LEGISLATIVE COUNCIL

Thursday 22 October 1981

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

QUESTIONS

COMPANY AUDITORS

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

Leave granted.

The Hon. C. J. SUMNER: My question relates to the role of auditors in some of the company collapses which have been referred to in the Council recently, and indeed the role of company auditors generally. One would have thought that thorough auditing would prevent companies getting to the point of liquidation leaving millions owing to creditors. The question arises of auditors' responsibilities, and whether they may have been guilty of any negligence and indeed malpractice that would subject them to prosecution. Although proceedings against auditors are rare in Australia, action has been taken in recent times, I understand, in the case of Gollin Companys and Pacific Acceptance in New South Wales for instance.

My questions are, first, in what circumstances may auditors be subject to criminal prosecution? Secondly, are auditors being investigated in any of the company inquiries outlined by the Minister? Thirdly, is further legislation needed to ensure that auditors can warn of impending difficulties for companies?

The Hon. K. T. GRIFFIN: The responsibilities of auditors are clearly laid down in the present Companies Act. Those responsibilities will be even more clearly defined in the new national companies scheme legislation. Disciplinary aspects of the companies legislation and the national scheme legislation will continue to be under the general responsibility of the Company Auditors Board. I doubt whether there is any need for further action in relation to company law as it affects auditors, but I will certainly refer that aspect of the honourable member's question to the Corporate Affairs Commission and bring down a reply.

Auditors also have some civil liabilities if negligence can be established. Of course, in that context, it is not the responsibility of any Corporate Affairs Commission, or State or Federal Government officer to institute action for negligence. It is really a civil liability which can be instituted at the instance of a person who is adversely affected by that negligence. The whole area relating to the law of negligence is particularly complex. However, I will endeavour to bring down a reply for the honourable member that will as simply as possible set out the current position and specifically answer his second question.

POLICE INQUIRY

The Hon. N. K. FOSTER: I seek leave to make a brief explanation before asking the Attorney-General, representing the Premier, a question about certain inquiries that he contemplates in respect of a number of related matters that have arisen.

Leave granted.

The Hon. N. K. FOSTER: I apologise to you, Mr President, and to you only, in respect to what occurred yesterday. I want to say that I took very strong umbrage, as a member of the Australian Labor Party, which had been in office, as I said yesterday, for some considerable time, at the statement the Attorney-General made in respect of an inquiry that he is undertaking at present. I want to make the following point, if I may: it does not seem strange, but is a matter of regret to me, as a member of Parliament, that journalists with newspaper and media experience are accorded a degree of respect. Indeed, I hasten to add that I do not say this out of spite against such journalists who take it upon themselves, and ought to be congratulated and encouraged for their diligence in doing so, to fetch before the community a number of matters that should be of concern to all of us. They appear to be immune from petty mindedness, small innuendo and outright attack against their integrity. In spite of what is said of the privilege of Parliament, that, in fact, does not exist for members of this Chamber or, indeed, of any other Parliament in the Commonwealth. The *Extra* team should be congratulated, and I certainly congratulate them, but to some extent I envy the fact that they are able to carry out their job in an efficient and unhindered manner that puts them beyond reasonable criticism. I cannot say the same of members of the Government, and the four-man Cabinet that operates this State at present—the Hon. Mr Tonkin, the Hon. Mr Goldsworthy—

The Hon. K. T. GRIFFIN: I rise on a point of order, Sir. These comments bear no relationship to the question that the honourable member has asked leave to explain.

The Hon. N. K. FOSTER: They will when I ask the question.

The PRESIDENT: Order! We must straighten this out, since there is a point of order before the Chair. I do not want to interrupt the honourable member's explanation, because he is apparently trying to explain something that was in his mind yesterday. However, I ask the honourable member to try to relate his explanation to the question he intends to ask, or otherwise the problem will arise again.

The Hon. N. K. FOSTER: I refrain from naming the other two members (or the other one member) of the Cabinet. Yesterday, I wanted to draw to the attention of the Attorney-General a matter that has weighed heavily on my mind and on my conscience—even though members opposite believe that I do not have a conscience—for some considerable time. It involved a great deal of anxiety felt by a number of inhabitants of an undisclosed country town within 100 or 200 miles of this city. Finally, after receiving a number of telephone calls, the first at about 1 o'clock in the morning and the last at about 8 o'clock that morning, it was suggested to me by a most responsible member of the community (whom I shall not name, because I feel quite sure that everyone in earshot of me would know that person) that I should take up this matter, as I did with a police superintendent and a very senior sergeant.

I spent some considerable time at police headquarters on that particular morning. Noting the difficulties of the police officers in taking shorthand notes, I said that I had no objection to a tape being used. I was thanked for that. An officer left the room, another two officers came in, and the tape ran for a considerable time. This involved a discussion of alleged crimes, proven or otherwise at that time. I will not dwell on that aspect, and the presence of a member of the State Parliament, whose name I will not disclose in this Chamber at this point. I will refrain from mentioning in the Chamber this afternoon the name of the Superintendent who was the most senior officer present on that occasion. During the course of the afternoon, after I had left police headquarters, I received advice from the town that further violence was likely to erupt and that more crimes would be committed. I was again invited to contact the Superintendent, who told me what action he was taking on the advice

that had been given to him that afternoon. What happened on that occasion is not in keeping with the wrongful, shameful and unskilful accusations against Opposition members yesterday by a member in another place and the Attorney-General. It was stated that we on this side and certain colleagues of Mr Bannon and Mr Duncan were doing certain things that were anti-police.

I point out, with your indulgence, Sir, and that of the Council, that from 1970 to 1979, when the present Government came ingloriously into its present position in this place, the Labor Government increased considerably the number of police in this State. It removed not one Commissioner, but virtually two Commissioners, Mr McKinna having been the Commissioner when the Labor Government came to office. The former Government allowed for an expansion in the tertiary area of the South Australian Police Force, and provided—

The Hon. K. T. GRIFFIN: I rise on a point of order.

The Hon. N. K. FOSTER: I know that he is going to take a point of order. I will make a press statement afterwards if he likes.

The PRESIDENT: Order! I think that that would be more in order. The honourable member's explanation of his question is getting very broad indeed.

The Hon. N. K. FOSTER: A great deal of credit can reflect on the former Government in respect of those tertiary areas and the divisional areas which it set up and which now exist. I asked my question yesterday in order to call for a wider inquiry, and even a Royal Commission. I now wish to quote from a book entitled *Greed*, as follows:

> They built an international heroin empire called 'The Organisation' to feed a habit called greed.

This book is written by a Mr Richard Hall.

The PRESIDENT: Order! Is this relevant to the honourable member's question?

The Hon. N. K. FOSTER: Indeed, it is, Sir. I refer to page 226 of the book.

Members interjecting:

The Hon. N. K. FOSTER: Government Ministers are laughing. We have here a spectacle of three Ministers on the front bench laughing. I want that recorded in *Hansard*.

The Hon. C. M. Hill: Is that Dick Hall or Ben Hall?

The Hon. N. K. FOSTER: There is a difference but, knowing insurance brokers as well as he does, the Hon. Mr Hill may not have noticed that. I refer again to the book, as follows:

> The coronial inquests on Douglas and Isabel Wilson established that they were executed after Clark had received the tapes of conversations with the detectives in Brisbane through some corrupt source. It had to be either from the Federal Narcotics Bureau or the Queensland police (the New South Wales police did not receive the tapes till after the *Daily Telegraph* report on 26 March after Clark had been talking about the tapes to Dine and Reynolds in Adelaide).

The book makes further references with which I will not deal now. It also refers to a couple who were murdered in France a year or so later, and continues as follows:

> But on 11 September in a layby near Dijon in France the bodies of New Zealander Yvonne Crossley and her 6-year-old daughter were found shot dead. Crossley had seen friends in Athens recently and left the impression that she was involved in drugs in some way. She had been working in Adelaide in March at the same time as Clark's visit.

There are further references to false passports being made out for Sinclair, who is now languishing in a British gaol and who boasted that he had made so many millions of dollars that he could not spend even that interest. He was in Adelaide when false passports were made out on his behalf and that of others. He recruited carriers who successfully operated for a number of years while he was in this very city. That is why I did not take the matter of the allegations lightly yesterday. The Griffith connection is also mentioned.

The Hon. Frank Blevins: Griffin?

The Hon. N. K. FOSTER: Not Griffin—that will come in another way later on.

The PRESIDENT: Order! The honourable member realises he is taking a long time with his explanation.

The Hon. N. K. FOSTER: That is about a month away, and the Attorney-General will get the shock of his life. When I asked my question of the Hon. Mr Griffin yesterday, he said that he did not know what I was talking about. I commend him for that: he does not know. Therein lies the whole falsehood, falacy, and stupidity of the Attorney-General, because he—

The Hon. K. T. Griffin: I ask the honourable member to withdraw his remarks and apologise.

The Hon. N. K. FOSTER: I withdraw and apologise. There is no way I am going through that door until I get the truth from you today. I said that to draw you out. Don't try that trick again.

The PRESIDENT: Order! The honourable member has withdrawn and apologised. I now ask him to indicate what is his question.

The Hon. N. K. FOSTER: The question is rather long and might be somewhat tedious. If you do not want to force me to make statements outside of the Council, permit me latitude to continue; I seek no more than that. If the Attorney-General answered correctly yesterday, that he did not know what I was on about, then he did not listen. Yesterday, I said that some years ago a woman in this State was convicted and went to prison, leaving two young children. She was being pressed by the prosecution and the magistrate to divulge the name of a person in respect of a marihuana charge. From what I learned from a person who approached me about her case, I believe that, had the woman weakened in relation to the questioning of the prosecution and magistrate, she would now be dead. I repeat what I said yesterday, that the going rate for knocking people over for this type of thing was in the area of $500.

I am grateful for the extension of time granted to me by this Council. The biggest area of cultivation of marihuana and the greatest source of supply in South Australia has gone on for years unnamed and unannounced. If I know of its existence, I am certain that people in higher places of authority than I am would also know. I am not prepared to divulge anything to the type of inquiry that the Attorney-General has set up. The police should be given the protection of a Royal Commission, as the Attorney-General, myself, and other members of the community should be given it.

The questions I now ask of the Attorney-General are asked in all seriousness, and I do not want a foolish or scurrilous reply which relies on political innuendo or takes some false political line. First, will the Attorney-General accompany me, on a date of his choice, to the headquarters of the South Australian Police Force to visit the superintendent, whom I have refused to name in this Chamber, and form a conference of that superintendent and the other police officers with whom I was engaged in the taped conversation of about two years ago? Secondly, will the Minister arrange an interview with the Chief Secretary and me in respect of that matter, and inquire of the Chief Secretary whether or not he misled me by saying that the offences to which I had referred had occurred six years ago?

Thirdly, will the Minister give consideration to setting up a Royal Commission in respect of this matter, instead of making innuendoes about members of this Parliament, namely, Mr Duncan and Mr Bannon? Finally, if the Minister is not prepared to do that, will he consider giving

advice to members of this Council (which is supposed to be the highest court in this State) to request people to appear before this Council to answer certain questions in relation to the matters that I, and no doubt other members, want to raise for the benefit and wellbeing of members of the community in this State?

The Hon. K. T. GRIFFIN: In answer to question one, 'No'; in answer to question two, 'No'; in answer to question three, 'No'; in answer to question four, if the honourable member is suggesting bringing people before the bar of the Council, 'No'. I repeat what I said yesterday. If the honourable member has information that he wishes to raise in regard to matters currently being inquired into or other matters of concern to him, he is at liberty to raise them with me, the Deputy Commissioner of Police or Assistant Commissioner Hunt.

The Hon. N. K. FOSTER: In view of the fact that the Attorney-General has said that the public can have access to this committee, I ask, as a supplementary question, whether he is aware that, during the course of a committee inquiry in this Parliament, certain evidence was given in respect of certain members of the Police Force, and two members of the Parliament, namely, Mr Casey and Mr Cameron, who were requested by the committee (as the Hon. Mr Hill knows) to approach the then Police Commissioner in respect of the allegations made against police officers. The matter was thereafter passed off as a joke, and the problems in that area still exist. Is the Minister prepared to go over the evidence of that committee, make his own judgment, and submit that evidence to his own inquiry, if he is not prepared to institute a Royal Commission?

The Hon. K. T. GRIFFIN: If the honourable member draws my attention to the evidence to which he is referring, I will certainly be prepared to consider it.

RAIL CARS

The Hon. C. W. CREEDON: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister of Transport, a question on railway carriages.

Leave granted.

The Hon. C. W. CREEDON: I have mentioned this subject a number of times in the Council because I believe that, if people can travel comfortably at reasonable rates, they will continue to patronise public transport; indeed I believe that the patronage will grow. The new carriages are a most comfortable and welcome addition to the railway fleet, but not enough are available. There are only 30 carriages, and well over 100 carriages are required each day to cater for Adelaide's needs. The Minister, in answer to a question I asked on 22 October 1980, stated that there was no proposal to acquire additional new rail cars. In answer to a question I asked on 17 February this year, the Minister stated:

> The upgrading of a single Red Hen railcar to assess the extent of upgrading to meet present-day standards of passenger comfort and safety is expected to be completed by July 1981. A report on the feasibility of upgrading the remainder of the Red Hen fleet will then be prepared by the State Transport Authority. Should a decision to refurbish the remainder of the fleet be made it is expected that the work will extend over three to four years.

Has a single Red Hen car been upgraded to present-day standards? If not, when will that occur? Has a report on the feasibility of upgrading the remainder been prepared, and is it public? If not, when can it be expected? Has a decision been made to refurbish the remainder over the next three to four years? If not, when can we expect that decision?

The Hon. K. T. GRIFFIN: I will refer those questions to the Minister of Transport and bring back a reply.

CENTRAL DISTRICTS HOSPITAL

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

Leave granted.

The Hon. FRANK BLEVINS: Yesterday, on behalf of the Minister of Industrial Affairs, the Minister of Community Welfare answered a question asked by the Hon. Dr Cornwall on 24 September. To refresh honourable members' memories, the basis of that question was some incidents that had been reported to Dr Cornwall by staff working at the Central Districts Hospital, and some allegations made by them about practices that were quite contrary to awards. Members of that hospital were being sent home early when bed occupancy was low, and the workers' treatment conflicted with the award under which they were employed.

The basis of Dr Cornwall's question was that the employees had said certain things to him. After outlining the problems they were having, he said:

> These are quite gross and serious breaches of the industrial awards under which staff work at the Central Districts Hospital. The staff are afraid of calling in the Department of Industrial Affairs or their trade union organisers for fear of losing their jobs and for fear of acts of reprisals.

Anybody who has worked in the industrial field will know that that is not unusual, that if you give any details of breaches of awards by certain employers, there is no doubt that you will be intimidated, as these people told Dr Cornwall quite clearly. The reply to his question states:

> . . . officers of the Industrial Branch of his department have advised that no inquiries or complaints have been received from employees of the Central Districts Hospital in relation to alleged breaches of industrial awards.

I do not disbelieve that for a moment, but it is not helping. When Dr Cornwall outlined his question he explained why the employees had not been prepared to complain to the department or even to the trade union. What was quite alarming was the final part of the Minister's answer, as follows:

> Before officers of the Department of Industrial Affairs and Employment are instructed to carry out an inspection of time and wages records at the hospital, it would be appreciated if the honourable member could supply the Minister of Industrial Affairs with more specific information.

It was stated quite clearly in questions why that specific information was not given. It appears to me, and to everybody in the Council, that if a member in this place has received certain complaints and has asked the Government to investigate, that should be sufficient. However, apparently this is not so, because no action has been taken, other than this response. Why is a complaint made in confidence to a member of Parliament and referred to the Minister not considered of sufficient importance to warrant prompt action? Is it now the policy of the Minister's department to make inspections of time and wages records only on complaint from an employee?

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

COMMUNITY LIBRARIES

The Hon. ANNE LEVY: Does the Minister of Local Government have a reply to a question I asked on 30 September about community libraries?

The Hon. C. M. HILL: I am pleased to advise that the Review Committee completed its task on 7 October 1981 and I shall examine the report shortly. A delay occurred because the committee consulted with the many school/community library boards of management before finalising its own views. At the present time there are four approved school/community libraries awaiting funding. None of these have been held up by the review. One, Port Broughton, has been delayed until the school is rebuilt in 1984; the other three Cowell, Quorn and Two Wells can not be funded from this year's Budget as priority is decided strictly in order of application. Four other school/community libraries applications were held up by the review—Booleroo Centre, Coomandook, Kingston and Streaky Bay. Again, one of these, Kingston, cannot proceed until the school is rebuilt. The other three will be processed as soon as possible and will join the queue for funding.

Eleven other preliminary applications have been received from Geranium, Jamestown, Kadina, Keith, Lameroo, Maitland, Meningie, Riverton, Snowtown, Strathalbyn, and Tailem Bend. The interdepartmental school/community library committee decided to await the outcome of the review before proceeding with these applications. If formal applications are invited from these communities they will be processed in due course and added to those awaiting funding. It is expected that all outstanding applications can be processed within the next few months. The Library Services Planning Committee report recommended the establishment of 29 school/community libraries over a period of eight years. This is the fourth year of the programme and already 20 of the 29 school/community libraries are established. However, the interest in this form of library service exceeded all the expectations of the planning committee, and it now appears that there may be up to 49 school/community libraries in South Australia. This growth in applications has caused some difficulty for both the Libraries Board and the Government, hence the reason for the review. This growth in public library development in South Australia will continue to be fostered by the Government to meet its aim of providing a public library service to most of its citizens by 1986.

ENGLISH CLASS

The Hon. ANNE LEVY: Does the Minister of Local Government, representing the Minister of Education, have a reply to a question I asked on 30 September about an English class?

The Hon. C. M. HILL: The Minister of Education has advised that the decision to close the class was taken by the managers of the college as part of a review of the utilisation of resources. This particular class was closed because of the low student attendance as only seven students attended on 24 August and because a reasonable alternative could be offered to the students by way of a bridging course. There is no plan at present to increase funding to the college. The college programme in 1982 will depend upon student demand for courses.

As the college does not complete its 1982 enrolment period until late February 1982, it is not possible at present to describe the 1982 programme, and consequently the college is unable to specify which 1981 classes will not be offered next year. The college will make every effort to provide for the needs of all students who enrol in 1982 irrespective of sex or ethnic background. The sex ratio in the pre-Matriculation English class on 24 August 1981 was four males and three females. The Department of Further Education is unable to provide information in respect of the proportion of students from ethnic communities because it does not seek this information when students enrol.

IRRIGATION AREAS

The Hon. B. A. CHATTERTON: Does the Minister of Local Government, representing the Minister of Lands, have a reply to a question I asked on 16 September about irrigation areas?

The Hon. C. M. HILL: In the past it had been Government policy to provide not only the farm outlet but also the on-farm connection at its own expense when rehabilitating Government irrigation areas and replacing open distribution channels with pipe-mains. With the introduction of the amendments to the Irrigation Act passed in Parliament earlier this year, irrigators yet to receive the benefit of rehabilitation works now have the option of having the on-farm connection provided in accordance with the policy mentioned above, or of receiving a grant to provide assistance with funding the conversion of their on-farm system to an improved irrigation practice. The farm connection in the latter case forms part of the conversion cost. An important aspect to note in the application of this policy is that an irrigator who opts for a grant must install improved irrigation practices on his property.

The operational date of 1 July 1981 was arrived at as it was the most suitable date following Cabinet's approval of the scheme, having regard to the lead time necessary for the formulation of administrative procedures. There had been a moratorium placed on the construction of farm outlets and connections by the Government from 4 September 1980, pending the determination of the revised policy. While the moratorium was in force, construction work on the distribution mains for the rehabilitation system was still continuing. As there may have been some irrigators who commenced conversion to improved irrigation practices in anticipation of receiving a rehabilitated connection following the laying of a pipe-main past their property during the moratorium period, the Minister of Water Resources has recently given approval for the effective date for the consideration of grant applications to be retrospective to 4 September 1980.

Irrigators who are already connected to pipe-mains systems installed under the Government's rehabilitation programme have received the benefit of a no-cost on-farm connection, irrespective of whether they had installed or were to install improved irrigation practices. Consequently, they are not to be offered grants, as such grants would cover in part what they have already received. However, it is the Government's intention, when funds are available, to provide assistance to all irrigators wishing to install improved irrigation practices by way of Irrigation Improvement Loans at concessional rates of interest. A proposal for such concessional loans forms part of this Government's submission to the Commonwealth Government: 'A Permanent Solution to the River Murray Salinity Problem'.

The Hon. B. A. CHATTERTON: I desire to ask a supplementary question. Will the Minister of Local Government, representing the Minister of Lands, alter or withdraw the pamphlet and application forms which are provided to growers in the Riverland to explain the scheme, now that the Minister has changed the date of operation from 1 July 1981 to 4 September 1980? Apparently, that is no longer active.

The Hon. C. M. HILL: I will refer the honourable member's supplementary question to the Minister of Lands and bring down a reply.

KANGAROO ISLAND LAND

The Hon. B. A. CHATTERTON: Does the Minister of Local Government, representing the Minister of Lands, have a reply to a question I asked on 22 September about Kangaroo Island land?

The Hon. C. M. HILL: The Minister of Lands has advised that he is aware that a property which was formerly a war service perpetual lease, now held under perpetual lease, has recently been advertised for sale at $255 000. The present lessees have made significant improvements to the property since purchasing it in 1977 and the price being asked reflects the present land values on Kangaroo Island. The Commonwealth authorities made a valuation of the property prior to its sale in 1977 and fixed the amount to be paid for the Commonwealth's interest which was considered as fair market value at that time.

RED MEAT SALES

The Hon. N. K. FOSTER: Does the Minister of Community Welfare, representing the Minister of Health, have a reply to a question I asked on 22 September about red meat sales?

The Hon. J. C. BURDETT: The Minister of Health informs me that it is not correct to say that leading dieticians believe white meat has much more nutritional value than has red meat. Both red and white meat are important components of the usual balanced diet. When comparing their nutritive value, the cuts of meat, methods of preparation, cooking and serving have to be taken into account. In general terms the nutritive value of chicken meat is similar to that of red meat and does not heavily outweigh the value of red meat.

The honourable member also asked whether the Minister is aware of advice given by dieticians to the effect that fewer diseases are transmitted to humans by white meat than by red meat. The Minister of Health is not aware of any such advice being given and points out that dieticians do not advise on diseases transmitted by meats.

Meat can be a source of disease as a vehicle for food borne infections and intoxications, and the incidence of these diseases is related to mishandling of the meats during preparation and serving. Chicken meat, because of the manner of serving, particularly as a cold serve, is more likely to be involved than red meats.

Meat can also be a source of disease during dressing of the animals and birds, as slaughterers can become infected. Red meat slaughterers have a higher incidence of zoonotic diseases than white meat slaughterers. However, dieticians advise persons interested in preparing fat controlled meals, such as those for persons under medical care for a heart condition, to restrict the intake of red and white meats. Because of lower fat content of skinless chicken meat more of this meat can be consumed than red meat, which has a higher fat content.

In relation to the third point raised by the honourable member, it is correct that white meat is more difficult to substitute than is red meat. Chickens are mainly sold as carcasses or bone in portions and there is not a readily available cheaper food for substitution of boned chicken food. However, cook books contain recipes for mock chicken using tripe as a substitute for chicken meat.

INDUSTRIAL TRANSCRIPT

The Hon. N. K. FOSTER: Has the Minister of Community Welfare an answer to the question I asked on 24 September about an industrial transcript?

The Hon. J. C. BURDETT: The Minister of Industrial Affairs advises that the two interstate witnesses were called as follows: Mr J. B. Donovan, Management Consultant, W. D. Scott & Company Pty Ltd, Sydney; Mr R. H. Snape, Professor of Economics, Monash University, Sydney.

The Hon. N. K. FOSTER: I believe that additional information was requested from the Minister of Industrial Affairs but, because I am not sure whether I am correct in that assumption, I will ask a supplementary question. What was the cost to the South Australian taxpayers of fetching the interstate witnesses before the full bench of the South Australian Industrial Court so that the Government could attempt to rob workers of about .5 per cent of their entitlement under indexation?

The Hon. J. C. BURDETT: I will refer the supplementary question to the Minister and bring back a reply.

TREE PLANTING

The Hon. N. K. FOSTER: Has the Minister of Community Welfare an answer to the question I asked on 24 September about tree planting?

The Hon. J. C. BURDETT: The Minister of Environment and Planning advises that, at the suggestion of the then Lord Mayor of Adelaide, whose concern for the greening of the City of Adelaide is well known, it was agreed to mark World Environment Day 1981 by planting plane trees in front of Parliament House.

Native species were considered. However, following consultation with the Corporation of the City of Adelaide, which is responsible for the pavement area, it was decided that, to be consistent with the streetscape environment of North Terrace, shade producing plane trees would be the most suitable.

EQUAL OPPORTUNITY

The Hon. ANNE LEVY: I seek leave to make a brief explanation before asking the Attorney-General, representing the Premier, a question about equal opportunities management plans.

Leave granted.

The Hon. ANNE LEVY: I am sure that the Premier would be aware that the New South Wales Public Service is being required by legislation to set up equal opportunities management plans in each department and statutory authority whereby detailed statistics are prepared on the position of women within departments. Targets are drawn up to improve the situation in years to come. Furthermore, the departments and statutory authorities are required to put plans into operation regarding training programmes and the like to enable women to achieve promotion within the departments. The departments are required to report annually as to the progress being made in achieving the targets that they have set themselves in regard to equal opportunities management plans.

I understand that the Commonwealth Public Service is also undertaking a similar exercise and that, in that area, management of equal opportunities is not a topic for lip service only. In view of that, will the Premier say whether our own Public Service Board is taking any similar initiatives in regard to State Government departments and/or statutory authorities, and, if not, will it consider doing so as a matter of urgency?

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

RURAL ADJUSTMENT LOANS

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 about rural adjustment loans.

Leave granted.

The Hon. B. A. CHATTERTON: The Minister of Agriculture has adopted the practice of altering the decisions made by departmental officers in regard to rural adjustment loans after receiving submissions or representations from constituents. Of course, the Minister has the power to approve or disapprove those loans. In the past, that sort of work was usually undertaken by the Rural Assistance Committee. It is the committee's task to review departmental assessments and to give people an opportunity to have their case reconsidered.

The number of loans that have been granted by the Minister personally in recent months has increased substantially. It is also interesting to note that the members of the committee have, in fact, not been reappointed since the beginning of July this year. Is it then the Minister's policy not to reappoint this particular committee that reviewed rural adjustment loan applications, and is it his intention to take over that review task?

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

DIESEL FUEL

The Hon. N. K. FOSTER: Has the general of the Council an answer to a question I asked on 17 September about diesel fuel?

The PRESIDENT: Order! The honourable member must ask the question of the Minister from whom he seeks a reply.

The Hon. N. K. FOSTER: I mean the A.G.—that is a good and an acceptable abbreviation, I am sure.

The Hon. K. T. GRIFFIN: The report on diesel fuel quality in the *National Farmer* relates primarily to problems which have occurred in other States. I am not aware of wax problems in South Australian diesel and certainly no complaints have been received by the department. Obviously, the Government would view with concern a quality problem which affected machinery operation.

The problem of wax in diesel fuel is primarily related to the use of Gippsland crude oil. The Port Stanvac oil refinery does not process this crude, and mainly uses Middle East oils which produce low wax distillate. Whilst Port Stanvac refinery produces most of the State's distillate, some is imported from Victoria, and this diesel may contain higher wax levels. The oil companies supply one grade of diesel fuel and specifications fall with in the A.S.T.M. classification.

Where wax may be a problem, it is recommended that users instal a fuel warmer on their vehicles. This is relatively inexpensive and is standard equipment on the majority of European and American tractors.

There are other causes of mechanical failures of engines including the presence of dirt and water in the fuel. The Energy Information Centre has recently released a brochure on bulk distillate storage which addresses these matters. The Government does not believe any special measures are required in this State on testing for distillate quality.

COMMITTEE MEMBERSHIP

The Hon. ANNE LEVY: I seek leave to make a brief statement before asking the Minister of Community Welfare a question regarding committee membership.

Leave granted.

The Hon. ANNE LEVY: I am sure the Minister will remember that shortly before the last election he made a speech in this Council.

The Hon. Frank Blevins: It was a very good one, too.

The Hon. ANNE LEVY: It certainly was.

The Hon. Frank Blevins: It was one of the best that I have heard from him. It was the first time that I ever agreed with him.

The Hon. ANNE LEVY: It was a major speech from the Hon. Mr Burdett, then shadow Attorney-General.

The Hon. C. J. Sumner: What was it about?

The Hon. ANNE LEVY: Among other things, it concerned the membership of the Subordinate Legislation Committee. At that time, the Minister recommended (although I am afraid that I do not have the *Hansard* reference with me) that the membership of the committee should be enlarged. He considered that extra membership would provide greater depth and that there was certainly room for enlarging the membership to enable the committee to carry out its very important task more efficiently.

Since the Minister made that speech, there has, of course, been a change of Government, although no move whatsoever has been made to enlarge the membership of that committee. I therefore ask the Minister, first, whether he still holds this view, which he espoused so persuasively, and, secondly, whether he has raised the matter in Cabinet or with any of his Ministerial colleagues since the last election and, if he has, what the result was? Thirdly, if the Minister has not raised the matter with Cabinet, will he undertake to do so?

The Hon. J. C. BURDETT: It is obvious that the honourable member has not done her homework, as she cannot give the reference to the speech which I made and to which she has referred.

The Hon. Anne Levy: Come on!

The PRESIDENT: Order!

The Hon. Barbara Wiese: You know what your views are on the subject.

The PRESIDENT: Order!

The Hon. J. C. BURDETT: The quotation has not been given, and the Opposition is obviously running out of questions. Opposition members have certainly not done their homework in raising this matter. I do not recall exactly what was said when I was in Opposition.

The Hon. Anne Levy: You can remember.

The Hon. J. C. BURDETT: I do not think that any honourable member of this Council could remember all the speeches that he or she had made. However, I undertake to look at the speech that I made on that occasion and consider what ought to be done.

VISITING JUSTICES

The Hon. C. J. SUMNER: I seek leave to make a brief explanation before asking the Attorney-General a question regarding the visiting justices system in South Australian prisons.

Leave granted.

The Hon. C. J. SUMNER: A recent judgment of the Full Court of the South Australian Supreme Court in the *Queen v Bridgland and Welland, ex parte Robinson*, criticised the procedure in one case conducted by visiting justices. In

particular, I refer to the judgment of Mr Justice Zelling, in which he said:

> All in all, it was about as much a travesty of a summary hearing as it is possible to imagine.

Mr Justice Jacobs said that the inquiry was conducted 'in much the same way as similar inquiries have been conducted for many years'. The Attorney-General has, I believe, expressed the view on previous occasions that no denial of justice was occurring in the visiting justices system. As a result of this case, the Legal Services Commission has now established a duty solicitor service in South Australian prisons, which service received publicity on 21 October in the *Advertiser*.

In view of the comments made by Mr Justice Zelling and Mr Justice Jacobs, does the Attorney-General still believe that no denial of justice has been occurring in the visiting justices system? Secondly, in view of these comments, does the Government intend to change the visiting justices system in favour of a system involving a Special Magistrate and, if so, when will legislation to effect that change be introduced?

The Hon. K. T. GRIFFIN: I am aware of the judgment to which the honourable member refers. It is currently being examined by my officers and those of the Chief Secretary and the Department of Correctional Services. We had in mind, in any event, some review of the Prisons Act, which the Chief Secretary indicated some time ago would now be deferred until the completion of the Royal Commission into prisons. That is still the position.

Regarding the judgment, its consequences are being assessed and, if any changes are proposed, they will be drawn to the attention of the Parliament.

JOSEPH VERCO

The Hon. B. A. CHATTERTON: I seek leave to make a statement before asking the Minister of Local Government, representing the Minister of Fisheries, a question regarding the *Joseph Verco*.

Leave granted.

The Hon. B. A. CHATTERTON: I understand that the Government has allocated nearly $500 000 to refurbishing the fisheries research vessel, the *Joseph Verco*. The fishing industry in this State has been very critical of that decision, stating that the work that is normally carried out by the *Joseph Verco* could be carried out by commercial fishing vessels operating under contract to the Department of Fisheries. Of course, this controversy regarding a specialised research vessel *versus* commercial fishing vessels being used under contract is nothing new and has been discussed in the industry for a long time.

What is new, however, is that a number of fisheries (including the rock lobster fishery and the prawn fishery) are now closed for many months of the year and a lot more commercial vessels are available to undertake fisheries work. These vessels would presumably be available at fairly reasonable prices because they are not able to fish during the closed season.

Will the Minister say what research work undertaken by the Department of Fisheries requires such specialised equipment that it can be done on a specialised research vessel only, and what proportion of the total amount of departmental research work is of this very specialised nature that it requires a specially equipped vessel?

The Hon. C. M. HILL: I will refer those questions to my colleague and bring back a reply.

MESSAGES OF CONGRATULATION

The Hon. N. K. FOSTER: Would you, Sir, be good enough, on behalf of honourable members of this Council, to direct telegrams or messages of congratulation to Sir Donald Dunstan on his appointment as Governor of South Australia, and to Mr Papandreou on his election as President of Greece?

The PRESIDENT: I can hardly do that unless a motion is moved in the Council. Such a motion can be moved, if that is the wish of honourable members. If the honourable member can arrange that by way of a motion, and have that motion carried in this Council, we will see what happens.

The Hon. N. K. FOSTER: I remind you, Sir (if my memory serves me correctly, and the Clerks may advise you on this matter), that a telegram of congratulations was sent to Sir John Guise, who was the first Governor-General of New Guinea. That was done without a resolution of this Council. I understand that a former President of the Council, the late Mr Potter, carried that out and he reported that to the Council.

The PRESIDENT: I am not denying that perhaps that did happen. The point I am making is that I would want a resolution from the members of this Council.

LOCAL GOVERNMENT ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

In 1911 the Corporation of the Town of Glenelg (as it then was) closed a public road which lay to the west of the seawall which was then situated on the western boundaries of Colley and Wigley Reserves. The northern section of the closed road extended from the Patawalonga River to the northern boundary of the then Adelaide Road (Anzac Highway) and the southern section extended from the southern boundary of Adelaide Road to a point to the west of the council's chambers and offices on the northern boundary of Jetty Road.

Part of the Glenelg Sailing Club's building and some harbour installations are erected on the northern section of the closed road. An amusement park and the Glenelg Surf Life Saving Club's building occupy the southern section of the closed road. The amusement park buildings and structures include:

1. A substantial brick building housing a 'dodgem' car circuit and pin-ball machines which stands partly on the closed road and partly on Colley Reserve. This building was constructed and is occupied by the proprietor of these amusement enterprises pursuant to a lease from the corporation.
2. The Glenelg Surf Life Saving Club's building, including public conveniences, which is held on lease from the corporation and was constructed with the assistance of loan funds from the council.
3. A substantial building erected by the corporation and occupied under permit by proprietors of various amusements.
4. Other structures used for the purposes of amusements, such as a miniature golf course, ferris wheels, trampolines and a merry-go-round.

Under the Metropolitan Development Plan City of Glenelg Planning Regulations—Zoning, both sections of the

closed road are within the 'District Commercial (Patawalonga) Zone', which is stated in the regulations to be intended primarily to accommodate an amusement park, fun fair and harbour installations.

MacMahon Constructions Pty Ltd is proposing an extensive redevelopment of portion of the 'closed road' extending from a point to the west of the Glenelg Town Hall and extending to the Glenelg Surf Life Saving Club building. The proposed structure is to be covered with cladding in the form of an artificial 'mountain', including water slides terminating in a plunge pool. The facilities proposed, either to be housed within the 'mountain' or in the open air in the proposed lease area, include:

(1) An 80-year-old merry-go-round to be renovated for the purpose.
(2) A snack-bar and take-away food restaurant.
(3) A 'sky-cycle' ride.
(4) 'Bumper boats' in a lake.
(5) Two 18-hole miniature golf courses.
(6) Change rooms for users of the water slides and beach.

The company wishes to complete the redevelopment in time for the next summer season. MacMahon Constructions' solicitor searched the Certificate of Title to the 'closed road' (Certificate of Title Register Book Volume 912 Folio 32) and through a caveat entered upon the title discovered a declaration of trust, made by the council on 10 September 1912. The declaration of trust was in the same terms as a trust set forth in the road-closing order made on 6 October 1911, under which the road was closed.

The Hon. C. J. Sumner: Does this have anything to do with the block of flats that is going up?

The PRESIDENT: Order!

The Hon. C. M. HILL: In addition to closing the road, the order vested the lands comprising the closed road in the council, and purported to declare a trust in respect of the land under which it was to be used for the recreation and amusement of the inhabitants of the Corporation of the Town of Glenelg. The trust provided that the corporation should not erect or cause or permit to be erected any building erection or structure on the land, except for temporary buildings or structures for the periods (totalling 23 days in each year) over the Christmas-New Year and Easter periods, and one other holiday weekend.

There is a difference of legal opinion as to the validity of this trust. On one view it is a valid charitable trust. However, some are inclined to doubt whether the council ever had power to bind itself by such a trust and any such deficiency of power would of course be fatal to the validity of the trust. The Government has taken the view that it should intervene to put the matter beyond doubt. Hence the present Bill provides for the discharge of the trust and the validation of transactions that might be impugned because of its past existence. Any decision as to the use of the land, or the construction of buildings, is a matter for the local council. Because the company will require a reasonably long lease, it is desirable that the operation of section 44 of the Planning and Development Act, which would require the approval of the Director, be excluded. Of course, all other relevant provisions of that Act and the Local Government Act will apply. I seek leave to have the explanation of clauses inserted into *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 enacts new section 886ba of the principal Act. Subsection (2) provides for the extinguishment of the trusts and the discharge of the caveat relating to them. Subsection (3) provides for consequential alterations to the Register Book. Subsection (4) validates past transactions that might have been affected by the trusts. Subsection (5) provides that the Council is to continue to maintain the area in question as a public park and provides for the erection of facilities or amenities for refreshment, recreation or amusement either by the council itself or by lessees or licensees of the council. Subsection (6) excludes the operation of section 44 of the Planning and Development Act.

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

CORONERS ACT AMENDMENT BILL

In Committee.

(Continued from 23 September. Page 1106.)

Clauses 2 to 6 passed.

Clause 7—'Inquests and other legal proceedings.'

The Hon. C. J. SUMNER: This clause would take away the power of a coroner to commit a person for trial if, after having conducted a coronial inquest, he thought there was sufficient evidence to place a person on trial for some offence; that is, to place a person on trial in the Supreme Court or the District Criminal Court before a judge and jury.

So, it would apply only to that category of offences and would mean, if the coroner could do this as he can at the moment, that the coronial inquest would take the place of the committal proceedings which were normally conducted before J.P.'s or a magistrate in the Magistrates Court. The coroner's power to commit was inserted in the legislation some years ago. I cannot see any valid reason for it to be removed. The Attorney-General has told the Council that it has been used on only one occasion since 1975, which is when I think it was inserted. That may be, but that does not invalidate the rationale for having such a power vested in the coroner. It is probably true that the coroner would not exercise this power frequently. However, there quite clearly can be circumstances where the evidence would be overwhelming that an offence had been committed. I cannot see any objection in those circumstances to the coroner's being able to commit a person for trial. It does not mean that the person is found guilty in any way by the coroner. It simply means that the coroner finds that there is a prima facie case and that that person ought to stand trial before a jury. That is as far as a Magistrate's Court takes committal proceedings in any event.

Why is there a need for duplication of proceedings? I would have thought that this Government, which seems to have some obsession with cost cutting and the 'user-pays' principle, would see some merit in avoiding duplication of proceedings. A coronial inquest may be given evidence so overwhelmingly to the satisfaction of the coroner that there is prima facie evidence of an offence and certainly evidence that requires an answer by a person. If this provision is removed, all the coroner can do is make a statement about the circumstances of the incident. It would then be up to the police in effect to start the proceedings all over again in the Magistrates Court in order to get a committal. Quite frankly, I cannot see why the power that the coroner now has ought to be withdrawn.

The Attorney-General has said that the evidentiary provisions in a coronial inquiry are not as stringent as they would be in committal proceedings, and that is true. However, the coroner is a legal practitioner and is well versed in the rules of evidence. He is well versed in the weight

that can be given to evidence before him. Obviously, if he has a situation where there is a lot of hearsay evidence, inadmissible evidence, or irrelevant material before him, he would not act on that evidence to commit a person for trial. However, if he does have evidence which is admissible under the normal rules of evidence and which provides a substantial case for a person to answer, I cannot see any objection to the coroner's being able to commit that person for trial. It seems an unnecessary duplication of proceedings to have it any other way.

One of the problems in the law at the moment is the costliness of proceedings and the duplication of proceedings that one gets in the legal system. I cannot see how retaining this power for the coroner to commit does any injustice to anyone, and it may be a useful power in appropriate circumstances to avoid duplication of proceedings. Accordingly, I oppose the clause.

The Hon. K. L. MILNE: I support the Hon. Mr Sumner in this matter. At the suggestion of the Attorney-General, I had a discussion with the coroner himself. Apparently this power has been used only once in about seven years. The coroner does not feel strongly one way or the other. I have spoken to my colleague in another place. He, a lawyer, believes on balance that it is better to leave it so that people know that there is a power to commit by the coroner; otherwise, it makes it not as serious as if he did have the power to commit. It seems a pity, when the coroner has a definite case before him, for the whole thing to be gone through a second time.

I know that the rules applying to the coroner are much broader than those applying in a court and he may have to do things to obtain evidence as a coroner which perhaps would not be admissible in a court. Nevertheless, I believe that that would strengthen his decision on whether or not to commit. We are in favour of his having that power.

The Hon. K. T. GRIFFIN: It is not a matter of cost-cutting or not cost-cutting. It is a matter of justice and a matter of principle. I find it rather curious that the Leader of the Opposition and the Australian Democrat should, in this instance, want to back away from an opportunity to express their concern for a principle. That principle is that any person who is charged with any criminal offence ought to know the detail of the charge and have the opportunity to defend himself or herself before the appropriate courts. The coroner conducts an inquiry. It is not a court in the normally accepted sense of that institution. He is conducting an investigation.

For those who do not know, the coroner has to determine in a particular case, whether it is a death, a fire or an accident, that it is appropriate to conduct an inquiry with a view to gathering all the material that might be relevant in determining the cause of death, the cause of the fire, or the cause of the accident. No-one is charged and no-one is identified as a prime suspect in the proceedings which occur in a coroner's inquiry.

The coroner, when gathering information, obtains material which is strictly evidence and which would ordinarily be admissible in criminal proceedings. However, he may also gather other information or material which is not admissible in ordinary committal proceedings. Under section 22 of the Coroner's Act the coroner is not bound by rules of evidence and is at liberty to inform himself on any matter of fact in such manner as he sees fit. In many inquests material is received which certainly would be held to be inadmissible in other courts of law. So, it is rather curious that the coroner would have the opportunity to commit a person for trial as a result of a coronial inquiry at which he has gathered information which is not ordinarily admissible. He could commit that person for trial, either in the District Court or the Supreme Court (in the criminal courts before a jury), for an offence with which the person has not been charged in any court for the purposes of a preliminary hearing.

I hope that honourable members opposite, including the Hon. Mr Milne, will recognise that the whole nature of committal proceedings is to enable a person who is charged to know what the charge is, to have available all the evidence which the prosecution will be calling, to have an opportunity to cross-examine and test all of the witnesses who will be called for the prosecution and then, if there is a case to answer, to be reasonably warned of the material which the prosecution will bring before either the District Criminal Court or the Supreme Court in its criminal jurisdiction.

Since a person may be committed for trial by a coroner in what would, I think, generally be accepted as circumstances which do not maintain one very basic principle of our judicial system. I find it, rather curious that the Leader and the Australian Democrat, who on many other occasions have been prepared to protest loudly about breaches of principle, are not in this case prepared to accept that, as a matter of principle, a coroner who is conducting an inquiry should not have the power to commit a person in the circumstances which I have outlined.

The amendment was introduced in 1975. It has been used once in controversial circumstances and not since. It was used in a child bashing case where, apparently, the coroner of the day felt it was appropriate to commit.

I remind honourable members that it was controversial, and it was controversial because it was a situation in which the accused person, who was committed for trial, was not formally charged before the coroner's inquiry. He was charged only as a result of a wide range of investigations touching on matters which were not strictly admissible as evidence in a court of law. Accordingly, I am disappointed that the Opposition and the Australian Democrat will not support this clause, because I believe it is a matter of principle which ought to be supported.

The Hon. C. J. SUMNER: I think that the Attorney-General is getting unduly agitated about the matter. I do not see that any principle is necessarily being abused by the attitude we have adopted towards this clause. As I have said before, the coroner understands the rules of evidence. The coroner would not use this power to pluck someone out of the air and commit him for trial if there had been no chance for there to be proper cross-examination of the witnesses on whom the coroner was relying. In other words, it is a matter that is in the discretion of the coroner. I believe that the coroner would exercise that discretion as a lawyer in a judicial manner, so he would not take the power unto himself in all sorts of circumstances to commit a person for trial. I am sure that he would commit only in circumstances in which the person who was being committed had, in fact, been represented and had had the chance to cross-examine the relevant witnesses, and on the basis of evidence that was evidence properly admissible in a criminal court.

Given that that is the way I believe the coroner would act in committing a person, I do not see that the fears of the Attorney-General are as great as he has made them out to be. I believe that the discretion would be exercised sparingly, but it may be appropriate in some cases—that is all I am saying. It is for that reason, on balance again, that I believe that there is no harm in the power to commit a person. I do not wish to take anything away from the general principle involved. However, I do not think that the retention of this discretion takes anything away from that principle, given that the coroner is a lawyer and given that the coroner would, I am sure, exercise that discretion in his usual manner.

The Hon. K. T. GRIFFIN: As the Leader is prepared to concede, there is a principle involved. I am interested to hear that he is prepared to compromise on this occasion. That will be interesting in respect of future matters of principle that come before the Council. I am not agitated about this matter. I feel strongly about it—that it is a matter of principle. Even though the power has been used only once, the fact that it is there is, in itself, a denial of a principle which I believe ought to be maintained, that is, that where a person is to be committed for trial and it is appropriate for a committal proceeding to be held before a trial on a criminal charge, in those circumstances it ought to be a committal proceeding before a proper court of law, which is limited by the strict rules of evidence. I have the utmost confidence in the present coroner, and in previous coroners, but I think that that is irrelevant as to whether or not this clause ought to remain in the Bill. I believe strongly that it should.

The Hon. C. J. SUMNER: The point that I was trying to make was that I did not think that there was any compromise of the general principle in the stand taken because there was no compromise in the sense that I do not believe that the coroner would exercise his discretion other than in a judicial manner, a manner whereby there had been an adequate chance for any person the subject of that committal proceeding to cross-examine the witnesses, and a manner that would not take into account evidence that would perhaps be inadmissible in strictly criminal proceedings. As I have said, the power is not one that is used much. I am not compromising any principle in this area, because I do not believe that the way in which a coroner would use this discretion would be an unjudicial way. If it was used in a judicial way, there would be no compromise of any principle. Of course, it must be borne in mind that the coroner is certainly not finding anyone guilty; all he is saying is that there is sufficient evidence (a prima facie case, if you like) against the person to put that person on trial before a jury.

The Committee divided on the clause:

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

Noes (9)—The Hons. G. L. Bruce, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, K. L. Milne, C. J. Sumner (teller), and Barbara Wiese.

Pairs—Ayes—The Hons. L. H. Davis and R. C. DeGaris. Noes—The Hons. F. T. Blevins and Anne Levy.

Clause thus negatived.

Clause 8 passed.

Clause 9—'Rules'.

The Hon. C. J. SUMNER: This clause gives the coroner power to order costs in relation to inquests and to provide for the recovery of such costs. It inserts a power into the rules of the coroner's court enabling the coroner to do that. I strongly oppose this clause. I believe it is completely unacceptable that a coroner ought to be able to order that costs be paid in relation to a coronial inquiry. New paragraph *(ab)* provides:

> Empower coroners to order the payment of costs in respect of inquests and provide for the recovery of such costs.

That is an all-embracing power. Presumably it means that the coroner could order that one particular party appearing before a coronial inquiry should have to pay all the costs of that inquiry. If that is the case, I think every member of this Council who has thought about the matter at all must find it absolutely obnoxious and completely unacceptable.

In a sense, the coroner, traditionally, is an extension of the investigative powers that exist within the police system. However, it is an extension whereby a coroner—a judicial officer—can examine witnesses in public and under oath, powers that the police do not have. However, in a sense, it is another arm of the investigatory powers which the Government and the police have to try to obtain the facts surrounding a death or a fire. I believe that this clause carries the Government's user-pays principle to absolutely absurd lengths, and I think it could be to the great detriment of ordinary citizens in this State.

It could particularly be of great detriment to a widow, for instance, whose husband had been killed in a motor vehicle accident or at work. That person may wish to find out the circumstances of such a death to decide whether the facts surrounding the death could sustain a claim for damages. At the moment, she writes to the coroner and requests a coronial inquiry, and one is usually held. If that person will now be subject to the risk, and it may only be a risk, of having to pay the costs of a coronial inquiry when, for instance, insurance companies may be involved that may wish to fight the claim (and there may be many witnesses and technical evidence), that person will be deterred from asking for such an inquiry.

Quite frankly, I do not believe that any member of this Council would want to see that situation come about. Yet, if this clause is inserted into the Bill, it could lead to that. Ordinary citizens in South Australia could be denied access to the coroner. I think that coronial inquiries ought to be carried out by the State at the expense of the State. The user-pays principle should not apply in this area. If it does, it will be a deterrent to poorer people in the community who may wish to have a matter properly investigated but who may be deterred because they would have to pay their own solicitors, and they may have to pay the solicitors of any other party appearing before the coroner, and the costs of technical and forensic evidence. They may also have to pay for the coroner's time. That is how broad this power is. I do not believe that the Council should have anything to do with this clause at all.

In fact, this clause could be used by the Government to deter the coroner from carrying out inquiries, because people would be less inclined to request coronial inquiries, and therefore there would be less pressure on the Government in particular circumstances. The Attorney-General, I think, has said that coronial inquiries, particularly in relation to fires, are used by insurance companies, for instance, to go on fishing expeditions. The figures for coronial inquiries in relation to fires over the past 12 months indicate that there are not very many of those types of inquiries, so the cost involved is very small in any event.

Whether it is insurance companies going on fishing expeditions in relation to fires or whether it is a widow who wants to get to the bottom of the circumstances surrounding her husband's death, I believe that coronial inquiries are a service that should be provided by the State, and the question of costs should not be involved. In fact, coronial inquiries very often save the State money in the long run, because an inquiry is carried out, witnesses are examined and cross-examined and the coroner makes his findings. So, in relation to damages, there is usually a basis for the claim to be subsequently settled without having to go through the full civil proceedings in the Supreme Court. In that sense, in the long run, a coronial inquiry is cost effective, because it normally provides some basis for an insurance company, for instance, to decide whether to settle a case. Therefore, on the grounds of principle, I oppose this power to award costs and, on the grounds of any cost effectiveness, which is the Government's argument, I oppose it because I believe coronial inquiries, in the long run, do help to assist the settlement of subsequent legal proceedings.

The Hon. K. L. MILNE: I entirely agree with the Leader. I feel a bit embarrassed when following two erudite and articulate lawyers.

The Hon. J. E. Dunford: Your heart's in the right place.

The Hon. K. L. MILNE: That is exactly right; thank you very much. One must remember that, just because no cash costs are awarded after a coronial inquiry, that does not mean that the parties involved incur no costs. They lose a great deal of time, they incur travelling expenses and must suffer inconvenience.

The Hon. C. J. Sumner: There are also laywers' fees.

The Hon. K. L. MILNE: Yes, sometimes. Very often a tremendous amount of time and cost is involved in preparing a case. It is unlikely that a coronial inquiry would be sought lightly. There was some talk of insurance companies going on fishing expeditions, but that phrase has been misused. The coroner used the term when I was talking to him, but he did not mean, in a facetious way, that insurance companies would go on a fishing expedition; he was saying seriously that insurance companies would attempt to ascertain the facts in the cheapest possible way.

If insurance companies do not find out the facts cheaply, if they are denied access to a coroner in those cases, on average the actuarial value of a premium must rise. In the long run, it will cost the same amount. I believe that there are very few frivolous requests for a coronial inquiry. It would be a great mistake to make the individual concerned in such inquiries pay the cost.

The Hon. J. E. DUNFORD: I support my Leader, who mentioned the case of a widow. There are all sorts of propositions that could apply, involving parents, daughters, sons, a single mother, a pensioner, or any other person in the community who has no funds. On three occasions this month, I have had discussions with constituents, who, in my opinion as a layman, and in the opinion of some people who are in law, have a case to put before the courts. They are unable to proceed. In one case, there is no money.

In a second case, with which I dealt for over three hours yesterday afternoon, the position is that, if the court does not grant the reopening of the case, the case will have to be heard again. The original case went on for six years, and involved workers compensation. The lawyer who represented this constituent received $200 for his legal services and spent 29 hours in court. He is not keen to press the case.

Another constituent's case is set down for hearing in the Supreme Court early next week, and the Law Society is involved. However, this constituent is suing a lawyer, and he cannot get another lawyer in Adelaide to represent him. He has no money. I have stated in this House before that there is a law for the rich and a law for the poor. Everyone in our community should have access to legal advice and legal representation, but that is not the case.

As the Leader has said, when a person discovers that he may be required to pay the costs of both parties, other investigative costs, doctors' costs, and so on, he realises that he could be up for quite a sum. This occurs on many occasions in regard to workers compensation. One never hears of many workmen taking employers to court for common law action: they are advised by lawyers not to do so. That is why most cases of workers compensation are settled out of court. The workman does not have the money to proceed, and he is told by most lawyers that, if he goes ahead with the proposition, he may receive $15 000 in workers compensation, but the costs could amount to $15 000. That is a situation in which people do not have access to the law, the legal aid services, or free representation, as we say they should have.

This Bill represents a further impost and a further extension of something I believe to be wrong in a democratic society. Situations such as this are all too numerous. I know that Mr Milne has training in the insurance field. Anyone who takes on an insurance company must have plenty of money. I have heard the Leader say that we will have to do away with appeals to the Privy Council, because only the rich can afford to appeal. We in this Parliament should try to ensure that everyone in the community has access to the law and representation. It will be a further retrograde step if clause 9 is passed.

The Hon. K. T. GRIFFIN: The Leader of the Opposition and other members opposite have sought to bring some emotionalism into this debate but, in fact, the clause was never intended to deny a widow access to the coroner's court. I indicated quite clearly that the clause is intended to give the court power to award costs in those cases where ordinarily a coronial inquiry would not have been held but where an inquiry was held at the request of the party for the purpose of conducting what is commonly called a fishing expedition. That applies predominantly in cases where insurance companies make requests to hold coronial inquiries at the cost of the State for no other purpose than to serve their own ends.

The Hon. K. L. Milne: There is really nothing wrong with that.

The Hon. K. T. GRIFFIN: The general rule-making power is designed to give the coroner the power to order costs such as witness fees, accommodation and travel expenses, and forensic and other expert fees, not extending to legal fees, but, in a sense, the out-of-pocket expenses of conducting a coronial inquiry. These fees can be quite high in complex cases.

The Hon. C. J. Sumner: What sort of cases are you referring to? Do you mean cases involving fire or death?

The Hon. K. T. GRIFFIN: Predominantly, it involves cases of fires, or maybe road accident cases where the insurance company seeks the coronial inquiry for its own purposes and no other purpose that is generally the reason for a coronial inquiry, that is, establishing the cause of a fire, death or accident, instances in which there may be some coronial connotations. I draw honourable members' attention to the fact that any rules that are made under this proposed amendment would come before this Council, the House of Assembly, and the Subordinate Legislation Committee and, if they are regarded by a majority in either House to be too wide, the procedure for disallowance is available. The Parliament still has a measure of control over the ambit of the rules once they have been made.

The Hon. C. J. SUMNER: It is all very well for the Attorney-General to brush aside the opposition to this clause by saying that we became emotional, that we imputed motives to the Attorney that did not exist, and that he had made quite clear that this clause was really aimed at insurance companies who requested inquests to go on fishing expeditions. All of those qualifications that the Attorney-General has now put on the clause certainly do not appear in the clause. Very broad, all-embracing powers are now being given to the coroner in regard to awarding costs, not only legal costs but the whole cost of a coronial inquiry. The clause states:

> empower coroners to order the payment of costs in respect of inquests and provide for the recovery of such costs.

There is no question but that costs could be awarded against a widow, for instance, who requested an inquiry, and against other people who had a genuine interest in a particular matter and who wanted to get to the bottom of the circumstances surrounding, say, a death in the community.

Let us face it: a death in the community, however it occurs, is a traumatic experience for the people involved with the person who has been killed, and they want to know, quite rightly, that every avenue is available to enable

the facts regarding the killing to be fully discovered and elicited.

I believe that this clause would act as a considerable deterrent to people who are genuinely seeking such an inquiry and information about a death. The clause does not restrict the situation, as the Attorney has outlined to the Committee. Indeed, the second reading explanation did not make any reference to insurance companies going on fishing expeditions.

The Hon. K. T. Griffin: If it had, would you change your mind?

The Hon. C. J. SUMNER: If the Attorney-General had restricted the power in some way, obviously we could have considered it further. However, I do not think that I would have changed my mind, because no evidence of any abuse of this power has been presented to the Council. The second reading explanation contained a very general explanation that the power to award costs was required by the Government. There was no justification for it in any analysis, for instance, of the number of coronial inquiries where it was felt that the procedure had been abused.

Does the Attorney-General have information on the number of inquiries that have been conducted over the past year where the coroner thought that they were a waste of time or were being conducted by an insurance company for some ulterior motive? The only ulterior motive could be that the insurance company wanted to obtain facts about a road accident or an industrial accident with a view to protecting its position in relation to damages, or, as could often happen, providing a basis on which the claim for damages could be settled. I made that point earlier, and what is wrong with that?

This often provides for the insurance company and the aggrieved party a basis on which a settlement can be achieved, without the necessity to go through the full rigmarole of civil proceedings. So, in that sense it can involve a cost saving. Surely, the Government should have produced to the Council evidence which indicated how many of these coronial inquiries were unnecessary in the past two years.

In response to my interjection, the Attorney-General said that these inquiries were mainly in relation to fires. If one looks at the Attorney's Budget break-down with respect to coronial inquiries, one finds that $9 000 was spent in the past financial year on such inquiries into fires. Does the Attorney-General intend to recover all that $9 000? Presumably he does not. However, it is penny pinching at its extreme to be worried about $9 000 that has apparently been spent on inquiries into fires. The expenditure of $9 000 in the past financial year, did not even come up to the amount of $10 000 that was originally budgeted. This year, $14 000 has been allocated. That is hardly an enormous burden on the State and, in the absence of any evidence of abuse or of any analysis of the number of cases involved over the past year, I will certainly not support this clause.

The Hon. K. T. Griffin: You wouldn't support it, in any event, would you?

The Hon. C. J. SUMNER: I was going to say that, in any event, I cannot see the justification for it. I am saying that, if the Attorney-General had some specific evidence of abuse, obviously the matter could be examined more thoroughly. However, without any such evidence, and with just a general assertion that the Attorney-General wants the power in relation to costs, I will not give it any consideration at all. Even if the Attorney had that information, I still think on balance that the coronial inquiry is a public service that ought to be given at the cost of the State. I have no worries at all about saying that.

If this clause relating to costs is inserted, we will merely deter poor people who want to ascertain the circumstances regarding a traumatic experience. However, they will be debarred from doing so if this clause is inserted and used in that way.

The Hon. K. T. GRIFFIN: I thought for a moment that the Leader was going to indicate his preparedness to change his mind if he had been given appropriate evidence. However, he concluded by saying that he would not consider it appropriate, anyway. So, rather than seeking that information and bringing it back to the Committee (which, apparently, would be a waste of time), I think that the matter should proceed now.

The fact is that the Leader has sought again to dwell on the poor and the oppressed, asserting that this will fall heavily on them. However, that is absolute nonsense. I have indicated that the Leader is not prepared to listen to the points that I have made.

In closing, I should say that in Scotland they have got along well without coronial inquiries ever having been a part of their legal framework. In the United Kingdom, there is a real move to abolish coronial inquiries. That indicates the extent to which some people in other jurisdictions have been concerned about how coronial inquiries are being used for purposes that are not necessarily related to the original purpose for which those inquiries were established.

The Hon. C. J. SUMNER: It is a pity that the Attorney-General is not prepared to provide the Committtee with information.

The Hon. K. T. Griffin: You wouldn't change your mind if I did. You said that.

The Hon. C. J. SUMNER: I said that I doubted whether it would alter my opinion, but certainly without that information I am not prepared to contemplate the clause at all. Frankly, it is totally unacceptable for the Attorney-General to come up with a proposition like this, claiming that it is an enormous cost to the State and that he wants to get his $2 000 or $3 000 back for the cost of coronial inquiries, without providing one iota of evidence that it is even necessary.

This Government must be in desperate straits if it has to amend the law to provide for the coroner to be able to grub out of people $2 000 or $3 000 a year because they request a coronial inquiry. It must be a backward step, and is taking a service away from the public.

The Hon. K. T. Griffin: It is not.

The Hon. C. J. SUMNER: In any event, it is shortsighted. If one looks at the matter purely within the Government's own terms, one sees the economic blinkers that the Government has put on itself in relation to this matter. Even if one accepts it on the Government's ground of cost benefit, surely having a coronial inquiry saves the Government money in the long term because it reduces the need for full-scale civil proceedings at a later date.

I do not know about the Attorney-General, but I know, as a practising lawyer, that having the results of a coronial inquiry before you, when you are negotiating a settlement in a damages claim, is very useful and can often form the basis for a settlement of a civil claim.

The Hon. K. T. Griffin: Still practising, are you?

The Hon. C. J. SUMNER: From time to time, yes. Last year I earned $700. I have been practising to a very limited extent. As the Attorney-General knows, evidence from a coronial inquiry can form the basis for a settlement and very often does. Without the evidence of a coronial inquiry the matter may have to proceed and be a full scale case in the Supreme Court. That would be much more expensive to the State and the parties involved. On the basis of the Attorney-General's own terms of reference of cost cutting his argument falls. I would like the Attorney-General to obtain the evidence, if he feels the legislation is necessary. The coroner must have some information concerning how

many of these cases have occurred in the last 12 months, and concerning where the system has been abused, on the basis of the financial figures that have been given to us by the Government. I do not believe that there could have been many cases, but there was clearly an inadequate explanation to the Council about the removal of the provision—something that this Government has been prone to do. Its second reading explanations are sketchy and do not contain sufficient information for the Council to make up its mind. Certainly in this case that has happened. I ask the Attorney-General to provide the information, if he genuinely wants serious consideration to be given to this clause. Without that information I will oppose this clause.

The Hon. K. T. GRIFFIN: It is not a matter of cost cutting or economic stinginess: It is a matter of reform in the system. The coroner indicated clearly that there is a growing trend for coronial inquiries to be requested when he would not ordinarily deem it necessary to have one.

The Hon. C. J. Sumner: Give us some detail.

The Hon. K. T. GRIFFIN: If the Leader is genuinely prepared to reconsider his position and is prepared to bring an open mind to bear on it, I will certainly consider getting that information. In an earlier part of this debate he demonstrated that he had closed his mind on the prospect of this clause, or some modification of it, passing the Council. If he tells the Committee that he genuinely has an open mind on it, I might be prepared to consider some modification to it. I am prepared to consider obtaining the information.

The Hon. C. J. SUMNER: What I said, which was clear to the Committee, was that I do not believe that this clause is justified. I maintain that position. If there is evidence that the Attorney-General has not produced to the Committee, to the Council or anywhere else to date, information to indicate that there is a problem, and if there is that hard evidence, then I am prepared to consider the matter.

The Hon. K. T. Griffin: And to modify your view?

The Hon. C. J. SUMNER: If the evidence is so compelling. I do not believe it is, quite frankly. I do not believe that the Attorney can produce that evidence. I challenge him to produce it. What I have said to him and the Committee is that, looking on the face of it, I do not support the clause. If the Attorney-General comes up with an analysis of what happened in the Coroner's Court over the last two years and comes up with examples of abuse, then I am prepared to look at it. However, he is not prepared to do that. I challenge him to do it so that the Committee can consider the issue. He came in here with a halfbaked proposal improperly thought out, trying to save the Government because it is financially on its last legs.

Members interjecting:

The Hon. C. J. SUMNER: Well, a deficit of $40 000 000 in one year takes a little bit of talking to justify. Let the Attorney-General produce the evidence and I will certainly consider the matter.

The Hon. K. T. GRIFFIN: That is a turnabout, Mr Chairman. I have no doubt that I can establish a proper basis for this clause; I have already done that. As the Leader of the Opposition wants more material, I ask that progress be reported.

Progress reported; Committee to sit again.

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 21 October. Page 1452.)

The Hon. R. J. RITSON: The time has come for me to respond to an interjection by the Leader of the Opposition which he made last year in this House, when I was referring to the balanced state of the Budget last year. The Leader cried out in a loud voice and said, 'What about the $7 000 000 deficit Fraser had in 1976?' I do not think the Leader meant $7 000 000 as is recorded in *Hansard*. We all know it was several thousands of millions.

The Hon. C. J. Sumner: It was about $3 000 000 000.

The Hon. R. J. RITSON: I will deal with that in a moment. The economic disaster Australia suffered in 1975 is the key to some aspects of this Budget debate. The Leader always chooses his words well and contributes something to debate when he interjects. One will have to excuse the arithmetical error, but he said, 'What about the deficit that Fraser had?' He did not refer to the deficit as one that Fraser had created: he said it was the deficit that Fraser had. That was an accurate way of putting it, because this massive deficit was created by the Whitlam Government; like the sins of the father, it was to be visited upon the heads of people that came afterwards.

I want to make a distinction at this stage between a Budget which reflects a shortfall due to exceptional expenditure which might be unavoidably thrust upon a Government from time to time, and a Budget which reflects a policy or philosophy of massive Government expenditure of money that the Government does not have in order to employ people to do the unnecessary, in the hope that the economy can be forever pumped up to higher and higher levels by the frantic circulation of ever increasing amounts of ever devaluing money. These transfer payments do nothing for production and do not increase the production base upon which the general prosperity of the community rests.

It was this perverse notion, that if one spends a welfare cheque there is a multiplier effect but if one spends a dividend cheque there is not, which caused the Whitlam Government to spend massive amounts of money which it did not have on employing people to paint the trees green instead of on resource development. It was this philosophy which caused the Government to send massive amounts of foreign capital fleeing from Australia during the Whitlam years because of the Government's hatred of our Western friends and allies in the United States of America and England. Admittedly when the Whitlam Government saw the damage done to the economy by the policy of massive deficit budgeting it did try to shore up the productivity base. In doing that it saw the importance of resource development. It is strange that some members of the coalition of the left are now playing down resource development because it was a subject that was suddenly grasped like a straw in the dying months of the Whitlam Government.

Of course, the late Mr Connor suddenly became extremely keen to develop Australian resources but even so his ideological dislike of traditional Western allies caused him to dip his fingers into the murk which was to become known as the infamous loan affair in which Australia was to buy back the farm. We have a report in the *Advertiser* of 20 August 1975 headed, 'What the loan was for'. I noticed according to the statements attributed to the late Mr Connor that the loans were for matters which included development of the Officer Basin and the building of three uranium mining and milling plants. Obviously, after wasting most of that term of office on social issues and Government waste, the Whitlam Government had come to the realisation that that development must occur. Of course they were not buying back the farm.

The idea of putting the country into massive debt and producing the highest deficit in the history of Australia and then turning to the Middle East for massive loans from unknown people was not buying back anything. It was

changing the mortgage—shifting the mortgage from our traditional friends and allies to unnamed landlords who live in politically unstable areas which lie in the shadow of the Russian army. I am sure it was nothing but ideology which caused that Government to shun the Western allies and not buy back the farm but rather to simply change the landlord on ideological grounds. I suppose, had this massive deficit budgeting provision had a result in social terms in Australia at the time, there might have been some justification for that policy even if it did leave the sins of the fathers to rest on our heads in years to come. It did not do any good at all.

As I pointed out in my Address in Reply speech, we saw the Whitlam Government spend $180 000 000 on job creation schemes and the net result of that was that it pushed unemployment up from 70 000 to almost 300 000. I recall that at about that time Mr Bob Hawke said, when the unemployment figure was a little below the quarter million mark, that if unemployment exceeded 250 000 he would resign from the Labor Party. It did and he did not. I am afraid to contemplate what would have happened and what position we would now be in if the Whitlam Government had succeeded in transferring our mortgage from our traditional friends to the Middle East. I wonder what our position would be if our new landlord was Ayatollah Kohmeini, I wonder what the position would be in relation to the conflict between Iran and Iraq if our new landlord was one of those countries. The fact remains that in those years a massive debt was built up which had to be paid by someone, and a massive delay in resource development was built into Australia's history.

The next question is, 'What did the Fraser Government do about it?' The new Government knew at once that debts had to be paid and that the singing and dancing had to end some time. Since 1975-76 we have seen the Federal Government work very assiduously at reducing the debt that Whitlam created. One can see, if one looks at the figures from the original economy which Fraser inherited in 1976, that the deficit was $3 850 000 000. For the next three years there was a slight reduction where it hovered between $2 700 000 000 and $3 300 000 000. In 1978-79 there was a substantial drop to the order of $2 000 000 000 and in 1980-81 to $1 127 000 000. For 1981-82 there is an estimated deficit of $146 000 000 compared with $3 585 000 000. Indeed, we find in the Estimates for the current year that there is a domestic surplus of $1 542 000 000.

That is relevant to South Australia's future and, in fact, the future of all the States, because the real wealth is not generated by Government: it is generated by citizens of various States. They grow the food, they dig the minerals out of the ground, and the capacity of State Governments to service the citizens depends upon the capacity of the Federal Government to return an adequate amount of wealth generated by the States to the States. It is a matter of some regret that the Federal Government felt unable this year to give South Australia all the money we wanted. There is absolutely no doubt that the prime responsibility of the Federal Government since 1976 has been to rescue the national economy which was brought to its knees by the Whitlam Government. So, it had to make clear to all States that the debt must be repaid and that the days of froth and bubble had come to a temporary halt.

It is freely admitted that South Australia now finds itself with a substantial State deficit. It is not admitted that this deficit was caused by this Government deciding to overspend—the sort of philosophy that inspired the spending in the Whitlam days. The deficit we are facing comes from several sources. In the first place, as the Attorney-General said by way of interjection during the closing stages of the last Bill, we are paying back the debts of the previous Government at the State level as well as paying back the debts of the Whitlam Government. There is no doubt about that—substantial repayments. There are also tiny little things that one finds all over the place.

A small example of the principle behind some of the larger hidden debts that keep cropping up is the funding of motor boat registration. That, initially, was very small and for years and years the previous Government courted popularity with that section of the community by raising the fees by less than was required to fund the administration of that Act, and by failing to make any attempt to pay back the original capital grant. That is an example of the many ways in which the former State Labor Government was able to make a jolly good fellow of itself. We found, on taking office, that we had to make up that debt, that we had to start to pay back that capital grant that was left as a secret debt for so long. On a larger scale, of course, we have Monarto. This, of course, was an enormous debt, a product of the salad days.

The Hon. C. J. Sumner: Voted for and praised by the Liberal Government when the legislation came in.

The Hon. M. B. Cameron: Don't talk nonsense.

The Hon. R. J. RITSON: I am not even going to say that Monarto was necessarily mismanaged. I think we all know that there are population trends.

The Hon. C. J. Sumner: Yes.

The Hon. M. B. Cameron: Except they were available when it was in the exploratory stages.

The Hon. J. C. Burdett: We said so.

The Hon. C. J. Sumner: In the House you praised it.

The Hon. J. C. Burdett: We referred to the failure of the Borrie Committee Report and the figures being wrong.

The Hon. C. J. Sumner: You praised the Bill when it first came before the House.

The PRESIDENT: Order!

The Hon. R. J. RITSON: These issues are somewhat peripheral, because, no matter what has caused the fertility changes, or population distribution in South Australia, and whether or not the scheme was well managed or mismanaged, the fact remains that we inherited a massive millstone around our neck capitalising interest, something which has been part of the massive hidden debt whilst the State brought in nicely balanced Budgets in the past. I notice that the South Australian Institute of Teachers in its journal made many comments of a political nature attacking the Liberal Government some weeks ago. One of the comments was that we did not have to pay off the Monarto debt, that we could have let that ride and used the money for something else. This Government is not going to carry on with the old Dunstan tricks: we are not going to carry on using statutory authorities to hide massive liabilities and borrowing to pay off debts.

We have to face reality: the money is blown, it was blown years ago, whoever's fault it was, and it has to be paid back. A substantial part of the deficit we are faced with is due to the fact that we have had the courage to look at some of these things and to say, 'All right, the buck has to stop and it stops squarely on the desk of this Liberal Government.' It is a buck this Liberal Government did not start moving in the first place. The Berri cannery has been mentioned and, of course, wage increases have outstripped by a long way the inflation rate, so there are those very real temporary reasons why there is a budgetary shortfall. However, the budgetary shortfall is not a sign of the Government's deciding to spend massively to pump up the economy. The Government knows that transfer payments do not have the effect that the Whitlam Government thought they would have. The only way in which this money can and will be made up is by production.

The Fraser Government, having, I think very courageously, withstood the criticism and spent those six years paying off the debt, will shortly, I believe, be in a position to free more money for the States. Indeed, as the national economy becomes stronger this deficit, I believe, will disappear. It will disappear by generation of revenue within South Australia, also. I do not think that this will happen in one week or one year, but I do believe, as Mr Connor of the Federal Labor Party of 1975 believed, that resource development, including uranium mining, will generate from within the State a substantial amount of real wealth. The State has grasped that nettle and has let the buck stop at its desk. It has picked up Monarto; it has picked up the Berri cannery; and it has picked up a lot of little things, besides. It was disappointed that it did not get from the Railways Agreement the money it thought it was going to get. We were unfortunate enough to discover that one of the assets that we thought we had was no longer an asset. That was because two responsible, highly trained lawyers (Mr Dunstan and Mr Whitlam) were either naive enough to rely on a gentleman's agreement or had some other purpose in mind when they failed to fulfil their responsibility to arrange properly binding contractual relationships between the State and the Federal Government on this matter. The problem of wealth generation within the State by resource development is currently controversial. We have had evidence that the former Whitlam Government certainly favoured uranium mining, as evidenced by the purpose for which Mr Connor sought petro-dollar loans, but we have evidence in South Australia, too, that the issue is still alive. I would like to read from *Hansard* of 10 November 1976 in the House of Assembly at page 2049, because so much irresponsible and inaccurate propaganda has been put around to stir people's fears and emotions. So many scientific truths have been perverted for ideological reasons that I thought it would be worth reading this *Hansard* extract to the House, as follows:

> I have no doubt that if Dr Caldicott wishes to debate the issue with other people, people like Mr Davis, that could certainly be arranged. Apparently, however, she does not wish to do that, because such a debate has been refused. Perhaps she could pick on Lang Hancock. If Dr Caldicott in such a debate repeats the scare tactics in which she indulged yesterday morning on the radio programme *A.M.*, she will not be doing the community a service. Her actions yesterday in trying to scare and panic people would, had it succeeded, not have reassured those people effectively, but instead we could well have people in Port Pirie believing that, for the next 15 or 20 years, they were likely to get cancer.

There is a column and a half of that sort of stuff criticising people for using scare tactics. It is written by a man who should know: he was Minister of Mines and Energy and had a tertiary education, and I refer to Mr Hugh Hudson. He was very well aware at that stage that scientific truth was being perverted by people who have emotional commitments to other ideologies. I was pleased to see the principle of the peaceful use of atomic energy and the mining of uranium supported in this Chamber by the Hon. Mr Dunford not so long ago. In his Budget speech of 23 October 1980, he said:

> I am not opposed to uranium mining *in toto*. I have met people from countries such as India who have told me that they will mine uranium. They have explained why they will mine it and how they will use it, that is, to obtain an electricity power supply. I believe that the mining and production of uranium could be used in Australia for peaceful purposes and to produce power, if necessary.

I thought they were very fine remarks, in total accord with the former Minister of Mines and Energy. However, understandably, he then went on to describe his fear of war.

The Hon. C. J. Sumner: You're quoting him out of context.

The Hon. R. J. RITSON: No.

The Hon. C. J. Sumner: What were his final words?

The Hon. R. J. RITSON: I am coming to that. He then went on to explain that in his view most uranium enrichment facilities are connected with weapon production. He also demonstrated that he was a man of peace, because in that same speech he said that part of the expenses for his trip were paid by the Australian Peace Committee, which I believe is a front for a Moscow organisation. I do not argue with the Hon. Mr Dunford's sincerity when he says that he is a man of peace. However, our views diverge in another area. I do not see any connection between the peaceful use of atomic energy for power generation, on one hand, and nuclear war, on the other hand. There are already about 25 000 nuclear warheads pointed at each other all around the world. The least limiting factor in their production is the availability of uranium, which is one of the most plentiful materials on earth.

The only possible advantage in mining Australian uranium is that it has a slight cost advantage in the unit cost of electricity that it produces. It has nothing to do with whether it is used for war or not. On those practical grounds I disagree with Mr Dunford that the mining of uranium by Australia would contribute to nuclear war. Nevertheless, it was pleasing to see that he did agree that uranium mining *per se* and the peaceful use of atomic energy for power generation *per se* could not be objected to. Of course, he has fact on his side, because it is well established that the mining of coal is more dangerous than the mining of uranium and that the production of electricity at thermal power stations has a higher accident rate than at nuclear power stations. It is good to see at last that at least one member of the Labor Party has separated the two issues.

In summarising the budgetary situation in which we find ourselves, a substantial part of our present deficit results from South Australia's very late entry into the world of economic reality, whereby it realised that it had to pay for the debts of the past. It also resulted, in part, from the Federal Government's failure to grant us all the money we wanted, but the Federal Government realised that its first task was to pay the debts incurred by the Whitlam Government. The lack of internal prosperity in terms of resource development can be sheeted home to that fateful day when the Labor Government kicked all the foreign capital out of Australia on ideological grounds and tried to place our mineral development in the hands of countries laying in the shadow of the Russian army. That philosophy has gone and our friends are back.

At last, the Federal Government's deficit is almost paid off. I expect that we have a bright future. I expect the Federal Government to be in a position to give substantially more to the States in the future. We have, at some cost, including the cost of this deficit, eroded the debts left to us by the Dunstan Government. Unless obstructed by the A.L.P. and the Australian Democrats, I expect that the resource development factor will be of great value in years to come. If resource development and uranium mining are obstructed by the A.L.P. and the Australian Democrats, I can foresee perhaps a new line of expenditure appearing in the Budget, which would be for the cost of a statue of the Hon. Mr Milne to be erected in Victoria Square so that mothers could take their children to see the man who held back the development of South Australia. I support the motion.

The Hon. M. B. CAMERON secured the adjournment of the debate.

[Sitting suspended from 4.53 to 5.39 p.m.]

APPROPRIATION BILL (No. 2)

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

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

That this Bill be now read a second time.

This Bill, which is the main Appropriation Bill for 1981-82, provides for an appropriation of $1 528 063 000. The Treasurer has made a statement and has given a detailed explanation of the Bill in another place. That statement has been tabled in the debate on the motion to note the Budget papers and made available to honourable members.

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

ADJOURNMENT

At 5.41 p.m. the Council adjourned until Tuesday 27 October at 2.15 p.m.