, as has the percentage of taxation raised through a tax on business franchises, including gas, liquor, petroleum and tobacco. They are the major increases in taxation at State level and they compensate for the taxation given up through the State Government's implementing its taxation relief promises with respect to the abolition of gift duty, succession duty and some benefits on stamp duty for buyers of a first home.

The table shows that, over the period 1978-79 to 1981-82, taxation at State level has increased by some $100 000 000 from $384 600 000 to $498 600 000. The increase in State taxation can be observed in all States as they seek to raise funds to meet their existing and desired programmes. Given the limits that exist in relation to raising State taxation, it is interesting to note that although over 40 per cent of State taxation is raised through pay-roll tax, the Leader of the Opposition in another place has shown a remarkably ambivalent attitude to what is a fundamental revenue raiser for State Governments. In the Leader's maiden speech of 12 October 1977, he stated:

Finally, there is the pay-roll tax myth, which has been dealt with at length by the member for Davenport. There is no evidence that significant remissions of pay-roll tax will have an effect on employment. They will go into the pockets of employers. Those are the facts and those are the statistics wherever they have been produced.

Interestingly enough, in the *News* of 21 September 1981, an article headlined 'Bannon slams pay-roll tax levels' states:

Small businessmen in South Australia would be hit hard by the Government's failure to boost pay-roll tax exemptions in the Budget, it was claimed today. An attack on the Government's decision not to increase the exemption level will be a key part of the Budget reply speech by the Opposition Leader, Mr Bannon, in Parliament tomorrow. The Tonkin Government had allowed the exemption to fall behind the Victorian Government's concession—the standard—last year. South Australia's exemption level remained at $84 000, while the Victorian benchmark went to $96 000. Now, in the 1981 Budget, the South Australia payroll tax exemption has been frozen at last year's $84 000, while in Victoria, payrolls of up to $125 000 are to be exempt from tax, Mr Bannon said.

That is a true statement, of course. However, what Mr Bannon does not say is that the Victorian Government placed a 1 per cent levy on all employers with a pay-roll of more than $1 000 000. On average, that represents 65 to 70 employees. What Mr Bannon did not say is that 75 per cent of the work force in Victoria is employed by companies employing a staff of 65 or more.

Evidence I have received suggests that that is probably around about the mark in South Australia. The effect of that 1 per cent increase in pay-roll tax in Victoria has been matched in similar fashion by an increase in pay-roll tax in the New South Wales Budget for companies with a pay roll in excess of a certain amount. This represents an increase

of 20 per cent and will raise an additional $61 000 000 from employers in Victoria. That is an effective increase from 5 per cent to 6 per cent in pay-roll taxes payable for employers with pay rolls in excess of $1 000 000. Mr Bannon ignores that point.

The Hon. C. J. Sumner: Are you saying that pay-roll tax in Victoria is as heavy as it is here?

The Hon. L. H. DAVIS: I am saying, despite Mr Bannon's argument, that overall South Australians are better off because the majority of the work force work for companies employing more than 65 people. Those areas in Victoria and New South Wales have suffered a 20 per cent increase in pay-roll tax. The other point that should be underlined is the inconsistency of the Leader in another place who talked about the pay-roll tax myth and the fact that remissions of pay-roll tax have no effect on employment. On 12 October 1977, he said that there was no evidence that significant remissions of pay-roll tax would have an effect on employment. Less than four years later he is saying completely the opposite about what is a very fundamental point, yet he claims to have some experience in the industrial area. I find that to be a remarkable *volte face.*

In relation to receipts, I have one other observation. Given the financial restraints that exist at the moment, I would not support the State Government giving up any revenue items that currently exist through taxation or charges until the State's financial position justifies making concessions in the revenue area. That is a fairly fundamental point, which has been observed in other States. It is interesting to note that in Victoria it has been decided to remove stamp duty on mortgage transfers. That move will create a secondary market for mortgages. Without stamp duty, mortgages will become like bills of exchange, which as money market instruments are highly negotiable. It is a strong existing market in the United States.

The removal of stamp duty will also be welcomed by building societies and banks, because it provides them with some flexibility and some liquidity in terms of their portfolio for mortgages. It also provides them with more mobility in relation to the investment of funds. No doubt this move by the Victorian Government will be watched with interest by other State Governments. I hope that in future years it may be possible for the South Australian Government to consider the possibility of removing stamp duty on mortgage transfers.

I now refer to the payment side of the Budget and transport. I greet with great support the announcement of the Minister of Transport regarding the decision to extend the O'Bahn system through the entire Torrens River valley to Tea Tree Gully.

The Hon. C. J. Sumner: It will cost nearly as much as the l.r.t. now.

The Hon. L. H. DAVIS: The Hon. Mr Sumner should be disabused of that hope, because in 1981 dollars the l.r.t. high standard scheme, which was adopted by the previous Government, would cost about $139 000 000. That is more than double the cost of the upgraded O'Bahn system that was announced by the Minister of Transport yesterday at a total cost of $65 500 000. The Labor Party supported the Torrens River valley route and, in fact, the Director-General of Transport, Dr Scrafton, in early 1979, was quoted publicly as saying that the route through the suburbs was not negotiable. One of the cornerstones of the former Government's transport policy was the belief that the Torrens River valley l.r.t. system would go ahead following the Labor Party's hoped for re-election at the September 1979 poll.

The Hon. C. J. Sumner: You know that l.r.t. is a hell of a lot better than the Mickey Mouse thing you are talking about.

The Hon. L. H. DAVIS: The honourable member will have an opportunity to respond in the second reading stage, and I will be interested to hear how he would propose to fund the l.r.t. scheme. From where would he get the additional $74 000 000, because that is the sum he is talking about. That is the costing. In 1981 dollars, the l.r.t. system would cost $139 000 000. It is not only a costly scheme but also, in view of the great success that seems to have come to the O'Bahn scheme, it is a scheme that will—

The Hon. C. J. Sumner: What great success? It has never been used anywhere in the world.

The Hon. L. H. DAVIS: It is in use, and the fact that the Minister has decided to extend the route is a measure the Government's confidence in this scheme.

The second area to which I refer is a *cause celebre* to the Opposition. In the 1981-82 Budget, it is proposed that payments for education and Aboriginal affairs will represent 31.18 per cent of total payments of a recurrent nature. In the last year of the previous Administration, namely 1978-79, there was an actual pay-out of only 30.75 per cent of total payments in the education and Aboriginal affairs portfolio. This Government has spent more on education (31.18 per cent) than the preceding Government spent in its last full year (that is, 30.75 per cent).

The Hon. C. J. Sumner: What about all of the promises you made in regard to education? When are you going to fulfil them?

The Hon. L. H. DAVIS: Members opposite will have an opportunity to rebut that point, and I suggest again that, if they believe that more money should be spent in the education field, they should say where it would be spent and where it would come from.

The third area to which I refer is tourism, and I seek leave to have incorporated in *Hansard* a statistical table without my reading it.

Leave granted.

BUDGET FOR TOURISM

Selected Items

	1978-79 Actual $	1981-82 Proposed $
Adelaide Convention Bureau	25 500	45 000
Regional Tourist Associations	—	130 000
Tourist research	—	50 000
Tourist advertising and promotion	474 000	1 250 000
Total Budget for Tourism	2 560 000	3 660 000

Source: Estimates of Expenditure for year ending 30 June 1980, Estimates of Payments for year ending 30 June 1982.

The Hon. L. H. DAVIS: This information shows that there has been an increase in payments from 1978-79 to the proposed payment for tourism in 1981-82 of about 43 per cent. This Government is heavily committed to upgrading tourism in South Australia. That is illustrated by the fact that $1 250 000 is proposed to be spent in tourism advertising and promotion, as against only $474 000 spent in that area in 1978-79.

In fact, one of the few lasting achievements for which the previous Labor Government could really claim credit is in the area of culture and the arts. One would have presumed that tourism and culture and the arts would be linked, that there is a nexus between them, that they go hand in hand. However, it has come as a great surprise to me that the previous Government did virtually nothing in the tourism area. This is reflected by the fact that there has been a 43 per cent increase in the three-year period to which I referred. It is also reflected in the fact—

The Hon. C. J. Sumner: What do you mean by a three-year period?

The Hon. L. H. DAVIS: I mean 1978-79 to 1981-82—a three-year period.

The Hon. C. J. Sumner: 1978-79 was during the Labor Government.

The Hon. L. H. DAVIS: That is right. The present Government has revamped tourism in the sense of restructuring the Department of Tourism and appointing a new Director, following the review of the Department of Tourism. It has formed a tourist development board, it has brought special assistance to regional tourism, and has introduced a loans scheme for tourism projects throughout the State. Tourism is a vital industry to South Australia. It is worth about $300 000 000 to the State and, if the multiplier effect of tourist spending estimates are taken into account, it can be said that tourism generates over $750 000 000 of income for the State. Directly and indirectly, tourism sustains about 35 000 jobs in the State's economy, which is nearly 6 per cent of the State's total labour force. Tourism is a growth industry. It is one of the largest industries in Australia. It is often not recognised as that, and I am pleased to see that this Government has reallocated its resources to ensure that tourism in South Australia will develop over a period and bring further jobs to this State.

The last point I would like to make in relation to the performance of the Government is in regard to employment. There has been a lot of controversy about the number of people employed in South Australia, and I seek leave to have inserted in *Hansard* a table without my reading it.

Leave granted.

PRIVATE PLUS PUBLIC SECTOR EMPLOYMENT IN SOUTH AUSTRALIA 1971-81

Date	Private Sector Employment (000s)	Public Sector Employment (000s) Commonwealth	State†	Local	Government Sector Total	Total Employed Population
August 1971	388.6	29.1	77.3	5.2	111.6	500.2
August 1972	397.8	29.5	80.3	6.5	116.3	514.1
August 1973	419.5	30.6	84.7	6.2	121.5	541.0
August 1974	419.2	31.7	92.9	5.6	130.2	549.4
August 1975	408.8	32.9	99.8	7.8	140.5	549.3
August 1976	420.9	32.0	105.0	6.3	143.3	564.2
August 1977	419.8	31.8	109.3	7.0	148.2	568.0
August 1978	402.7	**39.7	**103.9	7.1	150.7	553.4
August 1979	399.5	38.8	102.1	7.0	147.9	547.4
August 1980	403.4	38.2	102.0	6.8	147.0	550.4
*1981	414.7	38.0	100.0	6.9	144.9	559.6

*Government employees at May 1981, other figures June 1981.
**7 783 railway employees transferred from State to Commonwealth.
†includes—Public Service Act
—Statutory authorities
—Daily paid workers
Source: The Labour Force Australia, 6 203.0. Civilian Employees Australia, 1966-79, 6214.0. State Transport Authority Annual Report, 1977-78.

The Hon. L. H. DAVIS: This table shows private and public sector employment in South Australia for the 10-year period from August 1971 to August 1981. The most interesting point about these figures is that, whereas in August 1972 397 800 people were employed in the private sector in this State, by August 1979, just before the previous Government lost office, only 399 500 people were employed in the private sector. That was nil growth over a period of seven years.

In the same period, public sector employment in this State grew from 80 300 people to 102 100 people. I have excluded from that figure of 102 100 the 7 783 railway employees who were transferred from the State to the Commonwealth pursuant to the railways agreement. So, one can see a massive growth in the State Public Service during that period and a nil growth in the private sector.

It is therefore very interesting to see that, since the Liberal Party came to office, the number of State Government employees, including those employed under the Public Service Act and by statutory authorities, as well as daily-paid workers, has fallen for the first time since August 1971 by nearly 4 000 people, from a peak in August 1978.

On the other hand, for the first time we see demonstrated a strong growth in the private sector, from a figure of only 399 500 employed in the private sector in August 1979 to 414 700 employed therein as at August 1981.

The Hon. C. J. Sumner: What's the source of this table?

The Hon. L. H. DAVIS: The source is the Labour Force Australia, Civilian Employees, Australia, and the State Transport Authority's annual report. This underlines the Government's commitment to allow the private sector to grow.

The Labor Party in Opposition has an opportunity to look at this Budget and to say how it will bake the cake on the revenue side through taxation and charges. It also has the opportunity of telling the Council and the public about how, as an alternative Government, it would cut and allocate the cake, where it disagrees, and how it would allocate priorities in the various areas. Compared with the Liberal Government's performance in two years, the Labor Party's performance in 10 years is something to be remembered.

In fact, it is still with us, because it is quite clear from a perusal of the accounts and the Auditor-General's statement that more than the over-run in the 1980-81 State Budget of $7 000 000 (given that we budgeted for a $1 500 000 deficit and ended up with a deficit of $8 500 000) was accounted for by crosses which this Government was carrying but which belonged to the former Government. I refer, for example, to Golden Breed, the Frozen Food Factory, Monarto, Samcor, the Land Commission, and so on. It is quite easy to run up a figure that is well in excess of the over-run in this Budget. In addition to the unavoidable factors to which I have referred—

The Hon. C. J. Sumner: Don't be ridiculous.

The Hon. L. H. DAVIS: Those factors were inherited. In addition, there were other extraordinary factors, such as the significant increase in interest rates, which saw an over-run of over $11 000 000 in interest repayments. There was also a significant increase in salaries and wages. In this respect, we saw a significant over-run on Budget estimates.

It is important to note that the Labor Party, at the time of the Estimates Committees last year, made no reference to the possibility of an increase in salaries and wages. Now, with the benefit of hindsight, it has said that this Government (and presumably other Governments) should have recognised that wages would increase at an annual rate of more than 14 per cent.

The Labor Party has an opportunity not only of telling this Parliament and the public what it would do as an alternative Government but also of reflecting on which resolutions passed at the Labor Party conference would be introduced in the Council. The Hon. Mr Sumner throws his eyes to the heavens, but we have already seen an instance of this in that the honourable member has introduced a private member's Bill relating to advertising at election time. That relates to a resolution passed at the A.L.P. conference in June.

The Labor Party should match the rhetoric with the resolutions passed at that conference. For example, a resolution was passed providing that no person in the public sector can be employed or forced to travel to a place of employment that is more than 30 minutes from his present place of employment. One can imagine all sorts of limitations on that. I think, for example, of policemen, school teachers, people working in statutory authorities, forest rangers employed with the National Parks and Wildlife Service, Samcor employees, and so on. That resolution was passed. Although it was impractical, there was, nevertheless, an instruction from the convention that it should be implemented.

In addition, there was an instruction that all future Labor Governments should legislate for employees under State awards—that would, I presume, include employees in the private and public sector—so they should receive full quarterly indexation of wages, plus annual productivity increases. That would cost the State Government an enormous sum of money. Quarterly indexation in itself is very inflationary, and it is one reason why it was abolished as far back as 1953: it led to the dog chasing its tail.

Furthermore, the State Labor Party, on its return to office, would legislate to provide portability of sick leave entitlements from job to job in South Australia. Another resolution which was passed was that the Long Service Act should be amended to provide pro rata long service leave after five years of service. Those are very fine resolutions, I have no doubt, and have been keenly debated. However, the fact is that, if they are implemented, they will cost the State a lot of money. I would be interested to know whether, if it returns to office in due time, the Labor Party will be obliged to implement these resolutions. It is luxurious to be in Opposition and pass high sounding resolutions.

The Hon. Barbara Wiese: You should know about that.

The Hon. L. H. DAVIS: I do not know—I was in Opposition for only about 30 days. In supporting the motion to note the Budget Papers, I commend the Government for its measures which have imposed minimum hardship upon the community in South Australia in what are difficult financial times. It has acted responsibly. It has also accorded priorities and has not been afraid to reallocate resources to areas of greatest need. I therefore commend it and support the motion.

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

ADJOURNMENT

At 5.23 p.m. the Council adjourned until Thursday 1 October at 2.15 p.m.