LEGISLATIVE COUNCIL

Wednesday 28 October 1981

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

PETITIONS: KINDERGARTENS

A petition signed by 144 members of the Adelaide community praying tht the Council would move immediately to ensure access for three-and-a-half and four-year-olds to free pre-school education by allocating sufficient funds to cover 100 per cent of pre-school operating costs, was presented by the Hon. Anne Levy.

Petition received.

A petition signed by 10 residents of South Australia praying that the Council would move immediately to rectify the reduction of funds allocated to kindergartens and restore funding according to the 1980-81 formula, with adequate allowance for inflation, was presented by the Hon. Anne Levy.

Petition received.

PAPER TABLED

The following paper was laid on the table:

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

Pursuant to Statute—

State Transport Authority Annual Report, 1981.

QUESTIONS

STAGE COMPANY

The Hon. ANNE LEVY: I seek leave to make a brief statement before asking the Minister of Arts a question about the Stage Company.

Leave granted.

The Hon. ANNE LEVY: As I am sure most members of the Council are aware, the Federal Government has cut the funds allocated to the Australia Council with the result that the Theatre Board is unable to provide funds to eight companies throughout Australia, one of which is a South Australian company, the Stage Company. In recent years, the Stage Company has done much towards the development of theatre in South Australia. It can really be classified as being innovative and working diligently in pursuing Australian theatre, giving great prominence to plays by Australian playwrights. Without the work of such groups as the Stage Company, our Australian playwrights would have few venues for the production of their works.

I am sure that the Minister is aware that this year the repertoire of the company in Adelaide has consisted of four world premieres of Australian works, three reruns of Australian works, and only one production of a play not by an Australian—and that was by Shakespeare. The Federal Government seems to be adopting the line that only elitist or escapist performing arts are to be supported. It has moved the Australian Opera and the Australian Ballet to separate lines which are funded separately by the Government, without going through the Australia Council. While in no way criticising the performance of either the Australian Ballet or the Australian Opera, one must acknowledge that they cater for a limited clientele, and to call them elitist is in no way exaggerating the position in relation to the majority of the audience to which they appeal.

The Federal Government is also introducing the so-called incentive scheme, whereby it will provide funds for performing arts companies that can obtain private sponsorship elsewhere. However, to obtain private money, obviously the productions funded must be of a safe and commercial kind—in no way experimental—and one cannot imagine that this form of funding will lead to other than the safe bedroom-farce-type plays which are found on the commercial run. The opportunity for Australian works being performed will be considerably reduced. It is in the area of Australian works, what one might call middle-brow theatre, that companies such as the Stage Company have filled a need in an excellent manner to the benefit of all South Australians.

We now have a situation in which the Stage Company has had its funding cut by the Federal Government, and I am sure the Minister agrees that the Federal Government should be strongly condemned for the attitude it is taking towards funding of the arts in this country. When the announcement was made last week, the Minister was quoted in the *Advertiser* as saying that he promised not to let the Stage Company fail, as without this funding it is likely to have to close its doors, despite a generous grant promised by the State Government. In view of the Minister's promise that he will not let the Stage Company fail, can he tell us how he intends to implement this policy of ensuring the continuation of the Stage Company?

The Hon. C. M. HILL: In her long explanation, the Hon. Miss Levy condemned the Commonwealth Government's grants through the Australia Council and I think she made the strong point that it was moving out of alternate theatre funding and concentrating on what she described as more elitist—

The Hon. Anne Levy: The Government is, not the council.

The Hon. C. M. HILL: Whether it be the Australia Council or the Government, I remind the honourable member that the alternate theatre Troupe has just received an increase from the Australia Council up to $30 000, a $5 000 increase over last year's grant, and the company known here as Little Patch is obtaining a grant of $48 000 this year, together with a challenge grant, this being one of the new innovative approaches in funding that the Australia Council is implementing.

It is not true to say that alternate theatre has been completely sliced in its grants by the Australia Council. However, the Stage Company has suffered an unfortunate loss, since it has been informed that it will not receive a grant this year from the Australia Council, and the grant last year was $30 000. So, this is a serious blow to this company, a company which, incidentally, the State Government has supported strongly from the time it came to office. It was one of the leading companies in the alternate theatre movement that this Government said in its election promises of September 1979 it would support strongly, and that is evidenced by the fact that this year our allocation to the Stage Company is $75 000, whereas last year it was $55 000.

Coming to the ways and means by which we intend to help the Stage Company, I can assure the honourable member that we are doing all we can. The undertaking given through the press will be honoured. We are at the moment looking at how we can help. First, the question of rent subsidy for the Space accommodation is to be considered. The Stage Company has been performing in the Space in recent times, and we are looking at helping it in regard to that rental arrangement. The company itself (and I commend it for this) has set about endeavouring to meet its changed circumstances, not by rushing to me and calling out for more funding but, in the first instance, by looking at its own programme and establishment, and it is curtailing

some of its activity to meet the new financial situation. It intends to perform one more play before Christmas, I understand.

We are in the course of investigating ways of assisting the company to perform at the Arts Theatre during the Adelaide Festival of Arts in March of next year. I hope that its plans to perform at that time will be brought to fruition. The immediate problem that will face us is how to help The Company, in addition to the $75 000 which we are appropriating to it in the Budget, to perform once more before Christmas with a new production, and also to perform at the Adelaide Festival of Arts.

I believe that these targets can be achieved. I cannot tell the honourable member the exact detail at this stage, simply because that detail has not, as yet, been worked out. I can assure her that every effort will be made to maintain the Stage Company as one of the alternate theatre companies of this State. Because of the reduction of $30 000 from the Australia Council, in one way or another our assistance to The Stage Company will go further than the $75 000 promised through the Budget.

The Hon. ANNE LEVY: I desire to ask a supplementary question. Will the Minister keep me informed when decisions have been made regarding help which he will be able to give to the Stage Company? If he does not make any announcement in the House, as I am sure that many people in the community would like to know of the detailed help when such details are available, can the Minister make that information available?

The Hon. C. M. HILL: I am quite happy to bring down a further report in Parliament in a few weeks.

POLICE INQUIRY

The Hon. C. J. SUMNER: I seek leave to make a brief explanation before directing a question to the Attorney-General about the police corruption inquiry.

Leave granted.

The Hon. C. J. SUMNER: The Leader of the Opposition, Mr Bannon, has received correspondence from Ralph Bleechmore, barrister and solicitor, dated 27 October 1981, in the following terms:

I have been instructed to send to you a copy of the attached statement. It is signed by a number of persons wishing to give evidence to a properly constituted inquiry into police corruption. In each case, I am satisfied of the 'bona fides' of the signatory and that they possess significant information which would be valuable for any such inquiry, in fact in my view they would be major witnesses in such an inquiry. Several persons who would have signed this statement have since declined, after an informant was recently named in Parliament after a breach of trust.

Several of the signatories are at present charged with offences before the Courts but despite this difficulty are still willing to co-operate with an appropriate inquiry. Please note that the signatories all wish their names to be kept in strictest confidence as they fear for their safety. I concur with paragraph 4 of the statement in relation to solicitors and their clients giving information to an appropriate inquiry. A Royal Commission is the appropriate form of inquiry. There is no objection to publication of the contents of the statement provided that the appended names are not published.

Copies of that letter were sent to the Premier, Mr Bannon, Mr Millhouse, Mr Duncan, and the Attorney-General. The statement is as follows:

We the undersigned persons are in possession of substantial information which would be of assistance to an Inquiry into graft and corruption in the South Australian Police Force and in particular the South Australian Drug Squad. We regard the current inquiry which is being conducted by two senior police officers and an officer from the Crown Law Department as an unsuitable one in that one of the police officers is the subject of allegations and also the inquiry is neither an open one nor is any protection being given to persons who would be prepared to give information to it. All of the undersigned persons are prepared to supply their information to a full and open inquiry, which should be a Royal Commission into dishonesty in the Police Force; we could not provide such information unless we are granted protection from prosecution for evidence given to such a Royal Commission if it should be evidence of a self-incriminating nature. Royal Commissions usually have these powers.

We also would require that such a Royal Commission have power to hold 'in camera' sittings and also to suppress publication of the names of persons giving evidence to the Commission. We understand that these procedures were adopted in a similar New South Wales Royal Commission, successfully. We feel that the current inquiry cannot succeed, and not only are we prepared to co-operate with such an inquiry, but we understand also that solicitors and many other persons with relevant information are not prepared to communicate with such an investigation and would only give evidence and organise other persons to give evidence to a Royal Commission.

This document has been circulated to the Leaders of all the major political parties in South Australia and, as well, the Attorney-General, Mr Griffin, and the member for Elizabeth, Mr Peter Duncan. It is on the understanding that the names of the below-listed persons not be published. We note that there are a number of other persons with similar information who would also wish to give evidence but have declined to sign this document after a breach of trust in Parliament when a person's identity was disclosed in relation to the present inquiry.

In view of the letter and statement, copies of which have been sent to Mr Bannon, the Attorney-General and certain others, has the Government reconsidered its attitude to the police inquiry into police corruption, and does it now think that a more extensive inquiry is desirable? When is the inquiry likely to be concluded?

The Hon. K. T. GRIFFIN: The brief answer to the honourable member's question is, 'No'. This letter and statement do not change the Government's view at all. In fact, one must view with some suspicion the statement and letter which have been sent to the Leader of the Opposition, and, according to the letter, to the Premier, Mr Millhouse and Mr Duncan. I draw attention to the fact that Mr Bleechmore requests that the names of the persons who signed the statement be kept in the strictest confidence, but the Leader of the Opposition in another place has seen fit to immediately breach that confidence by making available to the Leader in this Council—

The Hon. C. J. Sumner: I haven't given the names out—don't be stupid.

The Hon. K. T. GRIFFIN: I am not saying that the Leader has given the names out. I am saying—

Members interjecting:

The PRESIDENT: Order!

The Hon. Frank Blevins: How do you know—

The PRESIDENT: Order! The Hon. Mr Blevins will come to order.

The Hon. C. J. Sumner: How do you know I've got the names?

The Hon. K. T. GRIFFIN: The Hon. Mr Sumner received a copy of the same letter and statement that I have before me and he indicated that they were sent to Mr Bannon. The Leader of the Opposition in another place has quite obviously disregarded Mr Bleechmore's request that the names should be kept in the strictest confidence. In fact, that request has not been honoured.

I was rather puzzled when I received this letter and statement, because I am not sure what I am supposed to do with it. I do know from information that I have received previously that at least some of the people who are purported to have signed the statement have in fact given information to the police in relation to matters currently the subject of an inquiry. I have no way of checking the veracity of the statement or the signatures. All I have is the word of Mr Bleechmore. Mr Bleechmore, from my understanding, is a member of the State Convention of the Labor Party, and is well known for having political views well to the left of the political spectrum. I have no doubt at all that he is a colleague of Mr Duncan and that this

whole operation has been carefully orchestrated, rather than being a *bona fide* attempt to assist the police and Crown Law officers in their inquiries into this difficult matter.

The Hon. N. K. FOSTER: I desire to ask a supplementary question of the Attorney-General, following the question just asked by the Leader of the Opposition. It was not a statement by the Leader of the Opposition, as the Attorney-General said a few moments ago. The Hon. Mr Sumner did not make a statement, but merely sought leave of the Council to ask a question. The Attorney-General should know better. The public has a right to protection against the fascist attitude of people on the opposite side.

The PRESIDENT: Order! The honourable member said he wanted to ask a supplementary question. He must ask that question.

The Hon. K. T. GRIFFIN: I rise on a point of order, Sir. I ask that the honourable member withdraw and apologise for saying that people on this side are fascists.

The Hon. N. K. Foster: I did not say that. You are a liar, and I will withdraw that. You don't listen. I didn't say you were a fascist. You are worse than fascists.

The PRESIDENT: Order! The Hon. Mr Foster must come to order. He has been asked to withdraw a statement.

The Hon. N. K. FOSTER: I withdraw the statement that I did not make. It was not the statement that the Attorney thought he heard.

The PRESIDENT: Order! Will the honourable member now ask his question?

The Hon. N. K. FOSTER: Yes, Mr President. Does the Attorney-General not concede that any elected member of this Parliament may be approached by a member of the public and that such members of Parliament should be free from the unwarranted criticism of Government members? Is this not something that the Attorney should consider, before he reflects upon the affiliations, the integrity and the principles of any member of the public who sees fit to contact a member of either House of the South Australian Parliament?

The Hon. K. T. GRIFFIN: The Hon. Mr Foster was not listening to what I had to say in answer to the Leader of the Opposition, nor was he listening to the statement that his Leader in this place made prior to asking the question. His Leader said that Mr Bannon had received from Mr Bleechmore a letter and a statement, and it was quite obvious that that was the same as the one I have on my desk. The reference in Mr Bleechmore's letter and in the statement is to the letter being made available to the Premier, Mr Bannon, Mr Millhouse, Mr Duncan and Mr Griffin. It was not made available to the Leader of the Opposition in this House. The point I was making was that, quite obviously, the Leader of the Opposition in another place had already breached the confidence that had been requested by Mr Bleechmore in the Leader's making available this information to the Leader of the Opposition in this place. Every member of the public has the right to approach members of Parliament, but members of Parliament do not have the right to breach confidences that have been entrusted to them.

FISH

The Hon. R. J. RITSON: I seek leave to make a brief explanation before asking the Minister of Consumer Affairs a question about the appropriateness of labelling foodstuffs.

Leave granted.

The Hon. R. J. RITSON: My question is in regard to the use of the word 'fresh' on signs relating to fish that are exhibited for sale and whether fish that has been long frozen should be described as 'fresh'. Australia imports very large amounts of frozen New Zealand flounder. The consequences of freezing fish are twofold. First, when the fish is frozen, ice crystals disrupt the cells so that, on thawing, fairly large quantities of intra-cellular fluid are lost, reducing its value as compared with the value of fresh fish (that is, 'fresh', as I use the term). Secondly, although freezing for long periods prevents bacterial decomposition, it does not protect against oxidisation, so that after some months the fish acquires an odour and a flavour somewhat akin to Scotts Emulsion. I purchased some frozen New Zealand flounder from a tray that had a huge sign above it, saying 'fresh flounder'. In fact, I realised that the fish must have been frozen because I am aware of the size and shape of our local flounder and I can recognise it in the shops, so I do not claim to have been deceived. I knew what I was buying, but I doubt whether most people would have known. We then put it to the final test: we had a controlled experiment. We were going to eat the flounder, and bought fresh mullet for the cat. No matter how long we starved the cat, it would not eat the flounder and we had to give the mullet to the cat and eat the flounder ourselves.

The condition of this fish was due entirely to the great length of time which it had been frozen before being sold as 'fresh' fish. If 'fresh' means uncooked, then it was fresh fish. Can the Minister say what controls and regulations there are over the use of words describing the quality of food? Is 'fresh' a word that has some meaning in terms of consumer protection? Does the Minister think it is fair to use the word 'fresh' in relation to fish in these circumstances?

The Hon. J. C. BURDETT: The honourable member had the courtesy this morning to alert me as to the general nature of his inquiry, but not to his detailed explanation.

The Hon. N. K. Foster: A Dorothy Dixer after all that.

The Hon. J. C. BURDETT: It is not a Dorothy Dixer. The honourable member wanted to ask the question and had the courtesy, as has been extended to me from time to time by members on both sides of the Chamber, to tell me the nature of his question. The relevant Act is the Unfair Advertising Act. It is simply a question of the meaning of the word 'fresh'. The word 'fresh' has many meanings in different contexts. The Concise Oxford Dictionary lists nine meanings of the word as an adjective, including, 'not preserved by salting, pickling, smoking, tinning, freezing, etc. (fresh herrings, butter, meat, fruit)'. In the fish industry, according to inquiries I made this morning, 'fresh fish' means fish that has not been frozen, and I was informed that defrosted fish should not be described as 'fresh'. As far as I can discover, there are no precedents in South Australia under the Unfair Advertising Act.

I am informed that the Trade Practices Commission has not investigated claims of freshness in relation to fish, but it has in relation to fruit juices and that the general answer from its findings regarding fruit juices is that something which has been once frozen should not be described as 'fresh'. I have provided the Hon. Dr Ritson with the investigations of the Trade Practices Commission in regard to fruit juices.

In my opinion it would be misleading and unfair to describe as 'fresh' fish which had been frozen. The word 'fresh', when applied to fish, would, in my view, not be taken to mean 'not stale', but would be regarded as indicating that the fish had come straight from the sea and had not been subjected to any of the processes to which I have referred before, including freezing, salting, pickling and tinning.

However, it must be emphasised that the question whether a particular expression is misleading or not must be looked at in the relevant context. It may be that there would be cases in which, because of particular circumstan-

ces, a court would not regard as misleading a statement that frozen fish is 'fresh'.

POLICE INQUIRY

The Hon. C. J. SUMNER: I seek leave to make a brief explanation before directing a question to the Attorney-General on the subject of the police inquiry.

Leave granted.

The Hon. C. J. SUMNER: The Attorney-General is showing undue sensitivity about this matter. I have, in the public interest, raised in this Council the question regarding the police inquiry. In raising that question, I merely asked the Attorney-General whether he had considered the contents of a certain letter and statement and whether, in view of the contents, he had decided on any other course of action in relation to the inquiry. The Attorney-General then sought to draw a red herring across the trail by accusing Mr Bannon, the Leader in another place, of having breached a confidence. The fact is that the letter was from a barrister and solicitor, raising matters of public interest, and the Opposition would not be doing its job if it did not raise it in this Council.

The Hon. K. T. Griffin: Bannon could raise it.

The Hon. C. J. SUMNER: The Attorney-General says Mr Bannon could raise it. There is absolutely no question of any breach of confidence; that is nonsense. The fact is that, in addition to the people that I mentioned, this statement and letter was sent to the *Advertiser*.

The Hon. M. B. Cameron: Now you've really done it.

The Hon. C. J. SUMNER: Not by me; by the solicitor.

The Hon. L. H. Davis: How do you know it was sent?

The Hon. C. J. SUMNER: Because it is on the bottom of the letter. It reads, 'Copies to: The Premier, Mr Tonkin; Mr Bannon, Leader of the Opposition; Robin Millhouse, Leader of the Australian Democrats Party; Mr Griffin, Attorney-General; the *Advertiser*.'

The Hon. M. B. Cameron: When was it sent?

The Hon. C. J. SUMNER: It is dated 27 October. How can there possibly have been any breach of confidence by the Leader of the Opposition in giving me this correspondence, when the correspondence and statement have been sent to the *Advertiser*, and particularly when the final paragraph of the letter says, 'There is no objection to publication of the contents of the statement, provided that the appended names are not published.'

I have not mentioned the names in this Parliament, and I have no intention of mentioning them here. I am the shadow Attorney-General, and I have some interest in this matter. It was the Attorney-General, Mr Griffin, who set up the inquiry. It is perfectly reasonable, and in no way a breach of confidence, for the Leader of the Opposition in another place to allow me to have this statement, particularly as it is made clear in the letter that the statement, and not the names, can be made public, and that the statement itself has been sent to the *Advertiser*.

Therefore, it is clear that the Attorney-General's statement about breach of confidence is totally a red herring. I am surprised at his sensitivity over the matter. As the letter states that there is no objection to the publication of the contents of the statement, as the letter was sent also to the press, and as I am shadow Attorney-General with some interest in this matter, will the Attorney-General withdraw the allegations that the Leader of the Opposition (Mr Bannon) has in some way breached a confidence?

The Hon. K. T. GRIFFIN: I will not withdraw it. The Leader of the Opposition obviously did not understand the point that I was making. The point was that the Leader of the Opposition in another place had made available to someone, other than to the person to whom the letter was addressed, this letter and statement with the names appended. What Mr Bleechmore has said is that there is no objection to the publication of the contents of the statement, but he added a proviso that the appended names were not to be published. What does he mean by publication? Does he mean they are not to be published in the media, or does he mean they are not to be published from one individual to another? The whole matter demonstrates that Mr Bleechmore is either incredibly naive or is very cunning and is trying to set up something designed to draw attention to a particular difficulty that the Leader of the Opposition in another place has agreed at this stage should be investigated thoroughly by the two senior police officers and the senior Crown Law officer. The allegation on the question of confidentiality is that the Leader of the Opposition has disclosed the names. That is all I was drawing attention to.

The Hon. C. J. Sumner: To whom?

The Hon. K. T. GRIFFIN: To you.

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

The Hon. K. T. GRIFFIN: The Leader of the Opposition has some difficulty with that. I am not sensitive about the letter. If Mr Bleechmore wants to make these statements, he is entitled to do it. It appears from the material that is in it, and the way it has all been done, that he is orchestrating something, unless he is incredibly naive, and I do not make a judgment on that.

The Hon. FRANK BLEVINS: On a point of order, Mr President. Standing Order 193 provides:

> The use of objectionable or offensive words shall be considered highly disorderly; and no injurious reflections shall be permitted upon the Governor or the Parliament of this State, or of the Commonwealth, or any member thereof . . .

The Attorney-General in two separate answers to questions clearly said that the Leader of the Opposition in another place had breached a confidence. I cannot think of many worse things of which to accuse a member of Parliament, particularly a member who is also the Leader of the Opposition, than breach of confidence. In my opinion that is an injurious reflection, and under Standing Order 193 I ask that you, Mr President, request the Attorney-General to withdraw that injurious reflection.

The PRESIDENT: You will have to make that request somewhat clearer before I can decide whether to ask the Attorney-General to do that.

Members interjecting:

The PRESIDENT: Order!

The Hon. FRANK BLEVINS: I will attempt to do that. Standing Order 193 states clearly—

The PRESIDENT: Order! I know what the Standing Order provides, but I want to know what you mean.

The Hon. FRANK BLEVINS: I will repeat my request, although I cannot alter the wording to make it any clearer. On two separate occasions when replying to questions the Attorney-General stated that the Leader of the Opposition (Mr Bannon) in another place had breached a confidence by transmitting or conveying certain information to the Leader of the Opposition in this Chamber. He said that twice. To accuse a member of Parliament of breaching a confidence is, in my opinion, a grave reflection on the character of the member accused, and it is clearly a breach of Standing Order 193. Therefore, I ask you, Mr President, to ask the Attorney-General to withdraw that injurious reflection.

The PRESIDENT: It looks to me as if there is a clash of opinion. You are of the opinion that it is derogatory, but I do not think the Attorney-General implied that there was anything wrong with the gentleman in question whatever: he was of the opinion that he had breached a trust.

Members interjecting:

The Hon. FRANK BLEVINS: Obviously, there is a clash of opinion here and it is not my opinion or the Attorney-General's opinion that is important—it is your opinion, and that is the opinion that I am trying to get. You, Mr President, have just explained the situation even further yourself by saying that the Attorney-General believes that the Leader of the Opposition in another place betrayed a trust. It gets worse. Frankly, to accuse another member, particularly a member of the standing of the Leader of the Opposition, of betraying a trust, which is as you, Mr President, have interpreted the Attorney's remarks, is clearly an injurious reflection. I ask that you ask the Attorney-General to withdraw.

The PRESIDENT: I cannot see that there was any breach of Standing Order 193.

MOUNT GAMBIER THEATRE

The Hon. M. B. CAMERON: I seek leave to make a brief statement before asking the Minister of Arts a question about a Mount Gambier theatre.

Leave granted.

The Hon. M. B. CAMERON: The Mount Gambier Theatre which is managed and which has been built under the control of the South-East Regional Cultural Centre Trust has not been completed. Many rumours are in circulation about the reasons for the delay in the final completion of this theatre. Can the Minister indicate the reasons for the delay?

The Hon. C. M. HILL: There have been unfortunate delays in final completion of the new Civic Centre Theatre at Mount Gambier, although all other areas of the complex have been in use for some months. The complex is occupied by the South-East Regional Cultural Centre Trust, and the joint tenant, the Corporation of the City of Mount Gambier.

Delays in completion of the theatre relate to deficiencies in the glass-reinforced-concrete panels used as an exterior cladding. These panels, manufactured by a subcontractor in New South Wales, were found to be below specification in size and thickness. I am advised by the trust, which is the construction authority for the project, that testing of suitable replacement panels has been completed and that negotiations between the trust, the consulting architect and the builder are almost concluded and the necessary contracts for the rectification work are being prepared.

The trust has withheld payment for the original work and has refused to formally accept the theatre part of the project. The trust will not incur additional cost in the proposed rectification. Current estimates provide for the rectification work to be complete by mid-March of 1982. The theatre is expected to be available for use within a matter of weeks of completion. I am advised that the trust and the Arts Council are discussing touring policies for next year and that availability of the new theatre will influence plans in that area.

The Hon. N. K. FOSTER: I desire to ask the Minister a supplementary question. Why was an interstate firm engaged for the building of this complex in Mount Gambier?

Members interjecting:

The Hon. N. K. FOSTER: I do not care if the previous Government did it, if members opposite now laugh. Is the Government prepared to assist the trust to be relieved of its obligations to that particular subcontractor and call for tenders by a local or South Australian contacting company?

The Hon. C. M. HILL: The honourable member talks about subcontractors—

The Hon. N. K. Foster: You mentioned them.

The Hon. C. M. HILL: Yes, I did. I was not talking about the principal builder. I must point out to the honourable member, as I said, that the actual construction authority was not the Government, not the Public Buildings Department, as is the case with Government buildings, but the actual Regional Cultural Centre Trust itself. Perhaps I can give a few more details in regard to the problem and the worry of the honourable member to help sort out the situation. Deficiencies were discovered in October 1980 and tests were commenced on fire-rating of faulty panels. The solution involved new outer single-skin cladding proposed by the builder in March 1981, subject to tolerance tests. The builder then proposed another alternative for rectification, but that proposal was rejected by the architect and the trust.

In June 1981 a decision was made to replace the existing panels. An ultimatum was given to the builder in July this year to comply with the architect's instructions and to show evidence of compliance by 1 September 1981. The builder agreed to comply and, in September 1981, let a tender for the manufacture of g.r.c. panels. I understand that the tender was let to a different company from the company involved in the original contract. That is all the detail that I have at my fingertips about this matter.

PARKS COMMUNITY CENTRE

The Hon. C. J. SUMNER: I seek leave to make a brief explanation prior to asking the Minister of Local Government a question on the Parks Community Centre.

Leave granted.

The Hon. C. J. SUMNER: Considerable concern has been expressed of late about the Parks Community Centre, particularly in the community surrounding that centre, in regard to the future of that facility. It seems that the Government cannot speak with one voice in relation to its future. The Minister of Industrial Affairs (Hon. D. C. Brown) has assured staff at the Parks Community Centre that the Government 'has no intention at this time of leasing any part of the complex to outside persons'. That raises the question of what the phrase 'at this time' means. Also, how can the Minister say that it is not the Government's intention to sell or lease facilities at the Parks Community Centre in view of the fact that he, as Minister responsible, admitted to the Estimates Committee that he had endeavoured to interest the managers of private or public institutions in taking over sections of the Parks.

A clear conflict exists between what the Minister of Industrial Affairs said and what the Minister of Local Government said. Is it the intention of the Government to lease any part of the complex to outside persons or organisations?

The Hon. C. M. HILL: We have not got any present intention of doing that.

The Hon. J. E. Dunford: You are just looking at it.

The Hon. C. M. HILL: Yes, that is what we are doing. We are looking at a situation in which the State Government is being called upon to fund the Parks Community Centre with a large sum of money, as honourable members know from the Budget figures. It is the duty of any responsible Government, when it is faced with expenditure of this proportion, to consult with those who are involved in the operation and seek their views as to whether there are ways and means in their opinion whereby some savings can be made.

The Hon. Anne Levy: Are you wanting to chop off the bits that make a profit?

The Hon. C. M. HILL: We are not wanting to make a profit—that is quite a ridiculous suggestion. I have said

what we are doing. I can only assume that there are people who are trying to make poor politics out of the whole question of the Parks. I replied through the media and I also answered comments in the questions raised. The Government intends that the Parks Centre will continue but we will face up to our responsibility in accordance with our election promises of 1979 that in all areas of public expenditure we will see to it that extravagance and waste will be curbed.

The Hon. J. E. Dunford: You'll give it to private enterprise.

The PRESIDENT: Order!

The Hon. C. M. HILL: As far as the Parks is concerned, we are endeavouring to co-operate with those involved with the centre to see whether in any areas some savings might be made.

The Hon. C. J. SUMNER: By way of supplementary question, in view of the Minister's expressed desire to co-operate with staff and people involved with the Parks in the local community with a view to discussing the future of that facility, will the Minister be attending a meeting organised by the Parks residents tonight to discuss the centre's future? If not, why will the Minister not attend? If he is not attending, will he be sending a representative and, if so, who will that representative be?

The Hon. C. M. HILL: In regard to the meeting, my office received a letter yesterday morning inviting me to the Parks tonight.

The Hon. C. J. Sumner: You got a telegram last Friday.

The Hon. C. M. HILL: I did not get a telegram last Friday. The first I knew about the matter personally was when I read about it in the *News* yesterday where it was stated that Mr Hill was attending the Parks tonight. Late yesterday afternoon, when my work came down from my office, I was given the message that I was invited to go to the meeting tonight. I work every night, and most of that work is done by way of outside meetings. So, it is very difficult for me at 24 hours notice to accept such an invitation.

Members interjecting:

The Hon. C. M. HILL: As a matter of fact, in my diary there is another engagement. I am due to go somewhere at 7 o'clock tonight.

The Hon. N. K. Foster interjecting:

The PRESIDENT: Order! The Hon. Mr Foster has talked continually all afternoon. Will he please be quiet?

The Hon. C. M. HILL: It had been arranged that I was to attend a function tonight at 7 o'clock. I had made some arrangements to try to cut short my visit to that place so that I could get to the Parks to assist the people in their worry. I learnt this morning that this Council might be sitting tonight, and that may mean that I cannot leave the Chamber. Let me assure the Hon. Mr Sumner that, if he has any thoughts in mind that I would try to avoid going to the Parks and discussing the problem with the people, I have no intention of avoiding the situation of explaining the Government's position to the residents of the Parks and indeed inviting them to put forward proposals whereby the standard of service to the public there can be maintained and, at the same time, some public funds might be saved.

ABORIGINAL WELFARE SERVICES

The Hon. BARBARA WIESE: Can the Minister of Community Welfare advise why it has been necessary to establish a task force within the Department for Community Welfare to study and make recommendations concerning the future directions of Aboriginal welfare services? How many persons make up the task force and who are they? Why was there no public announcement about the establishment of the task force? Finally, when is its report expected to be completed and will the report be made public?

The Hon. J. C. BURDETT: I have made it clear on several occasions when Aboriginal matters have been raised in connection with community welfare that it seems to have been forgotten by many members that, from 1972 onwards, the South Australian Government has ceased to be involved with the matter of Aboriginal affairs. Previously, of course, it had been involved. That divorcement of the South Australian Government from the handling of Aboriginal Affairs and the handing over to the Federal Department of Aboriginal Affairs was completed on 30 June 1979—before we came into office. Many people have still not accepted the fact that we do not have any specific obligation or duty in the area of Aboriginal affairs. However, we have a duty to provide the delivery of welfare services to all South Australians, whether they be Aboriginal, of other ethnic origin or whatever, whether they live in Mount Gambier or at Ceduna.

The working party to which the honourable member referred is a purely internal one, a purely departmental one, because we acknowledge that the Aboriginal people, some of the ethnic people and other groups have specific needs which are different from those of other people. This was purely an internal examination of those needs. I do not know when the report can be expected. It certainly will not be made public, because it was entirely internal and administrative. I do not propose to disclose the names, because the honourable member may be aware that recently the Public Service Association formed a policy that, in general, in matters of their ordinary duties the names of public servants should not be released.

The Hon. BARBARA WIESE: I wish to ask a supplementary question. Can the Minister say whether there are any Aboriginal members on that task force?

The Hon. J. C. BURDETT: The answer is 'Yes'.

SELECT COMMITTEE ON URANIUM RESOURCES

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

That the time for bringing up the report of the Select Committee be extended to Wednesday 11 November 1981.

Motion carried.

CYSS

Adjourned debate on motion of Hon. K. L. Milne:

1. This Council deplores the attitude adopted by the Federal Government towards the Commonwealth Youth Support Scheme in Australia, which it intends to discontinue after 31 October 1981;
2. The Council regrets the complete lack of understanding shown by the Federal Government to this community and youth teamwork which is solving so many problems for unemployed young people;
3. The President be requested to write to the Federal Government requesting them, in the name of humanity, to maintain the CYS Scheme throughout Australia;
4. In the event of the Federal Government refusing to maintain the CYS Scheme, this Council request the State Government to undertake an investigation through the Department of Industrial Affairs and the Department for Community Welfare to examine a scheme or schemes whereby similar services to those provided by the CYS Scheme can be provided.

To which the Hon. G. L. Bruce had moved the following amendments:

Leave out paragraph 4 and insert in lieu thereof the following paragraph:

In the event of the Federal Government refusing to maintain the CYS Scheme, this Council requests the State Government to provide similar services to those provided by the CYS Scheme.

After paragraph 4 add new paragraph 5 as follows:

That this Council regrets that schemes such as CYS have become necessary because of the failure of the Federal Government to provide adequate employment for the young people of Australia and the failure of the Tonkin Liberal Government to honour its promises on youth employment at the 1979 State election.

And to which the Hon. Barbara Wiese had moved the following further amendments:

That paragraph 1 be amended by inserting after 'Government' the words 'in the 1981 Federal Budget' and by leaving out the word 'intends' and inserting in lieu thereof the words 'had intended'.

That paragraph 3 be deleted and the following paragraph be inserted in lieu thereof:

3. The President be requested to write to the Federal Government—

(a) requesting it in the name of humanity to provide adequate funds to maintain the CYS Scheme funds throughout Australia;

(b) expressing the concern of this Council that insufficient time is being allowed for public submission to be made on new guidelines for the CYS Scheme and requesting that draft guidelines be available to the community for public comment before a final decision is made.

That the proposed new paragraph 4 moved by the Hon. G. L. Bruce be amended by leaving out the word 'the' thirdly occurring and inserting in lieu thereof the words 'an adequate'.

(Continued from 21 October. Page 1449.)

The Hon. K. L. MILNE: I have discussed this matter with a number of members. The object of the motion is to let the Federal Government know, if it cares, that, although it has agreed to continue with CYSS under some new guidelines, we are not terribly happy about that and that we want the Federal Government to know that we are still watching to see what it is going to do. The Hon. Barbara Wiese mentioned the comparatively short length of time that the public has got to make comments before the Government brings down new guidelines. I think that that time should be extended to 30 November, at least, although I am not in a position to move another amendment to that effect. I commend the motion to the Council, simply with the idea of letting the Federal Government know that we are watching it and that we will keep an interest in this matter until we see what it does. We hope that it will decide to keep the scheme going perpetually.

The PRESIDENT: The Hon. Barbara Wiese has moved to amend paragraph 1 by inserting after 'Government' the words 'in the 1981 Federal Budget' and by leaving out the word 'intends' and inserting in lieu thereof the words 'had intended'. I put the question that that amendment be agreed to.

Amendment carried.

The PRESIDENT: The Hon. Barbara Wiese has also moved to leave out paragraph 3 and insert a new paragrph 3. I put the question that that amendment be agreed to.

Amendment carried.

The PRESIDENT: The Hon. G. L. Bruce has moved to leave out paragraph 4 and to insert a new paragraph 4. The Hon. Barbara Wiese has moved to amend that new paragraph 4 by leaving out the word 'the' third occurring and inserting in lieu thereof the words 'an adequate'. I put the question that the amendment moved by the Hon. Barbara Wiese to the amendment moved by the Hon. Mr Bruce be agreed to.

The Hon. Barbara Wiese's amendment carried; the Hon. G. L. Bruce's amendment as amended carried.

The PRESIDENT: The Hon. Mr Bruce has also moved to insert after paragraph 4 a new paragraph 5. I put the question that the proposed new paragraph 5 be so inserted.

The Council divided on the amendment:

Ayes (9)—The Hons Frank Blevins, J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, K. L. Milne, C. J. Sumner, and Barbara Wiese (teller).

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

Pairs—Ayes—The Hons G. L. Bruce and B. A. Chatterton. Noes—The Hons L. H. Davis and D. H. Laidlaw.

Majority of 1 for the Ayes.

Amendment thus carried.

The Council divided on the motion as amended:

Ayes—(9) The Hons Frank Blevins, J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, K. L. Milne (teller), C. J. Sumner, and Barbara Wiese.

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

Pairs—Ayes—The Hons G. L. Bruce and B. A. Chatterton. Noes—The Hons L. H. Davis and D. H. Laidlaw.

Majority of 1 for the Ayes.

Motion as amended thus carried.

EVIDENCE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 30 September. Page 1269.)

The Hon. K. T. GRIFFIN (Attorney-General): The report of the Select Committee on the abolition of the unsworn statement is disappointing. It is weak and it does not wrestle with the problem and accept that within the community there is wide-ranging support for the abolition of the unsworn statement. The Opposition has been bedevilled with difficulties over its previous commitment to abolish the unsworn statement. At the last election this Government indicated quite categorically that it was committed to the abolition of the unsworn statement. That commitment was shared by the then Government, particularly through Mr Duncan. However, it is now backing off in the face of some difficulties which the report of the Select Committee suggests might be coming from two major quarters: the Young Labor Lawyers Association of South Australia and the Council for Civil Liberties.

It is disappointing that the Select Committee could not recommend the abolition of the unsworn statement. It is correct to say that the report tightens up on the right to make an unsworn statement, but more particularly in relation to the content of such an unsworn statement. However, that still misses the essential point. Accordingly, I am not prepared to support the Bill, because to do so would compromise the strongly held view shared by the Government and me that the unsworn statement must be abolished. The Select Committee in its report indicated that a number of places have in fact abolished the unsworn statement. It does not exist any longer in Western Australia; it was abolished in New Zealand in 1966; abolition has been recommended in the United Kingdom. Abolition was even recommended here.

The Hon. C. J. Sumner: But not carried out.

The Hon. K. T. GRIFFIN: At the Australian Legal Convention in Hobart, the Lord Chief Justice earlier this year spoke strongly in favour of abolition. The Select Committee quotes from the New South Wales Law Reform Commission decision paper show that the unsworn statement does

not exist in America, Canada, or Scotland. It does not exist in Queensland.

The Hon. C. J. Sumner: Tell us where it does exist.

The Hon. K. T. GRIFFIN: It exists in a number of jurisdictions, but it is a hangover from before the days when people who were accused did not have the right to speak in court. It is a relic from the days before the accused person was granted the right to make some statement in his defence. It is interesting to note in the report of the Select Committee that the committee received correspondence from both Queensland and Western Australia. In Queensland, the Deputy Public Offender apparently commented to the research officer for the Select Committee that, although his office has not welcomed abolition, he felt that ordinary defendants were not disadvantaged by it. He said there has probably been no significant change in conviction rates since the abolition of the unsworn statement. The Western Australian Attorney-General indicated to the Select Committee:

> . . . no instance has arisen where it has ever been suggested that an accused person has suffered an injustice by reason of his having had to elect between maintaining his silence in the dock and getting into the witness box to give evidence on oath . . .

The Attorney-General of Western Australia is also reported to have told the Select Committee:

> Whilst it can be said with confidence that abolition has not caused injustice to accused persons, it cannot I think be said with the same degree of confidence that abolition has had any appreciable effect on the conviction rate.

The Select Committee places great emphasis on statistics in its report and seems to regard the question of whether or not a conviction can be obtained as one of the key reasons for seeking to abolish the right of an accused person to make an unsworn statement. I have never said that that is the principal reason for getting rid of the unsworn statement. The principal reasons are, first, that a person giving evidence on oath is more likely to have the truth drawn from him, if that is necessary, than if he makes an unsworn statement, which is not subject to cross-examination.

In addition, it is a question of equity and fairness, because in sexual cases, in particular, as I have already indicated on a previous occasion, it is possible, and it has happened, that victims are put through the trauma of many days cross-examination by counsel for the accused, yet the accused gets into the witness box and passes off the offence with an unsworn statement, on which he is not subject to cross-examination. Questions of statistics are largely irrelevant.

I suppose it is fair to say that the recent public debate surrounding the unsworn statement has probably made it a less attractive option for an accused person and, given that the judges, are tending to comment more pointedly on its exercise, it is not surprising that there are not many cases where people who make unsworn statements are acquitted. The unsworn statement tends to be used in cases where the accused has, in truth, little else going for him. Statistics cannot provide an answer to the question whether or not, assuming an accused person is acquitted, he would have been acquitted if he had given evidence on oath.

I suppose that the most eloquent plea for the retention of the unsworn statement, and it has been relied upon by the Select Committee (it has been reported by people who were officers of the Legal Services Commission but who were not representing the view of the commission, and it is a point of view that is relied on and adopted by most advocates of retention of the unsworn statement), is the statement by Dr Bray that appears at page 4 of the Select Committee report.

The Hon. C. J. Sumner: It is a very good statement, too.

The Hon. K. T. GRIFFIN: I do not deny that it is a good statement. Dr Bray is, as usual, persuasive. The answer to his plea for retention is perhaps to be found in certain of his own words, where he says, 'Juries are not fools.' Nor are judges fools. My view accords with the view of the Mitchell Committee that juries will take into account those attributes that Dr Bray enumerates in weighing up the value of testimony. Ordinary witnesses, no less than accused persons, suffer from the sorts of infirmities of character and demeanour to which Dr Bray refers but which it has never been suggested that juries are able to take fairly into account when weighing the worth of the evidence.

I am confident that, if the unsworn statement is abolished and the protections that are included in the Bill which I introduced in the last session and which was laid aside because agreement could not be reached are provided, juries will still be able to discern the truth and accused people will not be prejudiced by having to elect to either remain silent or give evidence on oath, whether the accused person is from an ethnic or Aboriginal backgound, or has some of the difficulty on which the Select Committee has focused.

The committee has made a number of comments on four major options. The first option was total abolition. Justice Mitchell, the principal author of the Mitchell Committee Report, was in favour of abolition, as were the Victims of Crime Service, the Women's Advisory Unit of the Premier's Department, and the Rape Crisis Centre. There were two options which were really half-way measures and which I do not believe that anyone on either side of the Council will really contemplate adopting.

The fourth option, which the committee has favoured, was to retain the unsworn statement but to make reforms for the general law and practice. As I have indicated, some of those reforms are worth while, but they are very much less than half-way houses on the way to the abolition of the unsworn statement. It seems that the Select Committee has been persuaded by the Young Labor Lawyers Association of South Australia, which favours that option, as well as by the Council for Civil Liberties, and the statement by Dr Bray. I draw the attention of the Council to the fact that that statement was made not by Dr Bray to the Select Committee but by officers of the Legal Services Commission in their own private capacity, who quoted from Dr Bray in support of their own view.

The Hon. C. J. Sumner: Are you disputing the statement?

The Hon. K. T. GRIFFIN: That is a fairly old statement, and no-one can suggest whether Dr Bray now favours or does not favour abolition.

The Hon. C. J. Sumner: Turn it up! I have sent him a copy of the report and he hasn't complained about it.

The Hon. K. T. GRIFFIN: All I say is that Dr Bray's statement is not a statement to the Select Committee. It is a comment that has been made by him in other circumstances and officers of the Legal Services Commission, acting in their own private capacity, have sought to use his argument in favour of opposition to abolition of unsworn statements.

The other thing that is interesting to note (the Select Committee does not record this) is that another officer of the Legal Services Commission is Bebe Loff. At the time of the controversy late last year about whether an unsworn statement should be abolished, she publically professed support for the abolition, but two or three days later, for one reason or another, she was reported as having completely changed her mind.

The Hon. Anne Levy: She was misreported and would have sued if a correction was not made.

The PRESIDENT: Order!

The Hon. K. T. GRIFFIN: She was reported as having changed her view to conform to views expressed by other

officers of the commission. I do not think it is necessary, and the Select Committee did not think it necessary, to canvass all the arguments for or against abolition of unsworn statements.

The Hon. C. J. Sumner: Are you going to mention the support of the Victorian Law Reform Commissioner?

The Hon. K. T. GRIFFIN: I have not denied that there are a variety of people who have indicated support. There are many people and influential groups who favour abolition of the right of an accused person to make an unsworn statement.

The Hon. C. J. Sumner: The Victorian Law Reform Commissioner—

The PRESIDENT: Order! The honourable Leader will have plenty of opportunity to reply to the Attorney-General. To keep on shouting throughout his speech is not in keeping with the role of Leader.

The Hon. C. J. Sumner: I'm just trying to get it straight.

The Hon. K. T. GRIFFIN: The Government adheres to its very strong view, a view that it has consistently maintained, that the right of an accused person to make an unsworn statement ought to be abolished. No half-way measure will satisfy the Government, because a half-way measure such as that proposed in the Bill is weak and avoids the responsibility that Parliament has to the people of South Australia to abolish that right. The Government adheres strongly to the view that the unsworn statement ought to be abolished. It will again introduce its own legislation designed to achieve that objective; to do otherwise is to betray the interests of the community at large who support this Government, and the previous Government, in the widely held view that the right of an accused person to make an unsworn statement ought to be abolished.

I have no alternative but to oppose the Opposition's Bill and to indicate that the Government will, during this current session, introduce its own Bill designed to abolish the right of an accused person to make an unsworn statement.

The Hon. ANNE LEVY secured the adjournment of the debate.

ELECTORAL ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 23 September. Page 1095.)

The Hon. K. T. GRIFFIN (Attorney-General): The second reading explanation is a catalogue of complaints and allegations, almost as though the Opposition was taking away its ball and sulking in the corner. It makes certain assertions which identify the very real difficulty of the Opposition's Bill in relation to advertising and other material that is published at the time of elections. All of us would object to dishonest advertising, whether it occurred at election time or in other contexts. The real question is whether or not this Bill can effectively deal with advertising, which some say is misleading, without introducing any other undesirable features into election campaigns.

The Hon. M. B. Cameron: What about Mr Virgo's changes to the railway station?

The Hon. K. T. GRIFFIN: I have a couple of other instances I am going to refer to in a moment that will highlight the particular difficulty of applying this Bill, if it were ever to become law. Before I do that, I want to make some comment on the Leader's comparison between advertising in political campaigns and that covered by the Unfair Advertising Act, which relates to goods, services, credit provision and the like. It is an inappropriate comparison, because one cannot compare advertising and comment during an election period, with advertising of goods, services, credit provision and such other consumer goods. The comparison is invalid on a number of grounds.

Advertising at election time is typically much more subjective and emotional than is normal commercial advertising. During an election campaign opinions are expressed which might be quite sincerely held, but which are vigorously opposed by the other side of politics, or other people. One side may consider a particular election slogan or statement to be fair; the other may believe it is totally unfair. In a real sense politics is about the different subjective viewpoints which people have. One cannot compare this with advertising for goods and services.

Another important difference is that, during election campaigns, Parties do respond vigorously and promptly in refuting any advertising by opponents that they consider to be misleading or dishonest. The media will often not hesitate in criticising a political Party if it feels that it has overstepped the mark. There is not the same level of public scrutiny of commercial and consumer advertising as there is at election time, in assessing a candidate's point of view, whether expressed through advertisements, political statements or in a variety of other ways. The result of that is that political Parties and candidates who indulge in dishonest or misleading advertising open themselves up to considerable public criticism. That deterrent is really far better than anything that the courts could provide. Again, there is really no comparison between election advertising and advertising for goods and services in that context. How often do we see a business call a press conference to expose what it believes to be misleading aspects of a rival's advertisement?

Election advertising and comment is much in the public eye and it is open to rebuttal from the media and political opponents. In view of that, and for other reasons, this legislation is unnecessary. For other reasons, it is unworkable. The electorate itself is the best court to decide these sorts of issues.

The Hon. C. J. Sumner: Liberal lies—that's what you are justifying.

The Hon. K. T. GRIFFIN: I ask that the honourable member withdraw and apologise for that remark.

The PRESIDENT: The Attorney has asked that the Leader withdraw.

The Hon. C. J. SUMNER: I must regretfully say that it is clearly not unparliamentary. I am not referring to any particular individual or member of Parliament: I am referring to 'Liberal', and I cannot see how that can be conceived, by the wildest stretch of the imagination, to be unparliamentary.

The PRESIDENT: The honourable Leader has attempted to explain, but I do not think that he has alleviated the situation at all. I think the Leader should withdraw and apologise, and I ask him to do so.

The Hon. C. J. SUMNER: Clearly, that is a ridiculous request. We have had a vote on this issue before, and it seems as if you, Mr President, are about to ignore the vote that was taken in this Council some months ago when the Hon. Dr Cornwall referred to Government lies. There was a request to withdraw that statement, the Hon. Dr Cornwall refused, and the Council did not uphold your ruling in regard to the generic term. Indeed, if I had said, for example, that the Hon. Mr Hill was a liar, obviously I could be asked to withdraw and, of course, I would do so. But to talk about Liberal lies or Government lies is not the same, and on the previous occasion on which this issue was debated it was decided that it was not unparliamentary. It would appear that you, Mr President, are now going back on a ruling which this Counci has, in effect, made. I do not see that it is the cause of any offence to any particular

individual here if I refer to Liberal lies. Clearly, there were lies in the Liberal political advertisements.

The PRESIDENT: The honourable Leader puts me in the awkward position in which I was placed on a previous occasion when the honourable member was asked to withdraw and refused to do so. It has been Parliamentary practice, except in the latter stage of this Parliament, for members to withdraw when asked to do so.

The Hon. C. J. SUMNER: Before withdrawing, surely you must make a ruling, Mr President, on whether or not these words constitute words that are unparliamentary. As I said, the Council previously voted on words of that kind. I have no wish to place you, Mr President, in the invidious position in which you were placed before. In fact, the Attorney-General is doing that now by requesting me to withdraw a word which the Council ruled previously was not offensive if mentioned in that generic sense.

I am being placed in an extremely difficult position by you, Mr President, because, in effect, you are ignoring the ruling and vote that was taken in this Council previously. For that reason, I suggest that you need to make a statement about whether the words in question are within the terms of Standing Orders. I do not believe that you can, because I am not referring even to the Government; I am just referring to the Liberal Party, and that position was decided by the Council previously.

The PRESIDENT: I do not like being placed in this position for two reasons: one is that the Council, I believe, was wrong last time in its decision in ruling against me.

The Hon. C. J. Sumner: You have to accept the rulings of the Council, Mr President.

The PRESIDENT: I am not worried about the rulings of the Council. The policy of the Council has always been that, when members have been asked to withdraw, they usually have made some better explanation than I believe the Leader has made on this occasion. It is a most awkward situation to be placed in, because a ruling will leave the position open for further abuse of proceedings. If a member asks for an apology, I believe it should be forthcoming.

The Hon. FRANK BLEVINS: I should like to intervene briefly in the debate. In respect of an earlier ruling that you gave today, Mr President, the Attorney-General clearly made an injurious reflection on the Leader of the Opposition in another place. I asked that that be withdrawn.

The Hon. J. C. Burdett: In fact, it may have injured him, but it was not an injurious reflection.

The Hon. FRANK BLEVINS: You know it was, and everyone knows that it was.

Members interjecting:

The PRESIDENT: Order! We must not have any further interruption. I am listening keenly to the Hon. Mr Blevins.

The Hon. FRANK BLEVINS: It was clear today that the Attorney-General breached Standing Order 193 by making an injurious reflection on the Leader of the Opposition. You said then—

The PRESIDENT: This is hardly relevant to this situation.

The Hon. FRANK BLEVINS: It is relevant because I asked for a withdrawal from the Attorney-General, who refused to do so. It was then left to you, Mr President, whether or not the words were contrary to Standing Orders, and you ruled that they were not contary to Standing Orders on that occasion. Now, the Attorney-General has demanded a withdrawal, and your opinion whether the words are contrary to Standing Orders is relevant, not the mere fact that the Attorney-General took some offence.

A moment ago you said that, because the Attorney requested a withdrawal, the Leader should do so. Why did that ruling not apply earlier today when I requested a withdrawal? The Attorney-General did not withdraw, nor did you request him to do so. For the sake of consistency today, at least, it may be that the request from the Attorney should be dealt with by you on the basis of whether or not the words are contrary to Standing Orders, and not on the basis merely that the Attorney-General has requested a withdrawal. If you allow that, Mr President, I can assure you that I will be requesting withdrawals 15 times a day.

The PRESIDENT: I take the point, and I hope we will not reach that ludicrous situation.

The Hon. K. L. MILNE: I rise to seek clarification on a specific point, Mr President. I understand that the use of the word 'lie' or 'liar' is not permitted at all in another place, either in relation to an individual or a group of individuals. Is that correct?

The PRESIDENT: It is no more considered Parliamentary in this place.

The Hon. K. L. MILNE: Can we get that straight? Is it true that the word 'lie' or 'liar' is not to be used in another place about individuals or groups of individuals? I believe the position is stricter in another place than it is in this Council.

The PRESIDENT: I cannot comment on whether it is stricter or not. The use of the word 'lies' or 'liar' is unparliamentary and should be considered as such. Perhaps in another place the Speaker may take offence and call members to order. I have not bothered to do that. Where an honourable member has called for an apology, I have upheld that.

The Hon. K. L. MILNE: We ought to make up our minds once and for all whether or not these terms are unparliamentary. I suggest that, if they are unparliamentary, we not use them. I do not believe it is necessary.

The Hon. C. J. Sumner: Do you not think they did lie in the electorate?

The Hon. K. L. MILNE: I am addressing the Chair. I am suggesting that we should not use the terms; it does not get us anywhere. If it is going to cause this sort of trouble all the time, I do not like it. We should not use those words but, if they are used, the member who used them must withdraw or take the consequences.

The Hon. C. J. Sumner: What is the point of the Bill?

The PRESIDENT: The other point I wish to make to the Leader is that the division on the last occasion was not on the use of the word 'lie' or 'liar'—it was a matter whether the member named should be suspended. A vote was taken on whether that member should be suspended.

The Hon. Frank Blevins: That's what the vote would be taken on this time.

The PRESIDENT: The honourable member has asked for a withdrawal of the word 'lies'.

The Hon. C. J. SUMNER: It seems that we have been given another example of the totally discriminatory treatment which this Party gets.

The PRESIDENT: That is a reflection on the Chair.

The Hon. Frank Blevins: And that's not a lie.

The Hon. C. J. SUMNER: My colleague, the Hon. Frank Blevins, has pointed out the inconsistency. He asked for a withdrawal from the Attorney-General earlier this afternoon. You, Mr President, did not enforce that. The Council has made a decision on the generic use of the word, not referring to any individual. You, Sir, can get around that by saying a vote was taken as to that member being thrown out. However, the basis on which that member was facing suspension was the use of the word 'lies' in the phrase 'Government lies', the generic sense. Dr Cornwall was not suspended, but you are not now prepared to accept the decision of the Council. If that is the way you wish to conduct yourself as the President of the Chamber, so be it. I have no alternative but to withdraw the remarks. I do so

on the basis that it is one law for the Government and another for the Opposition.

The PRESIDENT: I do not think the Leader should pursue that line very far, or we will have a real Donnybrook. The words objected to do not offend me personally, but I ask the Leader not to proceed further with reflections on the Chair.

The Hon. K. T. GRIFFIN: I wish to pursue further the matters to which I was referring which indicated that the context of advertising during an election campaign cannot be compared with consumer advertising and that the statements which are made at election time are essentially subjective assessments or statements of opinion. It is really up to the people to determine whether or not the person or Party making the statements ought to be called on to account for them or whether or not the community at large agrees with them.

There is already provision in section 148 of the Electoral Act which enables some of the difficulties to which the Leader of the Opposition has referred to be dealt with. The absence of the provision desired by the Leader certainly did not stop the last Court of Disputed Returns from making a decision on an advertisement. There was sufficient power to deal with both undue influence and illegal practice and that is the way it ought to be. Section 182 of the Electoral Act already covers instances of undue influence. If that is proved, the election of a candidate can be declared void. Penalties are provided for illegal practices, as defined within the Act and encompass to some extent the sort of statements which are referred to in this Bill.

The most serious difficulty is that the Bill seeks to define something which, in an election campaign, cannot be clearly resolved and which puts the courts in a position of being political arbitrators and not just arbitrators of the law. It seeks to tie up the courts during the period of an election campaign, as well as having the effect of tying up candidates and political Parties by litigation on whether or not something is materially inaccurate. That is a task with which I do not believe the court is equipped to deal in the short period leading up to an election campaign. The whole problem of taking these sort of legal proceedings is that the courts would then be required to adjudicate on a mass of material on a subjective assessment of the merits or otherwise of claims made in the public arena by advertisement.

Let me draw the attention of honourable members to the fact that the Bill relates only to advertising; it does not deal with policy speeches, policy statements, or statements made by candidates or political Parties other than through advertising. One wonders what the Opposition is really seeking to drive at. Is it seeking to catalogue its complaints rather than dealing in fact and recognising that in an election campaign differing viewpoints will be held by different Parties and candidates and that none of them may be misleading or inaccurate at all? It may be just the interpretation which members seek to put upon certain facts. Heaven forbid that we seek to prevent that, because the moment we do prevent it and bring the courts into that sort of arena we are then very seriously impinging on freedom of speech and freedom of the press. That is a very real risk that presents itself within this Bill.

Let me go back 10 years to the time of the 1970 election. At that election the then Liberal Government went to the people claiming support for Dartmouth Dam. The then Opposition, led by Mr Dunstan, said that it would support only Chowilla. Immediately after the election, there was a complete about-face by Mr Dunstan and the Labor Party because they then supported Dartmouth and pulled out of the support for Chowilla. What would have been the consequences of that election if this Bill was in operation at that time?

The Hon. C. J. Sumner: It couldn't be covered.

The Hon. K. T. GRIFFIN: It could because the then Opposition professed the undoubted benefits of maintaining a claim for Chowilla but it backed off as soon as the election was over and it had succeeded. What about the 1975 State election when Mr Dunstan professed that the railways agreement would mean $600 000 000 to the State of South Australia?

The Hon. L. H. Davis: And $800 000 000 sometimes.

The Hon. K. T. GRIFFIN: Yes, $800 000 000 sometimes, and that was in official Labor Party advertising. If we applied this legislation to that statement we would have the opportunity to stop the election because the election was based on the railways deal. If that had been trundled into court for interlocutory injunctions and permanent injunctions within a period of three weeks, we could have had the farcical situation in which the whole campaign could have been held up because someone said that it was misleading in a material particular. What arrant nonsense. It is part of an election campaign. And now, of course, in relation to the Railways Agreement, the people of South Australia are coming to recognise what the truth really is. As a result of the 1977 election, the people of South Australia are going to recognise what the truth of the situation is. Are honourable members suggesting that by using this Bill at some time in the future, when an election advertisement is found to be false, we turn back the clock? I do not believe that that is even a sensible proposition to contemplate, let alone to consider developing as part of this legislation.

The Hon. C. J. Sumner: Don't misrepresent the Bill.

The Hon. K. T. GRIFFIN: The Leader suggests that I should not misrepresent the Bill. I am not misrepresenting the Bill. What I am doing is drawing attention to the very grave deficiencies of this piece of legislation in dealing with elections and with political issues.

The Hon. C. J. Sumner: Would you support—

The Hon. K. T. GRIFFIN: I do not support misleading advertisements.

The Hon. C. J. Sumner: You will support legislation.

The Hon. K. L. Milne: That is what it sounds like.

The Hon. K. T. GRIFFIN: There is already legislation in the Electoral Act which is designed to deal with advertising which is false or misleading and which affects the election. It is all very well for the Leader to start complaining about the times when he has lost an election, or for the Australian Democrat to complain about when they have lost, but on all of the instances highlighted by the Leader in his second reading speech there are contrary points of view, and there are contrary points of view which may be quite properly held by members on the other side of politics, or by the media. We have the comment by the Leader that in the 1979 State election the Democrats complained of Liberal advertisements which stated that a vote for any Party other than Liberal or Labor may not be counted. That was quite accurate and this Government has, in fact, amended the Electoral Act to ensure that never again will a Party or a candidate's vote not be counted. That is, in fact, what happened.

The Hon. K. L. Milne: Why did you change the legislation, if it wasn't misleading?

The Hon. K. T. GRIFFIN: It was not the advertising that was misleading: it was the previous Act that had disabilities built into it. It was that inequity that this Government moved in the legislation to amend, and did successfully amend.

The Hon. K. L. Milne: It was misuse of a wrong Bill.

The Hon. K. T. GRIFFIN: We can debate this matter because there are differing points of view on a factual situation. What the Leader is suggesting in his second reading speech is that that different point of view should

not be allowed. That is nonsense—that is part of the process of an election campaign.

The Hon. Frank Blevins: You're telling lies.

The Hon. K. T. GRIFFIN: I am not going to respond to that ridiculous statement. If we look at the complaint by the A.L.P. in the second reading speech about an advertisement relating to a wealth tax, I must point out that the Labor Party did give some support to a wealth tax at the Federal election level through Mr Hayden. I quoted during this session, when I closed the Address in Reply debate, the instance of Mr Duncan openly supporting a wealth tax. One cannot be precluded from raising these sorts of issues at election time; it will happen again and again and is part of the election campaign process. It is really up to each party to establish the veracity and validity of their points of view on a particular factual matter. This Bill will not, as the Leader said, ensure honesty in election advertising. All it will ensure is that we are prevented at election time from the normal and usual campaigning by all candidates and Parties by the threat of applications to the court for injunctions to stifle debate on what might be key issues in an election. Of course, that in itself may have the effect of preventing smaller Parties and individuals defending themselves adequately against the applications made by bigger Parties or groups alleging misleading advertising. It would be a very great pity, indeed, if minority groups and individuals were prevented by the potential costs of litigation from defending themselves and from making their points of view known to electors prior to an election. I take strong exception to this Bill. I believe that it is totally unworkable, that it does nothing for the political process and that, in fact, there is inherent in this Bill a threat to political freedom and expression of ideas and to the freedom of the press.

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

PIPELINES AUTHORITY ACT AMENDMENT BILL

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.

In the course of discussions concerning the proposed Moomba to Stony Point liquids pipeline it has become apparent that it would be desirable for the Cooper Basin producers to construct and operate the pipeline in an easement which would become (and remain) the property of the authority. However, it is not normally possible for the proprietor of an easement to transfer the benefit of the easement without relinquishing his title to the easement. In view of the desirability of the authority owning the easement, it is important that its right to permit others to enjoy the benefit of the easement be put beyond doubt. It is also important to ensure that the powers of the authority, and in particular its powers of compulsory acquisition, are adequate for the implementation of the scheme that the authority and the Cooper Basin producers have in view.

This short Bill is designed to accomplish these objects. It provides that the authority may acquire land for the construction, operation, maintenance and repair of a pipeline irrespective of whether the authority or some other person is to operate the pipeline. It also provides that the authority may, for the purpose of facilitating the construction, operation, maintenance or repair of a pipeline by some other person, grant licences over property of the authority, or authorise the use by that other person of easements that exist in favour of the authority. An authorisation to use an easement confers, to the extent set forth in the authorisation, the rights of the proprietor of the easement. I seek leave to have the detailed explanation of the clauses incorporated in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 amends section 10 of the principal Act which sets out the general powers of the authority. This amendment makes it clear that the authority has power to facilitate the construction, operation or repair of a pipeline by other persons. Clause 3 amends section 12, which deals with the acquisition of land. The amendment provides that land may be required for a pipeline whether it is to be constructed or operated by the authority or some other person. Clause 4 amends section 17 of the principal Act. The amendment empowers the authority to grant licences over its property and to authorise the use by some other person of easements that exist in favour of the authority.

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

MINING ACT AMENDMENT BILL

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

STAMP DUTIES ACT AMENDMENT BILL

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.

It gives effect to one element of the Government's Budget strategy for 1981-82 and also to clear up some other matters and bring them more into line with current commercial practice. When the 1981-82 Budget was introduced, members were given a detailed rundown of the State's financial position and the prospects for 1981-82. The Government said then that the financial stringency of the Commonwealth Government and the emerging resurgence of excessive wage demands made it necessary for the Government to not only impose severe restraint on its own expenditures, but also to adjust some rates of taxation to bring them more into line with the position in other States.

Accordingly, this Bill provides for stamp duty on all cheques to increase from eight cents to 10 cents from 1 November 1981. It contains provisions to minimise inconvenience to the banking public by allowing cheques which have been issued to customers in the normal course of business prior to the operation of the increased rate to be used without payment of the additional duty. That increase will bring the rate in South Australia to the same level as is now operating in New South Wales and Queensland and to the reduced level which it is understood will operate in Victoria, shortly. It will be well below the rate of 15 cents announced in the 1981-82 Budget of the Tasmanian Government.

This change will bring in about $600 000 in 1981-82 and about $1 000 000 in a full year. In proposing this increase on cheques, which attract duty as a form of Bill of Exchange, the Government is well aware that there are other mechanisms for undertaking financial transactions that do not attract duty even though they fulfil a similar or identical function. At the moment, we believe those

mechanisms are replacing the cash transaction rather than the traditional cheque transaction. Nevertheless, the Government will keep the overall situation under review and, if it is found that the present arrangements are unduly discriminatory with regard to cheques, we will take the necessary steps to ensure that the burden of this tax is spread more equitably.

It has been suggested that some cheque users may take advantage of the period to 1 November 1981, to increase their stocks of cheque forms in order to avoid the increased duty. That suggestion would seem to run counter to the Government's experience with banking institutions and business houses in this State. However, if evidence showed that cheques were being issued during this period at a rate which past experience showed as being beyond normal requirements, then the Government would have to consider removing the exemption and, for the future, may have to seriously consider returning to the system under which the amount of duty is printed on each cheque form. The Government is sure all parties would want to avoid the necessity for such a cumbersome and expensive arrangement.

In addition to this revenue raising measure, the Bill provides for four other matters. First, it provides for an exemption from the aggregation provision relating to duty on conveyances of land (section 66ab) in any case where separate parcels of land used for primary production are sold to different purchasers who are buying independently of each other. Legislation introduced in 1975 to forestall duty avoidance provided that the value of land could be aggregated by the Commissioner of Stamps for duty purposes where a property was divided into smaller parcels for the purpose of the sale, thereby avoiding the increased rates of duty payable on the higher value transactions. It has been drawn to the Government's attention that any transaction involving the sale of a single property in separate portions where each sale is contingent upon the other (as frequently happens in sales of rural properties) falls within the current legislation. We do not believe that this was the intention of the legislation and the proposed amendment excludes those conveyances of land to different purchasers where the land is used wholly or mainly for primary production and where the Commissioner of Stamps is satisfied that each portion of the land will continue to be used for primary production separately and independently from the other.

Secondly, the Bill provides an exemption from stamp duty with respect to odd lot specialists. Odd lots are marketable securities (or rights thereto) which are offered for sale in quantities which do not constitute a marketable parcel. The purpose of the operation is to buy all odd lots as they become available, accumulate them to a marketable parcel and then sell that parcel. Odd lot specialists are brokers appointed by a stock exchange for the purpose of buying and selling odd lots and the Stock Exchange of Adelaide has recently appointed such a specialist.

The Stamp Duties Acts of all other States provide for the exemption of odd lot specialists, in respect to the sale and purchase of odd lots, from duty and from the requirement imposed on other brokers to record and include in their weekly return, which is subject to stamp duty, all sales and purchases of shares. The South Australian Stamp Duties Act contains no provision with respect to odd lot specialists, probably because none were operating in this State when the legislation was enacted. It is believed that it is appropriate that South Australia should adopt similar practices to other States and grant exemption to odd lot specialists.

Thirdly, the Bill provides for the repeal of sections 31*l* and 31p of the Act which are designed to prevent the duty payable on credit or rental business or instalment purchase agreements being passed on to the consumer. Similar provisions do not exist in the corresponding legislation of the other States. The provisions achieve little in practice as it is understood that most lenders in this State cover the duty component of their overheads by adjusting rates of interest. The Government has obtained assurances from credit providers that consumers will not be disadvantaged by the repeal of these provisions.

Finally, the Bill provides for a simplified procedure for denoting payment of duty in respect of share transfers arising from a company take-over. Where a company is taken over, it is usual for a large number of share transfers to be executed (in some cases in excess of 1 000). Under the Act in its present form, each instrument of transfer must be separately assessed and stamped with an impressed stamp. Under the Bill, it is proposed that a single statement may be prepared and accepted for stamping, in which case each separate instrument of transfer will be deemed to have been duly stamped. This change has been requested by parties involved in such situations, and similar provisions apply in other States. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides that the measure is to come into operation on a day to be fixed by proclamation. Clauses 3 and 4 repeal sections 31*l* and 31p, respectively. Section 31*l* provides that a registered person liable to pay stamp duty in respect of a credit or rental transaction is not to add the amount of the duty or any part of that amount to the amount payable by the other party to the transaction. Section 31p makes a corresponding provision in respect of an instalment purchase transaction by prohibiting the vendor under such a transaction from adding the whole or part of the amount of the duty payable in respect of the transaction to the amount payable by the purchaser under the transaction.

Clause 5 repeals sections 47b, 47c and 47d. This is consequential upon the amendments proposed by Clause 7. Clause 6 amends section 48 by removing a reference to eight cents, the existing rate of duty on bills of exchange, etc., and replacing it with a reference to 10 cents, the proposed new rate of duty. Clause 7 amends section 48a which deals with the payment of duty on cheques. Under the section, a bank, as defined, may obtain a licence authorising it to pay the duty on cheques under a return system which is related to the issue of cheque forms.

Where duty is paid in this way, the cheque forms have printed on them the statement that stamp duty has been paid. The clause amends this section so that it provides that a cheque is duly stamped if it was drawn on a form which was issued by a bank pursuant to a licence under the section notwithstanding that before the time at which the cheque was drawn the rate of duty increased. Under the clause, this exemption also applies to cheque forms issued by a bank, where duty on cheques drawn on the forms is prepaid by applying impressed stamps to the forms. The clause goes on to provide that these exemptions will not apply to cheques drawn after a day specified by proclamation, in which case the correct amount of duty must be paid by application of an adhesive stamp or an impressed stamp or under an arrangement made with the Commissioner of Stamps.

Clause 8 amends section 66ab of the principal Act. This section provides that, for the purposes of determining *ad valorem* duty on conveyances of land, the amounts by reference to which the duty would otherwise have been calculated shall be aggregated in any case where land is

conveyed by separate conveyances which arise from a single contract of sale or together, form, or arise from, substantially one transaction or one series of transactions. The clause inserts a new subsection (1b) which provides that aggregation is not to apply where land used wholly or mainly for primary production is conveyed to different persons by separate conveyances arising from sales made to different persons if the Commissioner is satisfied that the separate parcels conveyed are to be used wholly or mainly for primary production and that no arrangement or understanding exists between the purchasers under which the parcels of land conveyed by the separate conveyances are to be used otherwise than separately and independently from each other.

Clause 9 amends section 90a of the principal Act which sets out certain definitions for the purposes of Part IIIA relating to the duty on sales and purchasers of marketable securities by stockbrokers. The clause inserts definitions of 'odd lot' and 'odd lot specialist'. 'Odd lot' is defined to mean a parcel of marketable securities which is, under the rules of the stock exchange on which the sale or purchase is effected, required to be bought or sold through an odd lot specialist. 'Odd lot specialist' is defined to mean a broker who is appointed by the Stock Exchange of Adelaide Limited for the purpose of buying and selling odd lots.

Clause 10 amends section 90c of the principal Act which requires each South Australian dealer to keep a record of certain sales and purchases of marketable securities made by the dealer on behalf of another person or on his own account. This record then, under section 90d, forms the basis of a return which is required to be lodged with the commissioner on a weekly basis and on which stamp duty is charged. The clause amends section 90c so that a South Australian dealer is not required to include in this record a sale or purchase of an odd lot by an odd lot specialist, thereby exempting such sales and purchases from the duty charged on the weekly returns lodged under section 90d.

Clause 11 amends section 106a which prohibits registration of transfers of marketable securities unless each instrument of transfer is duly stamped. The clause amends this section so that it provides that, upon payment of the duty on transfers of marketable securities pursuant to a takeover scheme, the commissioner may denote payment of the duty on a single written statement instead of by the stamping of each instrument of transfer. The clause goes on to provide that where payment of duty is denoted on a statement in this way, each instrument of transfer to which the statement relates is then deemed to have been duly stamped.

Clause 12 amends the second schedule to the principal Act by increasing the duty on each bill of exchange (cheque, order, etc.) payable on demand and each coupon and interest warrant from .08 cents to .10 cents. Duty on each bill of exchange and promissory note drawn or made out of South Australia and duly stamped with *ad valorem* duty under a law of another State is also increased from .08 cents to .10 cents under this clause.

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

COOBER PEDY (LOCAL GOVERNMENT EXTENSION) BILL

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

Ordered that report be printed.

In Committee.

The Hon. ANNE LEVY: Mr Chairman, I draw your attention to the state of the Committee.

A quorum having been formed:

Clauses 1 and 2 passed.

Clause 3—'Interpretation.'

The Hon. C. M. HILL: This clause involves the first amendment that is suggested by the Select Committee in its report. I move:

Page 1, line 11—Leave out the definition of 'the area' and insert definition as follows: ' "the area" means the area described in the schedule to the Constitution of the Association:'.

The Hon. J. R. CORNWALL: Mr Chairman, I draw your attention to the state of the Committee.

A quorum having been formed:

The Hon. C. M. HILL: Before I speak about the amendment in detail, I wish to take this opportunity of thanking all of the Select Committee members for the work that they did. The deliberations of the committee took some time, because we had 12 meetings and during that time we also travelled to Coober Pedy to allow local people to put their views before us personally. We advertised in the correct manner to ensure that people had adequate opportunity to give evidence.

The main thrust of the amendments, although they may appear to be a little lengthy, is that in the first instance the constitution of the association has been brought into the Bill, so that it now forms part of the legislation. Amendments generally have been fashioned so that some difficulties that arose during the committee meetings can be overcome. We have given protection to the executive officer, which is quite a major change. Honourable members will see that the amendments have now brought the area covered by the Bill into the legislation as a separate schedule. Generally, the committee went to great lengths to endeavour to produce an improved Bill with the object of helping the local association act as a form of local government. We went to great pains to try to ensure that the citizens of Coober Pedy will be served better in regards to the provision of services at a local level by this new form of local government.

Having commented in general terms, I refer now to the amendment to this clause, which simply leaves out a definition of 'the area' as it was in the previous Bill. That word is omitted because the area is covered in the schedule to the constitution of the association, that schedule being part of the newly-proposed changes.

The Hon. FRANK BLEVINS: The Opposition supports this amendment and indicates that it will support all the amendments, because half of the Select Committee members were members on this side who agreed to comply with the Select Committee findings. As the Minister made a brief general statement before speaking to the clause in detail, I respectfully hope that the Committee will allow me the same latitude, and I promise to be very brief.

It is, of course, A.L.P. policy that all unincorporated areas within the State should, where practicable, be brought under the auspices of local government. I stress the words 'where practicable', because in some cases it is not practicable to do so, one of the reasons being the opposition of residents of the area. That is something that we certainly considered. I do not believe it is possible at this time to bring Coober Pedy under the auspices of the Local Government Act in total and to incorporate that area. Some enormous difficulties are experienced in Coober Pedy in relation to administering a town of that size in that area, and with very few facilities. It would not be desirable to sanitise Coober Pedy, to make it as neat and tidy, for example, as the Adelaide City Council area, or, for that matter, the Morgan council area, where everything is very neat, tidy and well organised. Coober Pedy does not lend

itself to that kind of administration. It may do so in the future, but I do not believe that it does so at this time.

In effect, the Bill is the best that could be achieved. It goes as far as the community wants to go and it ensures that the Government has accepted its responsibility to see that a minimum standard of service is supplied to the community without intruding on its rather independent way of life. Certainly, as far as I know, it is unique that a local progress association should be given the degree of power that the Coober Pedy Progress and Miners' Association has been given. It is somewhat of an experiment. The Cooper Pedy Progress and Miners' Association is a very responsible body, which has been in operation for many years. The Select Committee believed that it was an ideal vehicle with which to test the local government water (as it were) in Coober Pedy. The Opposition extends to the association its very good wishes. We hope that the experiment is successful. That is certainly our intention.

Besides wishing the association well, we remind the residents of Coober Pedy that, should any problems arise in the future, the power of the Minister, the Government and, indeed, the Parliament will assist them. If they wish to go any further along the road to local government, we will be delighted to take up that matter in the same spirit as exhibited by the Select Committee in the past—a spirit that is not intrusive on their way of life. It is our job to assist them wherever possible and to go as far as they wish to go. I indicate that we will support the various amendments as the Minister puts them to the Committee.

Amendment carried; clause as amended passed.

Clause 4—'Powers of the Association.'

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

Page 1—
Line 22—After 'in the area' insert ', provide for the lighting of streets, roads and public places, and provide any other amenities in or related to streets, roads and public places'.
After line 22—Insert paragraphs as follows:
(ab) provide for the generation and transmission of electricity;
(ac) provide for the reticulation and supply of non-potable water.

The Committee would like to see this extra detail in the Bill in regard to the powers of the association. Previously the Bill stated that the association may build and maintain streets, roads and public places in the area and now, by these amendments, we are adding some further items. It was always intended that these items were to be the responsibility of the association. The association itself thought that more descriptive information ought to be included. Therefore, we are now including such things as the lighting of streets, the generation and transmission of power, the reticulation and supply a non-potable water, and services of that kind.

Amendments carried.

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

Page 2—
Line 7—Leave out 'for the benefit of the area', and insert 'within or outside the area'.
Lines 25 to 27—Leave out subclause (3).

This amendment has been included so that some functions will be able to be carried out ultimately, not only within the area of Coober Pedy under consideration, but in some instances outside the area as well.

Amendments carried.

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

Page 2, lines 28 to 33—Leave out subclause (4) and insert subclause as follows:
(4) Regulations may be made extending—
(a) the provisions of the Local Government Act, 1934-1981, so far as they are relevant to the powers and functions referred to in this section;
or
(b) the provisions of any other Acts or regulations, so that they apply (subject to such modifications as may be prescribed) to and in relation to the Association and the area as if the Association was a council constituted in relation to the area.

New subclause (4) deals with the rights of the association ultimately to make regulations under the Local Government Act, as councils can do, and under other Acts, for example, the pest plant legislation, the Dog Control Act and laws of that kind.

Amendment carried.

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

Page 3, after line 6—Insert subclause as follows:
(7) Section 45b of the Local Government Act, 1934-1981, applies to the Association as if it was a council and as if the members of the Committee of Management of the Association were members of that council.

This new subclause deals with the power under the Local Government Act which provides the Minister with the right to put an administrator into the local council if that local council is not acting as the Government thinks it should do under the Local Government Act. The position that the committee thinks might arise, although we hope it will not, and we do not expect it to, is that the board of the association might at some stage fall into difficulties and might resign. If that happens the local government authority, as it is constituted in Coober Pedy, would have to be immediately replaced by an administrator who would keep the services running for the people of the town until such time as the particular difficulty could be resolved. This new provision gives the Minister of the day the right to take such a step.

Amendment carried; clause as amended passed.

Clause 5—'Levy of charges on land in the area.'

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

Page 3, after line 8—Insert subclause as follows:
(1a) No charges shall be levied under this section upon land of the Crown unalienated by lease or licence.

This provision deals with the fact that any Crown land which is unalienated by a lease or licence, in other words, vacant Crown land, should not be rateable as is the case elsewhere.

Amendment carried; clause as amended passed.

Clause 6 passed.

Clause 7—'Moneys and assets of the Association.'

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

Page 3, line 42—After 'the Minister' insert 'and be held by him for the benefit of the commuinity at Coober Pedy'.

This amendment deals with the question of money of the association which might come to the Minister in any unusual circumstances by way of dissolution of the association and, if that did happen and money did come under the control of the Minister, it must be held by him for the benefit of the community at Coober Pedy. This last point was not made in the original Bill. We feel that it is an improvement for it to be added.

Amendment carried; clause as amended passed.

Clause 8 negatived.

New clause 8—'Constitution of Association, etc.'

The Hon. C. M. HILL: I move to insert the following new clause:

8. (1) As from the commencement of this Act, the constitution of the Association shall be as set forth in the schedule to this Act.
(2) The Association shall not be dissolved except upon the authority of a resolution of both Houses of Parliament.

New clause inserted.

New clause 8a—'Application of Outback Areas Community Development Trust Act to the area.'

The Hon. C. M. HILL: I move to insert the following new clause:

8a. (1) Subject to subsection (2) the Outback Areas Community Development Trust Act, 1981, does not apply to the area.

(2) This section does not prevent the Outback Areas Community Development Trust from providing for the supply and distribution of electricity within the area before the thirtieth day of June 1984.

New clause inserted.

New clause 8b—'Application of Part IXAA of Local Government Act.'

The Hon. C. M. HILL: I move to insert the following new clause:

8b. Part IXAA of the Local Government Act, 1934-1981, applies to the Executive Officer of the Association as if the Association was a council and the Executive Officer was an officer of that council.

Clause 8b gives protection to the executive officer who is going to be appointed and who will have the role of a town clerk in Coober Pedy in the same way as town clerks have protection under the Local Government Act. We feel that it is proper, fair and just for such a person, who will undoubtedly come under much pressure locally, to have the same protection as clerks have elsewhere in regard to security of employment.

New clause inserted.

Clauses 9 and 10 passed.

Schedule negatived.

New schedule inserted.

Title passed.

Bill reported with amendments; Committee's report adopted.

APPROPRIATION BILL (No. 2)

Adjourned debate on second reading.

(Continued from 27 October. Page 1 578.)

The Hon. BARBARA WIESE:

Adequate shelter is generally recognised as a basic human need. If this need is not met, the capacity or motivation to meet the other challenges of life will be low, or even non-existent. High priority must. therefore, be given to ensure that all members of the community have access to secure and adequate shelter.

These words come from the opening paragraphs of the Report of the Working Party on Youth Housing which reported to the Government in July 1980. This report was a valuable contribution to the fairly sketchy picture we have in Australia of the extent and seriousness of youth homelessness. Although there has been very little research on this matter, the results of the existing surveys show consistently that the number of young people in Australia with housing problems is large and growing. Until fairly recently, very little attention was paid to the needs of homeless youth and, even now that we have a reasonable appreciation of the extent of the problem, Governments at the State and Federal levels are doing very little, other than paying lip service to the need for action, to alleviate the crisis.

Such hypocrisy is deplorable. It has been confirmed by the Government's further failure to act through this year's Budget allocations for housing and youth housing, in particular. And this is the reason why I want to draw attention today to the plight of the thousands of young South Australians who will be caused further hardship and suffering as a result. What is the extent of the youth housing problems in South Australia?

Surveys in South Australia estimate that between 4 500 and 9 000 young people have housing problems. It would appear that there are slightly more males than females in this situation (55.5 per cent to 44.5 per cent) and that 28 per cent of the males and 48 per cent of the females are 16 years or younger. Almost three-quarters of males and just over half of females are in the 17 to 25 years range.

The most significant causes of youth housing problems are a combination of family problems, family breakdown, unemployment and income and financial difficulties. A survey conducted jointly in 1980 by the South Australian Council of Social Services, Council to Homeless Persons and Youth Workers Network noted the following:

Financial problems—almost invariably resulting from the unemployment of either the youth, a parent, or both, cannot be meaningfully distringuished from 'family problems' . . . For males, 'family problems' were cited in 33.5 per cent of cases, and 'financial problems' in 16.2 per cent. For females, the corresponding figures were 53.7 per cent and 7.9 per cent. Thus, over half the cases requiring housing assistance stemmed from these twin problems.

Under the heading 'Family problems and family breakdown', the South Australian survey found interrelating reasons which eventually led to young people leaving home. It is a causal factor more frequently for females than males. The survey found a number of possible components of family breakdown. These included: parent/child disputes; *de facto* relationships and the inability of the young person to get along with the *de facto* parent; parents unable to cope with demands of teenagers and not wanting them back; teenagers becoming the scapegoat of family frustrations at a time when they are highly volatile and vulnerable; young people unable to cope with authoritarian fathers; young females whose parents cannot approve of their desired lifestyle (notably migrant families); and financial problems when either parent or youth is unemployed.

On the question of unemployment, it is hardly surprising to find that it is a significant cause of housing problems among young people. It has long been known that high unemployment rates create greater housing problems for older people. As the unemployment rate among young people has risen, so too have the housing problems they face. According to the Australian Bureau of Statistics, in August 1971, 3 700 South Australian 15 to 19-year-olds were unemployed and 2 800 20 to 24-year-olds were unemployed. Ten years later there were 15 300 15 to 19-year-olds and 10 200 20 to 24-year-olds unemployed. In other words, in South Australia about 21 per cent of our 15 to 19-year-olds are unemployed and around 11 per cent of the 20 to 24-year-olds. Very clearly, without employment or an adequate and secure source of income, young people who cannot stay with their families have few places to go to obtain accommodation.

This is why we have witnessed an increasing number of young people squatting in empty houses in the city and suburbs. In reply to a question asked by the Hon. Mr Milne in this Council a few weeks ago, the Attorney-General advised that his Government would soon announce changes to the law to give greater protection to owners of houses where squatting takes place. That is all very well, but it will not solve the problems of homeless young people. Neither will it stop squatting. If adequate housing were made available for all those who needed it there would be no squatting. It seems to me that this would be a much better way of dealing with the problem, rather than introducing new laws to kick people even harder when they are down.

What is the situation for housing in South Australia? What has the Government done about the youth housing problem? In general terms fewer houses are being built in South Australia, and the building industry is in decline. An increasing number of people are leaving the State, an indication of the level of confidence people have in the Government's economic policies. More empty houses than ever before are found in various parts of the State, partly as a consequence of unemployment and rising interest rates, and this is leading to an increasing number of mortgagee sales. Other people are not able to buy the houses which have come on to the market, because they are unable to afford

the commitment. The first point I make is that a large number of empty houses exist as people are forced out of them. On the other hand, we have a situation in which a growing number of young people cannot find accommodation. Why do these young people not rent flats and houses or in some way enter the rental market?

Unfortunately, there are very few opportunities for young people to gain access to the private rental market. The Government's working party on youth housing quoted rental figures for private accommodation prepared by the South Australian Housing Trust for February 1980. They show that the average rent for advertised two-bedroom unfurnished flats was about $38 a week, while the total average rent for flats was nearly $36 a week. The average rent for advertised two-bedroom unfurnished houses was $44 a week and for three-bedroom unfurnished houses it was $54 a week. The average for all houses was $57 a week. In addition to those weekly costs, a potential tenant must also find bond money and other associated costs.

Unemployment benefits at that time were $36 a week for 15 to 17 year-olds and $51.45 a week for those over 18 years. When we compare these rental costs against unemployment benefits we can see that it is virtually impossible for young unemployed people to rent accommodation. In the intervening 18 months since this rental survey was carried out rents have gone even higher and unemployment benefits have stayed the same.

In terms of supply of private rental accommodation, the working party found that the private rental market in South Australia is smaller as a proportion of the total market than it is interstate, while the public sector is larger. Flats and units make up 20 per cent of the total private rental market compared with 37 per cent in other State capitals, and semi-detached houses comprise almost 40 per cent of the total compared with 25 per cent in other State capitals.

That in itself is not a problem. Indeed, I would argue that this balance has meant that overall South Australians have been better off in terms of housing. The problem is that in the private rental market in Adelaide there is a marked lack of low-cost accommodation. In fact, the working party concluded from the evidence available to it that there is minimal, if any, low-cost private rental housing available for those in receipt of welfare benefits. Cost is not the only difficulty for young unemployed people in breaking into the private rental market. There is also, in many cases, landlord resistance to young tenants based on perceptions of unreliability and reluctance to take new tenants without a history of work or previous residential references.

A survey conducted in 1978 for the City of Adelaide Planning Commission entitled 'Low Rent Boarding and Lodging Accommodation in the City of Adelaide' indicated that there was a steady decline in the supply of low rental boarding and lodging accommodation and that prevailing attitudes of proprietors militated against young people having access to the diminished number of places left in the market. In fact, proprietors of such establishments listed single mothers as the second most undesirable clientele after alcoholics, with young people and students polling third in the unpopularity list. We can see from that information that it is very difficult for young people to break into the private housing market.

Let us look at the public housing situation. The record of Federal and State Governments on public housing is appalling. Although both came to power promising to take care of the truly needy, Government actions speak louder than hypocritical words. Since the Fraser Government came to power, funding for public housing has been cut drastically. The Housing Assistance Act now provides one-quarter of the amount given to public housing five years ago. This year's Budget cut South Australia's allocation by approximately 23 per cent taking into account cuts in Aboriginal housing and making provision for inflation. That is a deplorable record in times when a Government has also sought to create the very high levels of unemployment with which we are currently faced. However, we barely heard a whimper from the State Government in the face of the savage cuts.

Specifically on the question of housing for homeless youths we find, once again, promises but very little action. After the presentation of the report of the working party on youth housing in July 1980, the Minister of Industrial Affairs waited four months before responding to it. Amongst other things, he said:

> Because of the complexity of the report and the large number of recommendations, the Government has set up a high level inter-departmental committee to advise Cabinet on the individual recommendations.

Meanwhile, nothing was being done for all the young people with no proper place to live. In fact, the Government did nothing until April of this year and then it acted only in response to pressure created by a series of conferences set up by Shelter (South Australia) and SACOSS and, more importantly, the erection of tent city in Victoria Square. This demonstration by young homeless people could not be ignored by the Government. It did not go away until such time as it mysteriously caught fire just before Prince Charles's visit.

The Hon. J. R. CORNWALL: Mr President, I draw your attention to the state of the Council.

A quorum having being formed:

The Hon. BARBARA WIESE: When the Government finally did make a decision we had another dose of rhetoric, more promises and little action. The Minister of Housing said, when he made his announcement:

> The humanitarian aspect has been uppermost in our minds. The Government recognises that the welfare of our young people in their adolescent years is vital for the future of the State.

That sounds good, but what did the Minister actually promise? He promised that 50 houses would be made available to homeless youth—one house for every 100 homeless young people. That is hardly generous!

These were not to be 50 new houses, but were to be taken from existing Housing Trust stock thereby depriving other people in need.

The Government's humanitarian initiative amounted to no more than robbing Peter to pay Paul. In terms of priorities, one could make a case for this, given the urgency of the plight of homeless youth. But, once again, we have seen inaction—a failure to act as promised. Up until a few weeks ago, only 11 houses had been allocated for use by young people. At a generous estimate, that probably means about 60 people have a place to live. The Hon. Mr Hill has helped solve the housing problem of just over 1 per cent of homeless young people in South Australia.

The Government is obviously having difficulty taking houses away from other needy people because it recently announced that it intended to sell five houses it currently owns in order to raise $500 000 to spend on 12 smaller houses for homeless young people. This, together with the houses already allocated, would bring the total number of houses made available for this purpose up to 23. But how long will it take to sell these houses and replace them with more suitable housing? It seems highly unlikely that any young people will benefit from the gesture before the middle of next year. In fact, what will happen is that, in the meantime, the number of homeless young people will actually increase, because at least two of the Government-owned houses to be sold are currently occupied by squatters. Presumably, those people will be evicted to enable the houses to be sold, so in the short term the situation will be

made even worse. The Government has given no indication that it will find alternative accommodation for these people who have been forced by circumstance to resort to squatting on Government property.

And what of other Government properties? A few weeks ago I asked the Ministers of Community Welfare, Health and Transport how many properties were owned by their departments which could be made suitable for housing. The Minister of Transport advised that the Highways Department currently has 35 vacant properties. Of these, six are awaiting demolition for roadworks and nine were unsuitable for housing due to structural problems or the need for extensive repair which has been deemed uneconomic. The houses in this latter category are very interesting in light of the allegations made in the August newsletter of *Shelter* (South Australia), which outlines the efforts of the Squatters Union to bring pressure to bear on the Highways Department to make surplus houses available to homeless persons. The article claims that officers of the Highways Department have deliberately vandalised departmental properties to prevent squatting. It goes on to state:

> As well as wrecking plumbing fixtures and removing toilets Highways has a 'gentleman's agreement' with the Electricity Trust and the Gas Company that no utilities would be supplied to squatters.

It was only due to the efforts of the Squatters Union in taking over several Highways Department houses in the Bowden-Brompton area that the department eventually turned over a number of houses to the Housing Trust so that people in need could be housed legally. One cannot help wondering whether the remaining nine houses currently considered structurally unsound or in need of repair are in this condition owing to deliberately caused damage or lack of attention.

The Government has indicated that it deplores the practice of squatting. Perhaps the Government can say what homeless young people are supposed to do; how are they to find somewhere legal to live? If it had not been for the squatting, the establishment of Tent City and the pressures brought about by SACOSS and other organisations, the Government would not even have taken the inadequate steps it has taken so far. It seems to me disgraceful that in a so-called civilised and affluent society so many people should be denied the basic right to decent shelter. It is deeply disturbing that people should be placed in the position of choosing between sleeping in parks or doorways like down-and-outs in Calcutta, or breaking the law by squatting. It is even more disturbing that, when confronted by these facts, the Government does so little.

What can be done about this? The first point to be made is that many of the problems arising in the youth housing area are relatively new ones. Increasing unemployment among young people during the 1970s, the increasing incidence of family breakdown and changing attitudes about youth independence have created new housing needs for young people during the past few years. Governments and voluntary agencies in the community have been slow to respond to those needs. The consequence is that a youth housing crisis has now developed. There is a lot of ground to make up and it requires swift Government action. In light of this, it is unforgivable that the State Government has been so complacent in the face of the savage Federal Government cutbacks in housing. South Australia's funding cuts were greater per capita than those for other States and it was not until the Opposition criticised the Government's silence in this matter and its lack of action that the Government protested about it at all.

This Government has also given up valuable opportunities to obtain extra finance for youth housing projects through its failure to match Commonwealth Government funding through the Youth Services Programme. This is a programme which started on 1 July 1979 as a three-year pilot programme. It was set up specifically to look at the problem of youth homelessness. Money allocated through this scheme has been used predominantly for funding youth shelters and the requirement is that, to receive Commonwealth Government allocations, State Governments must spend an equal amount. During the first year of this programme, the Commonwealth offerred South Australia $92 580. The State Government took up only $76 500, yet this is the same Government which had expressed such concern for homeless young people. And this year, as I understand it, about $10 000 would have been available to the South Australian Government that has not yet been taken up.

So we can see that because of the Government's lack of commitment to the problems of homeless young people it has now foregone an extra $52 000 to spend on housing for those in need, for the sake of saving $26 000. I ask members to juxtapose this against yesterday's announcement that $420 000 is being spent by the Department of Transport to change the signs on buses. What kind of Government is it whose priorities are ordered in this way?

Other States, such as Victoria and New South Wales, have not been so reluctant to claim as much as possible from the Federal Government for youth housing, and consequently they have been able to do a lot more to provide accommodation than this State Government has. Even the Government's own working party on youth housing acknowledged that the Government had not provided sufficient matching funds to take full advantage of available Commonwealth moneys, and that through this means and the Commonwealth-State Housing Agreement there was scope to direct more funds to youth housing.

On the question of the allocation of 50 houses, apart from the problems I have already outlined, people involved with voluntary agencies have told me that they are being prevented from taking up the houses being offered because of the lack of support services, particularly financial support services. Community groups have been asked to advise the Housing Trust if they have an interest in the housing scheme. I understand that by late August the trust had received 22 applications indicating interest, but only four of these organisations have been able to take up the offer. Many agencies are frustrated by a lack of support services, including rental rebates, finance for supervision and administration of any proposed housing project and a lack of information about successful and unsuccessful programme development either in South Australia or interstate. I understand that the Housing Trust itself has recognised the difficulties involved in establishing programmes, particularly without appropriate funding supports, and that it has recently written to the Ministers of Housing and Community Welfare expressing these concerns.

This concern relates to the point I made earlier that new needs have emerged during the past few years. Many of the young people who require housing are old enough to live fairly independently. They do not really need the traditionally structured and supervised accommodation which has been provided for young people in the past. It may be necessary to experiment with new housing projects to meet these young people's needs. A housing coalition group in Victoria, for example, has suggested that housing co-operatives should be encouraged whereby the tenants manage and run their own housing service, or that some young people should be able to live unsupervised and unsupported in some forms of public housing such as flats.

Of course, the problem with ideas such as this is that agencies are reluctant to try them if they have not moved into these areas before without some prior knowledge of

how they might work. It seems to me that the Government has an important role to play here in collecting such information and providing the back-up services required to develop new schemes. Some of the problems raised here are considered to be of such magnitude by some of the people involved in the voluntary sector that a meeting (which I think is taking place as I speak) has been organised to identify common problems and to bring about some co-ordination of services and some unity of purpose when dealing with the Government and its committees.

There is a great deal to be done in this area. The Government's efforts so far have been merely tokenistic. The problem is not huge and insurmountable. It can be effectively tackled with political commitment from this Government and a fairly modest allocation of public resources. Without such commitment, without such resources, the situation will continue to deteriorate. This is not the sort of issue which should be subject to partisan politics, and it is for this reason that I appeal to the Government to provide the modest amount of resources which are necessary to begin the process of eradicating this appalling problem, which we are currently facing in the community. I support the Bill.

The Hon. R. C. DeGARIS: When speaking to the Appropriation Bill, the Leader said that the Budget was disastrous. I think that it can be described as a sad document. However, the Budget is a culmination of many factors, each one making its own distinct contribution to the Budget. I think it would be a useless exercise to seek a single scapegoat on which to place all the blame for the proposed revenue deficit of $47 000 000 in this Budget, following an actual revenue deficit of $37 000 000 in 1980-81.

During the period of South Australia's industrialisation this State was able to maintain a strong competitive edge over the Eastern States for reasons which can be very easily recognised: lower taxes, better industrial relations and lower costs, which stimulated private sector development, particularly in manufacturing industries. Our cost structure in this State is still below that of the Eastern States, but the margin has been significantly reduced, while alongside this has been the increase in transport costs adding further to our competitive difficulties.

Over the past 10 years it has been claimed many times in this Council that our wage structure in this State must be brought up so that it is equal to the wage structure in the Eastern States. I point out that it was the fact that we kept our taxation and wage costs lower than the Eastern States which significantly contributed to our industrialisation. During the past 10 years South Australia tried to be the pacesetter in the areas of industrial policy, provision of community services and social policies, but during that same period solid economic policies took second place to the more emotional promotions. Davis and McLean, for example, in the book *The Dunstan Decade* said:

> Economic affairs appear to have received relatively less prominence relative to the broader social issues than they received under Playford or in some other States in the 1970s.

The Hon. J. R. Cornwall: We were a long way behind on most social issues.

The Hon. R. C. DeGARIS: That may be so, but the point Davis and McLean were making was that economic affairs appeared to receive relatively less prominence relative to the broader social issues than they received under Playford or in some other States in the 1970s. I am saying that the solid economic policies were overlooked during that particular period. That is not my opinion, but the opinion of the people who wrote that book.

The Hon. J. R. Cornwall: You're quoting that a trifle out of context.

The Hon. R. C. DeGARIS: I do not think that I am quoting it out of context at all; I am saying that Davis and McLean broadly agreed with what I think happened in South Australia. This fact, coupled with several costly and inappropriate schemes, has added to the economic problems now facing South Australia. Although the present Government inherited these difficulties, it is not reasonable to cast all of the blame on to the previous Administrations, nor is it reasonable to cast all of the blame on to the policies of the Federal Government. The policies announced by the present Government when elected in 1979 were a reasonable prescription to improve the economic areas that were overlooked by the previous Administration. This prescription promised lower taxation, greater concern for economic expenditure, better surveillance of expenditures, the cutting out of uneconomic programmes, and greater reliance upon the private sector.

This very point, of course, marked the line of demarcation between the Liberal Party's economic philosophies and Labor Party's economic philosophies. Both major Parties recognise two sectors of the economy—the public sector and the private sector. The Liberal Party sees the public sector as being responsible for such things as law and order, the regulatory processes, and the supply of public services, with the private sector being responsible for the production of goods and providing what one might broadly term the growth factor in the economy. However, even in the Liberal philosophy the boundaries between the public and private sectors very often become blurred. In general, this short description will suffice for my purpose.

The Labor Party's philosophy shifts its line of demarcation more towards public responsibility in the growth side of the economy. The Liberal Party's belief is that, if the Government involves itself in the production and growth aspects of the economy, the diminished vigour of the private sector will produce a decline in the living standards of all in the community. The Labor Party believes that there should be a greater involvement of the State in those aspects. The Liberal Party sees the economy of South Australia as a coiled spring, held down by the weight of Government activity. If the dead weight of Government activity is removed, then the inherent force of the spring will be released, to the benefit of all in the community.

The Hon. J. R. Cornwall: Will you explain why that is fallacious?

The Hon. R. C. DeGARIS: I do not say that it is fallacious: it is my fundamental political and economic belief.

The Hon. J. R. Cornwall: Maybe in theory, but not in practice.

The Hon. R. C. DeGARIS: Also in practice. One only has to examine the economies of the world to find that, where there is a greater reliance on the private sector to provide the growth factor in the economy, there is a wealthier and more satisfied community.

The Hon. J. R. Cornwall: Such as Britain at present?

The Hon. R. C. DeGARIS: We can talk about Britain later, but what the honourable member must not forget is that Great Britain has gone through a very long period where the economic theories of the State were entering the growth sector of the community; it is very difficult to untie that.

The Hon. J. R. Cornwall: What about the United States? You are talking economic nonsense.

The Hon. R. C. DeGARIS: I do not want to get involved in that argument.

The Hon. J. R. Cornwall: You are talking such rubbish that I can't bear it.

The Hon. R. C. DeGARIS: I am not talking rubbish. If one examines any economy in the world, one will find that the highest living standard has been achieved by those

nations that have had greater reliance on the private sector to produce wealth, the growth factor in the economy, than have those economies that have had a very strong State influence in that sector of the economy.

The Hon. J. R. Cornwall: That is nonsense. What about Sweden? Sweden has the highest standard of living in the world?

The Hon. R. C. DeGARIS: If the Hon. Mr Cornwall does not agree with my economic philosophy, he has the right to show me where I am wrong. I am pointing out that the Liberal Party believes that the economy of South Australia, or any economy, is like a coiled spring and, if one can remove from that coiled spring the weight of Government activity, then the spring will react to produce a higher standard of living for everyone in the community. That is a fundamental belief that I hold.

The Budget before us predicts that the proposed $47 000 000 deficit on the revenue account will be balanced by a transfer of $44 000 000 of borrowings to the revenue account. The Government is trying to achieve the goal of reduced taxation immediately without achieving the necessary reductions in expenditure to go with it. One of the effects of this transfer of large sums of capital to revenue account will be upon the ability of the State to provide capital for infrastructure that may be quite crucial to the development that the State so desperately needs, and the financing of other building projects that can give an added fillip to a flagging economy.

It is my belief that the State should insist upon those who wish to develop the resources of this State playing a greater part in providing the infrastructure that goes with it. That is fundamental.

The Hon. J. R. Cornwall: As you know, that is happening in Queensland.

The Hon. R. C. DeGARIS: That is quite true. I will refer to Queensland later. There are three points that must be stressed. The first is that the Budget revenues may have been underestimated. This is not an unusual process, as Treasurers are conservative by nature so that the financial position at the end of the year may not be as serious as the Budget predicts. The second is that the Commonwealth Government may, before the end of this financial year, make further grants to the States which, following the Federal Budget, appears to be a possibility.

Some years ago there was a penalty in regard to States that used their own Loan funds for revenue purposes. I do not know whether that penalty still applies. Perhaps the Government may be able to inform me whether that is so.

The third point is that the Government is relying upon its policies creating an upturn in the economic activity of the private sector, which in turn will increase the revenues to the Treasury and increase employment in South Australia. The Government has, quite rightly, in its policies attempted to place a priority on the creation of wealth and is relying upon the capacity of the private sector for that creation.

If a Government unduly frustrates the private sector, it will eventually frustrate the creation of real wealth and the standard of living of everyone in the community. The question is whether it is possible to bridge the gap between the immediate reduction in taxation to encourage the private sector and the more gradual process in the reduction of expenditures.

By far the largest component in expenditure in the Budget is salaries and wages, and one only has to examine the large spending authorities in South Australia to see that more than 90 per cent of their expenditure is in that category. Together with this large component, one must also take into account the long-term committed and expanding expenditure in retirement benefits and superannuation. I predict that this area, whether a Labor or Liberal Government is on the Treasury benches, will cause a great deal of concern to the Treasury in the future.

If one examines the areas of increased expenditure over the past 15 years, one will see that the large percentage increases in Budget allocations are in the areas of the arts, environmental planning, industrial affairs, consumer affairs, community welfare, and education, of which salaries and wages are a large component of the actual expenditure.

The Hon. J. R. Cornwall: And health.

The Hon. R. C. DeGARIS: Health has not been expanded at all over the last 15 years in relation to the percentage of the Budget expended on that particular area. The Budget was about $250 000 000 15 years ago. If one takes the percentage of that $250 000 000 that was expended on health and compares that with the percentage expended in this Budget, one will find that there has been practically no expansion on the actual percentage of the Budget spent on health. Let me give a figure off the top of my head; it may not be accurate. Say in 1966-67 the percentage of the Budget devoted to health was about 10 per cent. The percentage of this Budget devoted to health is a shade over 10 per cent of the Budget. However, when one looks at education, arts, environment and planning, and so on, the expansion is of the order of 300 per cent to 400 per cent in the actual per cent being expended in those areas. In those areas, where there is a very heavy burden of actual salaries and wages involved, the expansion has taken place in regard to percentage expenditures of the Budget.

It must follow that, if policies are to be adopted to reduce taxation with a view to encouraging the private sector in the important role of wealth creation, then the Government must inevitably reduce its employment capacity. There is no other alternative. On the income side as far as the State Budget is concerned, a problem of a different type emerges. If the State follows policies to reduce taxation with a view to increasing the ability of the private sector to create wealth, the main beneficiary is not the State Treasury, but the Federal Treasury, with the expection of the gathering of mineral royalties. One can see here the great importance one must place in regard to this Budget on the exploration and exploitation of our mineral resources and our energy resources. Therefore, it is reasonable to assume that the Government's Budget proposal of using large sums of loan funds to balance a large deficit, is based upon the belief that the private sector can respond to the challenge thrown down to it. The real and tantalising question is, 'A response of what?' One could spend a lot of time analysing this particular question without reaching any clear conclusions. Suffice it to say, that, if the private sector can respond as Government hopes that it can, the immediate benefit to the State Treasury will be minimal, although the benefit in regard to employment in this State will be worthwhile.

The Government is taking an enormous gamble on its economic philosphy in this particular Budget. It is predicted that we would have soaked up over $80 000 000 of loan funds to pay for recurrent expenditure. During the period of the Labor Administration I was always critical of the transfer of loan funds to bolster recurrent expenditure but the transfers during the Labor Party's period were minor compared with the past 12 months and the proposals for 1981-82. As I pointed out earlier, part of the problem does lie in the fact that loan funds in this State have been wasted in regard to emotional and silly programmes on which there has been a capital loss involved in the State which must be picked up by future Governments.

The Hon. C. J. Sumner: Not $81 000 000 was lost.

The Hon. R.C. DeGARIS: Admittedly; but the loss on Monarto would be in the order of $10 000 000, maybe more, before it is finished.

The Hon. C. J. Sumner: That is not $81 000 000.

The Hon. R. C. DeGARIS: The loss on the Frozen Food Factory will be in the order of $5 000 000. The loss on the Land Commission will be several million dollars.

The Hon. J. R. Cornwall: There was no need of any demand on the South Australian taxpayer for the Land Commission Agreement, as you well know, not one penny.

The Hon. R. C. DeGARIS: I am being as fair as I can in the matter. What I am saying to you is that all the blame cannot be placed on previous Administrations. One cannot clear previous Administrations totally from responsibility for poor economic planning in their particular period.

In my opinion Parliament needs to consider a constitutional requirement that the Government, in its financial and economic measures, be restricted in its use of loan funds for recurrent expenditure purposes. Unless the Statute provides for this restriction, there is nothing in the future to prevent Governments, in a three-year period, from creating financial havoc by using almost all their capital and loan funds for recurrent expenditure. I recall the problems of the 1968-70 Hall Government and the need to find new areas of tax income to bring to balance the overspending of the previous Government on its revenue account. The point is that someone must eventually pay the piper. It is unfair that a succeeding Government has to implement tax and charge increases to meet the costs of a previous Government's financial policies. I suggest to the Council that Parliament needs to examine some statutory restrictions on the use of loan funds for recurrent expenditure. As I pointed out earlier, there was a penalty, as far as the State was concerned, from the Commonwealth. I do not know whether that penalty still applies. Perhaps someone can advise me on that matter.

The Hon. C. J. Sumner: How do you think the Loan Council is going to act?

The Hon. R. C. DeGARIS: I do not know what penalties are applicable.

The Hon. C. J. Sumner: $81 000 000.

The Hon. R. C. DeGARIS: I am not aware of what penalty applies, or whether any penalties apply at this stage or not. I know that 10 years ago there were penalties that were applicable to such particular matters.

The Hon. C. J. Sumner: What is the $81 000 000 in percentage terms for the two years in the total loan funds of that year? It must be about 25 per cent to 30 per cent.

The Hon. R. C. DeGARIS: No, it is less than that—it is about 19 per cent. This is the only State that is making large loan fund transfers to the revenue Budget. If one looks through the lists of what is happening in other States, one finds in Queensland $103 000 000 is going to be transferred from revenue to a special loan account called the Special Projects Programme, for specific capital works in Queensland. It is fair to say that all other States are making no transfers from loan to revenue. Queensland is transferring $103 000 000 the other way and Western Australia is making a contribution of $8 000 000 from revenue to loan accounts.

The mineral income from Queensland is about $79 000 000 a year and they are trasferring $103 000 000. In Tasmania there is a movement of about $3 500 000 from revenue to loan account. The Government is taking a gamble in this particular Budget that there will be removal of Government pressure on the coil spring of the South Australia's economy. I believe that the Government is taking a gamble in the hope that the private sector can respond to the challenge that has been thrown down to it.

I conclude where I began: although it is a gamble that the Government is taking, I believe that it is not a disastrous Budget; it is a sad Budget which is the culmination of many factors over 10 years in the economic management of this State.

[Sitting suspended from 5.56 to 7.45 p.m.]

The Hon. J. R. CORNWALL: I had originally intended to review all the areas of activity of health services in South Australia which are the responsiblity of the Minister of Health and the South Australian Health Commission. However, this is a major work and, to do it justice, would require several weeks preparation. Unfortunately, that time has simply not been available to me because I have spent the past four weeks engaged in a review of the voluminous evidence submitted to the Select Committee on Uranium resources and in the preparation of a draft report.

Because of time constraints I am unable to review the Health Commission's activities in detail or to produce definitive alternative strategies at this time. Therefore, I have decided to defer the project until a later date. I will be preparing an exhaustive review at that time and presenting it to Parliament on a suitable occasion early in 1982.

Implicit in that programme will be the development and release of policies as the alternative Minister of Health. This evening I must content myself with a brief review of the performance of the Minister of Health during the past 12 months. In addition, I will point out the overall problems, the approach and the gross disorganisation of the commission.

During the past 12 months the Minister has maintained her high political profile. Unfortunately, this has been accompanied by a dismal performance as an administrator in all the sensitive and important areas of her health portfolio. During the year we have been subjected to a plethora of press releases and media appearances.

These publicity statements and media performances have consistently been a misleading mixture of mendacity and motherhood. The examples that I have on file are too numerous to canvass in full. However, I will devote time to the Minister's statements concerning the changing health and hospital arrangements which began on 1 September. On 10 April this year a report by Stephen Middleton in the *News* was headed 'Free public hospital treatment safe here'. The report went on to state:

> Free public hospital treatment for uninsured patients will continue in South Australia. The Health Minister, Mrs Adamson, gave this assurance today as her New South Wales counterpart, Mr Stewart, warned that means tests might be imposed in that State. 'This Government has no intention of moving that way,' said Mrs Adamson. She said she was fully confident new funding arrangements between the States and the Federal Government would enable South Australia to meet its Budget commmitments in health while maintaining standards of patient care without the need for a means test.

By 1 May that position had been somewhat modified and in the *Advertiser* of that date headed 'Health switch boost to private hospitals' the Minister was reported, as follows:

> South Australia's Minister of Health, Mrs Adamson, stressed again yesterday that the State Government had made no decision yet on the Commonwealth proposals for cost sharing.

Following a meeting of Health Ministers in Canaberra on 8 May she again made a lengthy series of quite conflicting statements and in the *Advertiser* on 9 May she was reported as saying:

> The Commonwealth is trying to force the States into making unrealistic increases in hospital charges . . . It is clearly the Commonwealth's intention that its financial position, and not the States, will be improved by the increased charges.

By 25 May, when speaking at a national seminar on the Jamison Report, the Minister was the positive chameleon: it is interesting to note that the Oxford Dictionary describes a chameleon as a small lizard with a prehensile tail and a

long tongue capable of changing its colours. On that occasion the Minister was a positive chameleon! The address she gave was tailored for the audience as reported in the *Advertiser* on 26 May, because the report is as follows:

The Federal Government's future could be in jeopardy because of its dealings with the States. Mrs Adamson forecast political trouble for the Federal Government because of growing cynicism within the States towards the Commonwealth's attitude.

Less than one week earlier in the same journal she had stated:

A.L.P. talk about poverty cards is based on ignorance and malice.

On 9 July in the *Advertiser* we saw the headline 'Hospital rates to rise by 60 per cent.' It is interesting to contrast that with the Minister's statement a short time earlier on 10 April, when she stated:

Free public hospital treatment is safe in South Australia.

However, on 9 July she was reported as follows:

Mrs Adamson said the new charges would apply to all patients other than pensioners and disadvantaged people and their families after 1 September.

On this occasion and by this time, there was not one word of criticism of the Federal Government. Honourable members should contrast that with her statements just over two months earlier on 9 May, when the Minister had been highly critical of the Federal Government, and said, in fact, that it might lose office because of its attitude, or her outburst about A.L.P. talk of poverty cards being based on ignorance and malice. To use the Minister's own favourite words at that time, we were presented with what she likes to call a *fait accompli*. During this entire period I challenged her to clarify South Australia's position regarding the Commonwealth-State hospital cost-sharing agreement. The only consistent response I got to my claim that it was a binding contract between two sovereign Governments which bound them both until 30 June 1985 was as follows:

Dr Cornwall is ignorant of the facts.

On 4 August we had an announcement by the Minister that an interim agreement had been drawn up between the two Governemnts to modify the original cost-sharing agreement. On 2 September, the day after the Federal Government's new insurance arrangements began, we had a further statement that the agreement had been modified by an exchange of letters between the two Governments. Incidentally, the Minister has since consistently refused to table those letters for public scrutiny. She refused as recently as the day on which she appeared before the Estimates Committee.

Let me examine the tortuous and misleading smokescreen in perspective. For more than 12 months the Minister has been on record as an enthusiastic supporter of the so-called 'user pays' principle. She had supported it consistently in public, in Parliament, and at successive Health Ministers conferences. She has been an enthusiastic supporter of means testing of patients. This is the philosophy of the conservative Party to which she belongs, and she had every right to support it. But she had no right at all to mislead and confuse the people of South Australia.

Why did she state publicly on 10 April that free public treatment for uninsured patients would continue in South Australia? Why did she make this promise accompanied by an assurance that means tests would not be introduced in South Australia? What had happened was that the Minister had begun a carefully prepared plan, devised with political cunning, but devoid of compassion, to confuse and mislead the people of this State. Over a period of five months she moved through a series of conflicting statements and confusing rhetoric to her original position to which she had been idealogicially committed throughout the whole disgraceful exercise.

We finished up with means testing and we finished up with so-called health cards (the poverty cards to which only three months earlier the Minister had referred as a figment of the Labor Party's imagination based on ignorance and malice) and also with a massive increase of 60 per cent in hospital charges. There were many other disgracefully misleading performances by the Minister during the 12 months but her petulant politicking over hospital funding stands out as her worst. Hospital charges are expected to raise $40 000 000 in 12 months. What has happened is that the burden has been shifted as a flat rate private tax on the community at large to enable both conservative Governments (that is, the Federal Government and the State Government) to take this spending out of the Budget lines.

Finally, in the Estimates Committee the Minister was forced to admit what I had said from the outset. On 14 October she finally admitted (and this is reported in *Hansard*) the following:

I want to make it clear that legally and technically South Australia could, in law, continue to provide free hospital treatment.

That was the admission I wanted six months earlier. Why did the Minister not admit in April that that was a fact? Why did she not say to South Australians in April, 'South Australia could continue to provide free hospital treatment but it would be too generous and would upset our Federal Liberal colleagues and our Victorian counterparts'? That is what the Minister should have said, as it would have been the truth. Why did she not say, 'We are not going to upset them because we accept the "user pays" policy of the Federal Government. We are going to support means testing and increase hospital charges because that is the way the new conservative policy will operate'? Why did the Minister not say that right from the outset and avoid all the unnecessary confusion? The fact is that she was involved in the most torturous, misleading and mendacious way in laying a smokescreen to try to confuse and mislead the people of South Australia. Whether the new health scheme is the unworkable, iniquitous and inequitable monster that I believe it is, or whether it is the way health care will go in Australia, is a matter for political debate. We concede that completely. What is not debatable but certainly is crystal clear is that the Minister of Health, consistently, persistently and maliciously (and I think probably to some extent successfully) misled and confused the people of this State in a shabby political confidence trick.

Let me turn now to the South Australian Health Commission. No-one could possibly doubt the integrity and dedication of the great majority of the professional officers of the commission. There is only one major problem: their efforts are about as co-ordinated as the movements of a headless chook. Whether the unhappy marriage between the Hospitals Department and the Department of Public Health, which occurred in 1977, has ever been consummated is another matter for speculation. What is beyond doubt is that the commission is so poorly organised that its officers have become a self-perpetuating civilian update of Dad's Army. I will offer just two examples. The commission is said to be moving cautiously and with great care in the area of computerisation. However, it continuously gets its sums wrong. That is despite the fact that it has a a computer policy committee, a systems review board and a strategic planning team plus at least two firms of consultants involved in the operations. I would submit that it is Parkinson's Law gone mad in an administration allegedly committed to streamling the operation.

A self-perpetuating bureaucracy employing more than 25 people is concerned with data processing in the commission. A handful of experts liaising with officers using our hospital computers would get a relatively fail-safe programme mobile in half the time and at half the cost. Let us look at some of the other esoteric activities of this extraordinary body. I have attempted to collect just some of the publi-

cations recently produced by the commission. To date I have been able to collect no less than 85 codes, plans, studies, programmes, and surveys conducted by the Health Commission in the past two years, listed here at great length.

It would seem that half the forests of the South-East will be under threat if the commission continues to churn out paper in this way. However, there is only one problem: virtually none of these reports, codes, plans, studies, programmes and surveys have been acted upon or implemented. Let me give a classic example. In 1980 the commission produced a code of practice for fire protection and safety in health buildings. The Minister intervened on that one, because the safety recommendations were too harsh. It was handed over to the Minister of Local Government to be suitably diluted as part of the cost-saving programme.

Let us look at the quality and depth of some of the other publications. I have here a copy of what I believe is the daddy of them all. The short title of this finely bound tome is 'Camp Survey'. That is a title to titillate if ever there was one. It is a name to conjure up some strange thoughts indeed. On further examination of the front cover it turns out to be a survey of 130 camp or conference centres in South Australia. During a period of more than 12 months no fewer than 14 district health surveyors listed in the front of the document were employed from time to time in its preparation. It has produced some of the most remarkable trivia of our time. For example, I refer to one piece of almost completely useless information regarding crockery in one of the areas surveyed and I quote directly from the document as follows:

> At two camps crockery was provided at the camp. Where crockery was supplied it was either china or plastic.

I am sure that honourable members would be most interested to learn that. It is a matter of great interest and I am sure that my colleagues are also interested. The survey continues:

> Crockery was generally in good condition but at four camps some china crockery was found to be chipped.

That is quite remarkable. That book is not the Bible or a Somerset Maughan novel—

The Hon. J. E. Dunford: Or the graziers annual.

The Hon. J. R. CORNWALL: —or the graziers annual. Indeed, it is the original camp survey. During a period of more than 12 months—

The Hon. M. B. Cameron: Who set it up?

The Hon. J. R. CORNWALL: The previous Government set up the monster and I will concede that quite freely. It is a monster that has never worked, except for one short period of six months, during which it looked like having a chance to work. That was when Peter Duncan was the Minister. Far more importantly, during the period in which that outstanding person, Bruce Guerin, was the Chairman. He was considered by the present Minister to be tainted because he had had some association with the previous Administration, and he was removed in the biggest mistake of her political life. So, it goes on lurching along and producing these remarkable surveys. In June 1980 that survey was produced.

Members interjecting:

The PRESIDENT: Order!

The Hon. J. R. CORNWALL: I repeat what I have been saying for several months: nothing short of a Royal Commission can get this extraordinary outfit to work.

The Hon. M. B. Cameron: Not another one!

The Hon. J. R. CORNWALL: The Hon. Mr Cameron can interject as much as he likes, but I have been calling for a Royal Commission over a peiod of three months, long before the crisis that is going on in other areas was known publicly. Long before the complete and total incompetence of the Chief Secretary—and I mean complete and total incompetence because his general incompetence has been known for a long long time—became known, I called for this Royal Commission. This was three months ago, long before the terrible incompetence of the Chief Secretary had been widely spread abroad. Nothing short of a Royal Commission can get this outfit to work. Indeed, I would go further tonight and say that nothing short of a Royal Commission into the delivery and financing of all aspects of health care in South Australia can get us back into a satisfactory situation.

The Hon. J. E. DUNFORD: I want to take this opportunity in this, my Budget speech, to highlight the mismanagement of the Tonkin Administration.

The Hon. M. B. Cameron: Have you been to Kangaroo Island lately?

The Hon. J. E. DUNFORD: No, I do not like the place, or some of the honourable member's friends there. I know that generally members on the other side do not agree with my remarks, but if they are honest they will agree on this occasion. The performance of this Government will stand on the record books as the most incompetent and inefficient in the history of South Australia.

The Hon. M. B. Cameron: Are you reading your speech?

The Hon. J. E. DUNFORD: Yes; everyone else does, so why not take it easy?

The Hon. M. B. Cameron: Who wrote it for you?

The PRESIDENT: Order!

The Hon. J. E. DUNFORD: Only I could write this. In fact, it was only on Monday of last week—

The Hon. N. K. Foster: He beat his mates the other day for a 1 000 sheep and made $10 a head on them.

The Hon. J. E. DUNFORD: I want to get on and enlighten the Hon. Mr Cameron about a few facts. He is only trying to impede me in my effort.

The PRESIDENT: Pay no attention to him.

The Hon. J. E. DUNFORD: It was only last week when I attended a function with leading South Australian business men, trade union officials and a few Labor Party colleagues that Bob Hawke mentioned this Government. I think he spelled out in very clear terms what is going on when he said that there are Liberal Premiers in the other States with the same philosophies and attitudes as Mr Tonkin but that, whereas other Liberal Premiers such as Mr Bjelke Petersen, Mr Court and the Premier of Victoria had strongly criticised the Fraser Government for its lack of consideration of the plight of the States, the only supporter Mr Fraser seemed to have was Mr Tonkin. It seemed quite inconceivable to me that Mr Tonkin can support a Prime Minister when he, on 18 August this year, moved the following resolution in the House of Assembly—

The Hon. M. B. Cameron: Who said that—Mr Hawke?

The Hon. J. E. DUNFORD: Yes. He said that the Premiers in other States, irrespective of how reactionary they are, still put a case for their State and get results, to some extent, but Mr Tonkin just goes blindly along and licks their boots—except on one occasion that I want to mention.

The Hon. M. B. Cameron: Mr Hawke would be totally unbiased.

The PRESIDENT: Order! I think the Hon. Mr Cameron has had a good chance, since he has already helped the Hon. Dr Cornwall.

The Hon. J. E. DUNFORD: The Premier successfully moved the following resolution in the House of Assembly:

> This House expresses its grave concern at the effects of the continuing increases in interest rates. It recognises that in particular these increases are causing hardship for home buyers, small businesses and rural industries, and calls on the Federal Government both to contain further increases and to take immediate action to

minimise hardship caused to so many members of the community by the present rates of interest.

I congratulate the Premier on moving that resolution. If I had been a member of the Assembly, I would have congratulated him then, also. However, that is not consistent with his general attitude towards the Prime Minister of Australia—quite the contrary, as Mr Hawke pointed out. The impression I gained at the Monday luncheon was that the employers who have historically supported the Liberal Government are now becoming disenchanted with it. This is borne out by many newspaper reports, not only at State levels, but in interstate news reports, also. I would like to refer to a few of them in my contribution. The first appeared in the *News* of 10 September 1981 under the heading, 'Talk-back leaves Premier airsick', as follows:

Unable to shake off a heavy cold, Premier David Tonkin took a day off yesterday.

The Hon. J. C. Burdett: That was some time ago.

The Hon. J. E. DUNFORD: I am going to go back further than that.

The Hon. L. H. Davis: What date was that?

The Hon. J. E. DUNFORD: It was 10 September; you would have been away gallivanting somewhere. The article continued:

Some Liberals are wishing he had done it on Tuesday instead of appearing on a talk-back radio programme. Mr Tonkin's performance on the programme stunned many leading Adelaide businessmen, disappointed his Parliamentary colleagues and left the Opposition rubbing its hands with glee.

We were not rubbing our hands with glee; we were amazed, and we agreed with his honesty. The report continued:

He told the interviewer South Australia was a 'pretty sick' place, conceded people were leaving the State for greener pastures, agreed South Australia did not have the job opportunities that other States boasted and South Australia was 'not as good as most other States.'

It was honest stuff, but hardly the sort of admission one would expect from the man who hopes to reverse the situation. If the words were bad enough, Mr Tonkin's tone of voice was worse. He sounded tired, depressed and almost defeated.

I have seen men who have been elected to high office, secretaries of unions and the like who, when they take that attitude, are invariably defeated, if not at the polls, then by their own colleagues.

The Hon. J. C. Burdett: Rubbish!

The Hon. J. E. DUNFORD: We will see! The Minister says that what I have said is rubbish, but he is wrong.

The Hon. L. H. Davis: Is that what happend to Mr Lean.

The Hon. J. E. DUNFORD: I always abide by rank and file decisions, by the votes of the members of any organisations. I will be talking about voting tomorrow.

The Hon. L. H. Davis: Do you think Mr Lean should quit?

The Hon. J. E. DUNFORD: I do not know the circumstances. Unlike yourself, I do not involve myself in those sorts of things. Unless I know the circumstances, I certainly do not comment on them. Another article appeared on 6 October under the heading 'Budget cuts hit aid for the needy', as follows:

South Australian voluntary welfare organisations are finding it 'impossible' to cope with demands for assistance following cuts in the State Budget.

This statement was made by Mr Lance Powell, Executive Officer on that council. He maintained that, by dropping the social welfare support the Government was relying on voluntary services to fill the holes. This is indicative of the fact the Government believes that people should go out and work; the needy get nothing and the greedy get the lot. Mr Tonkin is living in the past in supporting Mr Fraser and now, with his cruel cuts in the welfare area, is relying on people who voluntarily give their services.

The next move, of course, was an expensive advertisement put in by (and I must congratulate him) Ian Fraser, General Secretary of the P.S.A. This full-page advertisement appeared in the *Advertiser*. It sets out the number of jobs lost, the services lost right across the board, and, in only a few lines, states:

Public Service morale is at rock-bottom. Preliminary results of a survey now under way show:

58 per cent of Government workplaces had vacancies they are prevented from filling;

67 per cent reported that services to the public are seriously affected by staff shortages; and

32 per cent have difficulty taking leave due to staff shortages.

Many departments report public concern due to delays and reduced services.

The advertisement then refers to the jobs lost in the Public Service, and the fact that 1 600 more will be lost because of this Budget. The next proposition that I will refer to did not come from a socialist Party. It did not come from the Labor Party, the Communist Party or any other political party. In the *Sunday Mail* of 11 October 1981, an article, under the headline, 'Tonkin warned: State is in a mess', stated:

The State Liberal Government was yesterday blasted for 'inactivity and bungling' and warned that there was a real danger of its losing office. The blistering attack was delivered by Young National Country Party South Australian President Maryanne Tiller.

Speaking at the inaugral conference of the Young National Country Party (South Australia) at Hahndorf, Miss Tiller said South Australia was 'in a mess' 'People rape, bash and murder as their frustration and hoplessness increases,' she said.

'We have the highest unemployment figures in the country. Too many of our youth, the cream of our future, are unemployed, unhoused, lacking in education. Too many of their parents are frightened and depressed.'

She said the present State Government seemed unable to come to grips with the State's problems and arrest a slide. 'Too much time is wasted on *ad hoc* band-aid measures which achieved too little,' she said.

'There is a real danger that this present Government will lose office at the next election. I believe South Australians are fed up and frustrated with their lot and looking for strong, stable government which is prepared to come to grips with the problems we are facing.'

I believe that can only be achieved through a Labor Government. In the *Sunday mail* of 24 May, Mr Tonkin promised lower taxes. He said that was on the way, but we all know what has happened since May.

The Hon. R. C. DeGaris: What has happened?

The Hon. J. E. DUNFORD: Taxes and State charges have increased. The Hon. Mr DeGaris's speech today was very interesting. He said that every other State has been able to contribute to the loan fund, but this Government has taken $80 000 000 out. As I have said many times, if a union started taking money out of its accumulated wealth without replacing it it would soon collapse. That is exactly what this Government is doing. When the Labor Party was in Government it conducted its affairs in a proper manner, yet we were continually attacked by the then Liberal Opposition. It was disappointing to hear the Hon. Mr DeGaris say that this is a sad Budget because of the previous 10 years under a Labor Government.

The Hon. R. C. DeGaris: I said that the Budget was sad.

The Hon. J. E. DUNFORD: The Hon. Mr DeGaris said that it was a sad Budget. It has not been a good Budget. The Hon. Mr DeGaris is simply turning the words around.

The Hon. R. C. DeGaris: A sad Budget can be a good Budget.

The Hon. J. E. DUNFORD: The Hon. Mr DeGaris said that every other State had contributed to the loan fund and that this State was an exception. This State cannot carry on without borrowing $80 000 000 from the loan fund. I have a copy of the Hon. Mr DeGaris's newsletter, which exposes huge increases planned right across the board. That newsletter, which I have not included in my speech, indi-

cates that we will all be more than sad because of this Budget. Like most Liberals, the Hon. Mr DeGaris is afraid of being dealt with harshly by his Party. He has been dropped to the back bench: he does not want his head to roll, and I understand that. The Hon. Mr DeGaris said that it was a sad Budget and I am prepared to accept that he meant that it was a bad Budget; however, I will not press that point.

Mr Tonkin, like his great Leader Mr Fraser in Canberra, has not been truthful and he has not carried out most of his promises. I have received a letter dated 28 September which quite clearly sets out this Government's attitude to pay-roll tax. It demonstrates how untruthful and dishonest the Government has been in relation to pay-roll tax exemptions. The letter states:

> I am writing to bring to your attention one of the major features of the 1981 South Australian Budget which will affect small business. In a departure from past practice, the State Government has not increased the general pay-roll tax exemption this year. The exemption has been frozen at the 1980 level, which had the effect of exempting from tax annual pay-rolls of less than $84 000. While the exemption has not been increased by Mr Tonkin, the 1981 Victorian Budget lifted the pay-roll tax exemption in that State to $125 000. In the New South Wales Budget, the exemption was increased to $120 000.
>
> Under previous South Australian Governments, the general pay-roll tax exemption was kept in line with the Victorian exemption in order to help local small businesses remain competitive. Now, a business in S.A. with a pay-roll of $150 000 will pay 164 per cent more tax than a business of similar size in Victoria. A local business with a $200 000 pay-roll will pay 29.8 per cent more tax than a similar business in Victoria. The South Australian Budget forecasts a 14.7 per cent rise in pay-roll tax collections this year but little increase in employment, indicating that the increased value of pay-rolls will produce the extra revenue.

This Government was going to assist small business and pay it back for its support in the last election, but the difference between South Australia and Victoria is now about 164 per cent, whereas previously it was line ball.

I feel it would be remiss of me if I did not add my voice to the demonstrations, letters to the press and the protests of people who have had to leave their homes because they cannot meet their mortgage commitments as a result of rising interest rates. I believe that the Premier and members of his Government who have given great support to Malcolm Fraser must feel more than a little ashamed about this particular broken promise of Mr Fraser. On 21 November 1977, Mr Fraser said:

> Once the election is over we will start to move to the consumation of a 2 per cent reduction in interest rates and that means about $500 a year for someone on an average home loan.

In August 1979, the interest rate on a $30 000 loan was 8.75 per cent, and the repayment was $242 a month; in April 1980, the interest rate was 9.25 per cent and the repayment was $264 a month; in July 1980, it was 10 per cent and $273 a month; in December 1980, it was 10.5 per cent and $285 a month; in June 1981, it was 11.5 per cent and $305 a month; and in August 1981, it was 12.5 per cent and $328 a month. That shows what has happened during two years of Liberal Government in this State. The interest rate has increased from 8.75 per cent to 12.5 per cent, and the repayment has increased from $242 a month to $328 a month. Those figures relate to the lowest bank interest rates for finance and not to bridging finance.

That is the shameful history of the Federal Government, and it affects the State Governments. The Federal Government has control over the bond rate and the State Governments have control over the co-operatives. I would be remiss if I did not bring this matter to the attention of the Council. It is just not good enough that the Premier of this State moved a resolution in the House of Assembly and hopes that that will satisfy the people of South Australia. We in South Australia, for the past 30 years, have had strong, forceful Premiers who went to Canberra to put South Australia's case. Of course, honourable members would know that I refer to Sir Thomas Playford and Don Dunstan. That is why I believe that the sooner there is a change of Government and John Bannon becomes the new Premier of the State, the better, because he will then be able to go to Canberra with his forceful debating capacity and personality, as was shown at his recent meeting with Mr Wran. Honourable members must agree that Mr Bannon did a good job in regard to the State's water resources. He will be able to save a very important industry in this State—the building industry.

The Hon. J. R. Cornwall: Burdett is feeling sick, and the longer you go on, the worse he feels.

The Hon. J. E. DUNFORD: I must admit that he has some conscience, although only a little. That industry will be saved only when high interest rates and building materials are kept at reasonable levels for certain periods. We just cannot have interest rates increasing two or three times a year and expect people to go into business to build houses. The houses will not sell, because of interest rates. Everyone in this Council who has been associated with industry knows that the building industry is the key to any economy. The Hon. Mr Laidlaw will agree with me that, when the building industry prospers, his cement works and his quarry industries prosper, as do the steel industry and the manufacturing industry, because people will need electrical goods, floor coverings, furniture, and so on. Until South Australia has a Premier who can tell the Federal Government at the Premiers' Conference that South Australia does not need uranium mines but houses—

The Hon. L. H. Davis: Is this the official policy?

The Hon. J. E. DUNFORD: It is the policy with which most people outside in the real world would agree, and those people will be kicking the Government right down where it belongs. The honourable member will end up back in his accounting firm, counting money. We must build roads so that the State can get off the ground again.

The Hon. L. H. Davis: Is that Labor Party policy?

The Hon. J. E. DUNFORD: If it is not, it should be. I cannot tell the honourable member too much; he will become too smart. I believe that I have the support of many members opposite (although I must exclude Mr Leigh Davis, because his support would not be needed and would be hopeless) in regard to the proposition that the key to South Australia's advancement is more homes, more jobs, lower interest rates and, when interest rates rise (if they have to rise), a moratorium for at least 12 months on those interest charges.

Australia is one of the few Western countries that does not at present provide relief for home buyers by way of tax deductibility of mortgage interest. Such a scheme was introduced in 1974-75 by the Whitlam Government but was abandoned in 1978 by the present Liberal Government. The British Government provides full tax relief to home buyers by allowing rebates for interest paid on mortgages up to £25 000 for the purchase or improvement of the borrower's principal residence. People borrow, paying tax at the basic rate of 30 per cent and a mortgage interest rate effectively reduced from 15 per cent to 10 per cent as a result of the tax concession record.

I would now like to mention how interest rates are affecting my friends in the rural industry, not people like Mr Dawkins, who had a farm left to him, or Mr DeGaris, who has been a rich man all of his life and who receives a huge benefit from sitting in the upholstered seats in this place. I refer to the people in rural industry who are small farmers or who are trying to extend their property and who are paying interest. Quite regularly, I receive the *Farmers and Stockowners* journal, and for once I have noticed something

of interest in that newspaper, which I have been reading for many years.

The Hon. Frank Blevins: You have been mentioned in it.

The Hon. J. E. DUNFORD: Yes, I have. An article in the October issue under the heading, 'Interest rates are ruining the industry', stated:

> Record interest rates are bringing farming world-wide to the edge of bankruptcy. This was the conclusion drawn by the national farm leaders from 15 of the world's most important agricultural countries. The farm leaders constituted the International Federation of Agricultural Producers executive committee.
>
> Following a recent meeting, the IFAP executive said the biggest problem in farming today was access to capital and financing agricultural borrowing. In Canada and Denmark, for example, foreclosures were increasing sharply. Modern farming had become a capital intensive industry, requiring more capital a unit of output than the manufacturing sector. But, while industry could raise capital through share issues and thus spread the risk, in farming the burden of financing was heavily concentrated on the farm family alone.

I know that from my own experience. It continued:

> In most countries farmers were borrowing not to invest in future production but simply to face day-to-day commitments. This combined with record interest rates (15 per cent in Sweden, 18 per cent in the United States, 21 to 24 per cent in Canada) was causing a long-term decline in the farming sector.

The same position has applied to Australia. I support the Bill.

The Hon. FRANK BLEVINS: I, too, support the Bill before the Council; at least, I certainly support its passing the Council, without anyone having a kind word to say about the Budget. However, it is the Government's Budget, and the Government has a right to draw up a Budget and not have it interfered with in this place.

The Hon. R. C. DeGaris: Will this be your maiden speech?

The Hon. FRANK BLEVINS: I seem to recollect that someone said something similar on at least one other occassion. I believe that the most significant thing that one can point to in this Budget, and it is something that has been referred to by all members on this side who have spoken and even by some members on the other side, is the use of loan funds to pay day-to-day recurring expenses.

That means, in effect, that we are living on borrowed money to pay our normal day-to-day recurring costs and saying that someone in future will have to pick up that bill and pay off those loans. The morality of that is questionable, to say the least. The Government has found this method of trying to balance the books necessary because of the slowing down of the South Australian economy. Indeed, it is slowing down alarmingly. Every indicator points to that. The representatives of the Chamber of Commerce have stated on the air that the slight improvement in the past two quarters has now come to a halt and that we are now back on the slippery road down.

A significant reason for this was the stupidity of this Government in abolishing succession duties in its first year of office. I am certainly not one to advocate that the Government should go back on its election promises, but this Government could have phased out succession duties over a three-year period. It would have kept itself within its promises and would also have raised some finances for the State, thus enabling it to balance its Budget and not put the State in hock, resulting in someone else having to pay at a later date.

The question of succession duties is indeed a vexed one. There are many and varied opinions on the morality and effectiveness of succession duties, although they certainly raise some finance. Indeed, this finance was raised almost entirely from people who were able to pay.

It is true that the Labor Party lost a propaganda battle over succession duties. Although I believe that those duties can be justified both morally and as a financial measure to assist the State Treasury, the Labor Party lost that battle. Succession duties were apparently considered to be a complicated form of revenue collection, and it was difficult to get over to the majority of people the message that they would not have any effect at all on their estates.

I have here some figures from a survey of all the States assessed in the period from 1 October 1978 to 31 December 1978. This survey was an internal study conducted by the State Taxation Office from its own records. During the relevant period 2 172 estates were assessed and $3 570 000 in succession duty was paid. I seek leave to have inserted in *Hansard* without my reading it a statistical table giving the detailed findings of that survey. I assure the Council that the table is purely statistical.

The ACTING PRESIDENT (Hon. M. B. Dawkins): The honourable member can assure the Council that the table is purely statistical?

The Hon. FRANK BLEVINS: I have already done so twice, Sir.

Leave granted.

DETAILED FINDINGS OF SURVEY

Duty Payable	Number of Estates	Proportion of Estates Per cent	Duty Paid $	Proportion of Duty Paid Per cent
None payable	1 387	63.86		
Less than $500	243	11.19	1 170 000	32.7
$500 to $1 000	92	4.24		
$1 000 to $5 000	286	13.17		
$5 000 to $30 000	146	6.72	1 680 000	47.1
More than $30 000	18	0.83	720 000	20.2
Total:	2 172	100.0 Per cent	3 570 000	100.0 Per cent

The Hon. FRANK BLEVINS: I thank the Council. As a brief study of the table will show (and people will be able to draw conclusions from the survey), the major conclusions were as follows: the great majority of the estates (in fact, 63 per cent of all the estates) paid no succession duty at all. Clearly, the average person was not adversely affected, despite claims to the contrary.

Another 11 per cent of estates paid less than $500 duty. So, three-quarters of all the estates during that period paid less than $500. Some 18 very large estates paid $30 000 or more each in duty, and those estates comprised 0.8 per cent of the estates in the survey. So, 18 very large estates paid one-fifth of all succession duties collected in this period, a total of $720 000 having been paid on those estates. The abolition of succession duties by the Tonkin Government benefited relatively few South Australians, and the few that it did benefit were very well able to stand the cost of that tax-raising measure.

The Hon. R. C. DeGaris: Do you think that the Labor Government will reintroduce them?

The Hon. FRANK BLEVINS: Time will tell on that. On the other hand, many State taxes and charges were increased to finance the abolition of succession duties, and those charges are being paid by everyone, irrespective of one's financial ability to pay.

I suppose that I should enlarge a little on the question that Mr DeGaris put to me, namely, whether the Labor Party would reintroduce succession duties. I am not a fortune teller, so I cannot answer that definitely. However, if I have any influence on the Labor Party, some form of capital taxation will be reintroduced in Australia. Whether

it is a Federal or a State measure remains to be seen. This country can no longer be, and should not go on being, the only developed Western country that does not apply some form of capital taxation. The sooner that is done, the better it will be, as far as I am concerned. It is economically wise, and it is the moral thing to do.

The constant uninterrupted accumulation of wealth by a very small minority in this country is, in my opinion, quite immoral. The converse of that is that certain finances must be raised, and they are raised by the p.a.y.e. system through increases in sales tax and measures such as that with which we will be dealing later this evening, namely, the Stamp Duties Act Amendment Bill.

Everyone must pay those taxes, irrespective of his ability to pay. To me, that cannot go on, and I think that the cavalier days of Liberal Conservative Parties getting away with that kind of measure are over. The Australian public is gradually waking up to that kind of taxation, where absolutely no consideration is given to a person's ability to pay.

So, in reply to the Hon. Mr DeGaris, I state that there will certainly be some form of capital taxation in this country before too long. I am not prepared to say what the exact mechanisms of it will be, because I do not know; however, people will demand it, and will have every right to do so.

I had intended to speak for only three minutes, but the interjection by the Hon. Mr DeGaris has resulted in my speaking for an extra minute. I refer again to succession duties, on which I have a little more information, which anyone who takes the trouble to read this will be able to see. In the period to which I have already referred, only 26 of the 164 estates paying more than $500 in duty were in the rural sector, where hardship was alleged to exist in relation to succession duties. Of the 26 estates, six had a net value in excess of $200 000.

That is a large net worth by any standards. There were nine non-rural estates with a net value of $200 000 or more, and another 32 estates between $100 000 and $200 000. The largest non-rural estate paid $47 000 in succession duties. Those figures give the lie to the oft-claimed statements of members opposite that in some way or other rural estates were particularly hard done by under succession duties.

As I said, I believe that the Legislative Council has only a limited role to play in dealing with State finances, and I certainly do not intend to go on and criticise the Government any more than is absolutely necessary, because I believe that the Government has the right to bring down a Budget, however horrendous. Although I suppose there is some question about this, I believe that the Government has the right to use loan funds for recurring expenses and to leave the repayment of those loans for someone in the future.

To me, that is immoral, but I find it hard to believe that it is illegal. This Budget shows the clear attitude of the Government: it is going to be a one-term Government; it will have control of the Treasury benches for three years only. The Government knows that and, in effect, it is making hay while the sun shines. What it will do in those three years, and this Budget is a good example, is to empty the Treasury. Not only will it do that but it will also put the State in hock for many years to come. It will have paid back, to some extent, the people who financed it at the last election, and the people of South Australia will be paying, through disguised taxation, the hidden charges that are continually increasing.

When the Labor Party returns to the Treasury benches after the next election, the Labor Party and the Labor Treasurer will have to find some means to repay the loans that this Government has used to pay its recurrent costs. The electorate and not this Council will decide the wisdom of this Government's action. I have every confidence that that electorate will dispose of this Government in a proper democratic manner, and that it will do it at the first opportunity—it will do it so that there is no mistake at all. In supporting the passage of the Budget Bills, I hope that they pass through this Council as speedily as possible.

The Hon. N. K. FOSTER: I support the Bill. Before dealing with some of the more serious matters facing the State as a result of the election of the Liberal Government in 1979, I would like to place on record in this Council my disappointment that Professor Geoffrey Harcourt has decided to leave this State, as reported in the *Advertiser* on 16 October. Professor Harcourt has been an outstanding Australian and a most outstanding South Australian: a person with a ton of guts, a great deal of courage, a man who has made a great effort for his principles, and a man who has made a great commitment to his ideals. Professor Harcourt has not sought the limelight as have some of us who have considered ourselves to be militants, but he rose to the great challenge of the late 1960s, when this country was involved in an immoral and improper war at the behest of a Prime Minister who misled Parliament by way of telling untruths. There is much on record and in the literary world today to attest to that fact.

Geoff Harcourt is the type of person who, when one has been in his company (and I have not been in his company as much as others in this place), leaves one feeling that one has been in the company of someone that one has liked. He will be missed on the South Australian scene. Certainly, I will miss his snippets from time to time on current and controversial matters in various fields. I have always regarded him as a man who wanted to help smaller organisations and the smaller bloke.

I refer to the time when, as a trade union official, he approached me in support of a young man who had wanted to undertake some form of industrial study. I was asked to give him a hand and point him in the right direction. Such was his understanding of those who sought to acquaint themselves with the way of the world that he helped a whole host of people throughout the State.

The Hon. R. C. DeGaris: Where is he going?

The Hon. N. K. FOSTER: Back to Cambridge. He made his mark at Cambridge, as the honourable member knows. The report states:

> 'I'm going because of the pull of Cambridge, not the push from here,' he said. 'Adelaide University has been a stimulating and congenial environment, and in many ways I'm sad about leaving.' Professor Harcourt, who was a major figure in the campaign against Australian's involvement in the Vietnam war, describes himself as a Christian socialist.

He is going back to Cambridge and hopes to do a great deal of work associated with developments in post-Keynesian economics. He is an economist, and his views have been widely sought out and put before the public in this State for a number of years. Certainly, it would be remiss if a member on this side of the Council representing the broad spectrum of the people in this State, particularly during the period of the impact of his words and thoughts (the late 1960s and 70s), did not place on record some recognition of his contribution.

I feel much trepidation now in seeking assistance in the Parliamentary Library from probably the two most overworked research officers in this State.

The Hon. L. H. Davis interjecting:

The Hon. N. K. FOSTER: The Hon. Mr Davis just runs into the Chamber from outside and laughs. You are a real bastard in a lot of ways: you do not know what I am talking

about, and to come in like that is something you ought not to do.

The ACTING PRESIDENT (Hon. M. B. Dawkins): Order! I think the honourable member on his feet should address the Chair and ignore extraneous noises.

The Hon. N. K. FOSTER: I do not think it is always right to put down your own Party blokes, Mr Acting President, but I think you were justified to do so on this occasion. The Council is indebted to you. Might I say to Mr Davis that, if there were no more queries or research requests by members of this Council during the rest of this Parliamentary year, there is more than enough work on the desks of those research officers to take up all of their time. I suggest to the Hon. Mr Davis that he ought to be aware that there has been a 250 per cent increase in the work load of those two officers over the past 2½ years.

I have never been one to delve into figures but such is their workload that I find it difficult to ask those two people to research anything for me. I mentioned in the Council the other day the matter of alleged police corruption. I referred to two *Advertiser* reporters for whom I have the greatest regard and whom I envy. They have at their disposal and their fingertips a far greater ability for research than have members of this Council. I note that Mr DeGaris is nodding in assent. Frank Blevins said quite correctly a few moments ago that it is not the role of this Chamber to have a great deal to do with money Bills that come before this Parliament. The role this Council plays has to be minimal because it is not the popularly elected House. However, the line has to be drawn somewhere.

A matter that has concerned me over the last 12 or 18 months is that the Council has been denied the funds necessary to allow it to function in the manner in which it ought to function in the interests of electors of this State. When the Council considers setting up a Select Committee and knows full well that the reason the proposal is not being accepted is that of insufficient funds, it is not good. The Attorney-General is a member of the razor gang—the little fellow with the axe. He ought to pay due regard to the fact that, although he is small in stature, he ought to be very big in respect of the fact that Parliament has a function. There has to be a recognition in this place and in the House of Assembly in regard to money spent on the Parliament of this State. Only a small amount overall has been allowed in the Budget this year and over the previous 20 to 40 years.

The Hon. R. C. DeGaris: It is .2 per cent.

The Hon. N. K. FOSTER: I thank the Hon. Mr DeGaris for that information. I thought that it would have been at least 50 per cent more than that. I accept that it is only .2 per cent of the Budget, which is less than what local government gets.

The Hon. R. C. DeGaris: It is .23 per cent to be precise.

The Hon. N. K. FOSTER: That is near enough and I thank the honourable member for that interjection. If we look at local government today, nothwithstanding the fact that it gets its rightful share of the economic tax federally initiated by a previous Government, we find that it has become more greedy. The hierarchy that local government has built around itself is quite incredible. If one looks at the explosion in the tertiary area of local government staff one finds that it is quite astonishing. Mr Bland scurried away from defeat when he was head of the Commonwealth Department of Labour and National Service because he was the person federally who said that the tertiary area had to be paid for and recognised. People coming out of university had to be paid more than the person who had sat at his desk for more than 20 years, and that is how it all started. I home in on local government because its rates are going higher and higher. It is embarking into the area of loan funds and is kicking the Federal Government.

Businessmen do not give a darn about people wheeling shopping baskets through the supermarkets. This State has the highest prices in Australia for dog and cat food. I have noticed that the commericals on television for dog and cat food come on before the advertisements for food for human consumption. If one looks at the prices and the turnover of the stores, one can see that they make a grab at the pensioners who can ill afford the luxury of keeping a dog or a cat. Why does the Minister not earn his $48 000 a year? Why does he not do something about the people being ripped off? If he comes with me on Saturday morning to a store in the eastern suburns I can show him cucumbers that are withered. They are a dirty yellow brown colour. The turnover of the store is something like $100 000 000 a year and goods for sale have been on the same stall for months.

The Hon. J. C. Burdett: Why don't you make a complaint?

The Hon. N. K. FOSTER: I did when Mr Banfield was Minister and he did nothing more than you would do. Potatoes are shrivelled up and carrots are 50 years old.

The Hon. J. C. Burdett: You make a complaint in writing to the department.

The Hon. N. K. FOSTER: No. I will not make a complaint in writing. You have sacked all the people who should be the watchdogs in that field. What is the use of complaining? Someone from the Minister's department rings up the store, which then takes the goods off the shelf, puts them in the freezer and brings them back on Monday.

Members interjecting:

The Hon. J. A. Carnie: Entertainment value.

The Hon. N. K. FOSTER: It is not entertainment value. The Hon. Mr Carnie was in an industry that had a right to a 48 per cent mark-up.

Members interjecting:

The ACTING PRESIDENT: Order! There are far too many interjections. The Hon. Mr Foster has the Chair—rather, he has the floor.

The Hon. N. K. FOSTER: No Sir, you have the Chair; I have the floor and members opposite have nothing. I refer to the infamous gang of three. One of its members just scurried from the Chamber and left five of his mates to carry the can. What has this Government achieved in terms of reducing the highest suicide rate among the young people in this State since it has been in office?

What has this Government done about the migration away from this State of the people forced to leave home and family in search of a job? What has the Hon. Mr Hill done about the housing needs of young people? Nothing! The Government has done absolutely nothing! When one looks at the Budget papers one sees a great reduction in the amount of money to be paid to consultants in the coming year. I should think that they ought to be paid less, because when the Government and its razor gang saw how well paid those people have been for offering their help, both monetary and by way of votes for the Liberal Party, they said, 'Those mugs in the Labor Party are even going to see that', and cut the amount back.

One can go through the Budget papers and the yellow books and see the amount of money that consultants have ripped off the taxpayers of this State. It is an absolute scandal! No wonder Mr Griffin sneaks in from the back door, where he has been smoking his cigar, to listen to me. That is one area in which I commend the razor gang for its action. Of course, the Government did not redistribute that amount of money; it has made the State, as the Hon. Mr Griffin indicated, so reliant upon loan funds that it was not prepared to do that. I conclude—

The Hon. L. H. Davies: Hear, hear!

The Hon. N. K. FOSTER: I will go on for longer if the honourable member keeps that up. I am glad that the Hon. Mr Davis did not start on me, because I would have told him some home truths. It is the policy of the A.L.P. to abolish this Chamber. To do that it has to win a majority in this Council first, and then get a measure through Parliament to take the abolition measure before the electorate in this State. From memory, if I have read the Constitution properly, you have to get about 60 per cent of the vote.

The Hon. R. C. DeGaris: No.

The Hon. N. K. FOSTER: Fifty per cent, is it?

The Hon. R. C. DeGaris: Fifty per cent, plus one.

The Hon. N. K. FOSTER: To me, that is 50 per cent of the vote to get rid of the Council. I have been here for six years now, getting on for seven. I have noticed while walking around the place in the past few weeks that a great many changes have occurred. I think it is fair to say that I will get out of this place as soon as Dr Tonkin calls an election. Those members who are remaining here ought to take stock of what has been happening. It has started, and honourable members are in little offices on the other side of the building. There are attempts to dominate this Parliament. I think it is time we called a halt to them. It started with a consolidation of pay, but it has gone further than that.

If honourable members look around they will find that little by little the rights of this Chamber to be an independent entity have been whittled away. I will say no more than that, at this staged. I leave it to other members of this place, who have a greater love for it, and perhaps, to be fair, a greater understanding of what they think its role ought to be, to pay some heed to what I say in this respect. It would perhaps be wrong of me to go any further than that at this stage. When I first came into this place one had the respect of the staff and one never heard any conversation from the staff in those days that they were disgruntled or were perhaps not as fairly treated as they ought to be. However, such is not the case today.

I am not ashamed to say what I am going to say now. I am just ashamed that I heard it. Not so long ago I attended the funeral of a person from this place who gave good service and worked here during the time when he was sicker than he thought. He left this building and died that evening. I had known that man for some time. I attended his funeral. Also attending the funeral were his immediate colleagues. I was asked by a clerk of the Assembly not to allow colleagues to speak to his widow—absolutely unheard of! It was a clerk of the Assembly who said that; I make that clear in fairness to other other clerks of the Parliament, and the most senior one at the moment—I do not have to mention his name. I thought that that was a terrible thing to have to listen to. Inherent in that, of course, is that certain people within the Parliament and on one side (not this side) think that they ought to dominate the whole place. That is not good enough. One still hears complaints from staff about matters in which the Joint House Committee constitutionally has had a role to play. Tomorrow at a meeting I will make my position clear, having sat there almost passively since 1975.

The Hon. R. C. DeGaris: I can't imagine you sitting passively.

The Hon. N. K. FOSTER: I have been sitting passively in a Select Committee for about three weeks. I see that the face of the Hon. Mr Cameron has gone scarlet, and he has not been out in the sun all day, either—very scarlet! When members of a Select Committee divide amongst themselves and skulk behind doors over matters that are of some concern to the whole committee, I tend to get disgusted, but this is not the place to take that further at this stage, as the Hon. Mr Burdett knows, and as the Hon. Mr Davis knows. What is the matter, Martin?

The Hon. M. B. Cameron: Nothing, just carry on.

The Hon. N. K. FOSTER: I understand that the business people of this State are sick and tired of Tonkin. They want to get rid of Dr or 'Mr' Tonkin, as he likes to be called.

The Hon. R. J. Ritson: What rubbish!

The Hon. N. K. FOSTER: Not rubbish, doctor. You sit in this place listening to your heart murmuring away contentedly, but you are not listening to the rumblings outside. You know that the Liberal Party wants to dump the doctor as leader, but when they looked around 12 months ago they loved him, but now they detest him. He has done his dash out there; he is no longer the white-haired boy. He is in trouble, serious trouble! Members of the Liberal Party ask. 'Whom do we get? We wouldn't have Griffin if he was in the Assembly: we certainly couldn't get him while he is in the Upper House.' They can get no further than the Deputy Premier, Mr Goldsworthy, and they said, 'We can't have him on!'

The ACTING PRESIDENT: Order! The honourable member should come back to the Bill and not refer to personalities.

The Hon. N. K. FOSTER: It is costing the State a lot of money to keep the Hon. Mr Brown and the Premier there, so I think I can talk about the money. If you don't like the speculation of a back-bencher in this State, I suggest you press the little buzzer that will bring the President hurrying back into the Chamber.

The ACTING PRESIDENT: The honourable member will stick to the Bill.

The Hon. N. K. FOSTER: I can talk about you for 10 hours and stick to the Bill, because you are getting paid from the Bill, so don't start any nonsense about the Bill.

The ACTING PRESIDENT: The honourable member will resume his seat.

The Hon. N. K. FOSTER: Are you going to say I'm having a go at the Chair?

The ACTING PRESIDENT: The honourable member will stick to the matter before the Council. There is no way that personalities come before the Council.

The Hon. N. K. FOSTER: It is a bloody Budget Bill, man, wake up. I can speak about anything on a Budget Bill.

The ACTING PRESIDENT: Order! The honourable member will resume his seat. The Hon. Mr Foster will withdraw that word.

The Hon. N. K. FOSTER: What word?

The ACTING PRESIDENT: The Hon. Mr Foster knows very well what word.

The Hon. N. K. FOSTER: I do not. Be a bit fair, mate.

The ACTING PRESIDENT: I will not ask the honourable member to rise again if he does not withdraw.

The Hon. N. K. FOSTER: What do you want me to withdraw, Mr Acting President? Tell me for Christ's sake, and I will.

The ACTING PRESIDENT: The Hon. Mr Foster used the word 'bloody' and it is not Parliamentary. He also referred to 'Christ', and that is not Parliamentary, either.

The Hon. N. K. FOSTER: All right, Mr Acting President, I will withdraw those words from this august Chamber. Does that satisfy you, Mr Acting President?

The ACTING PRESIDENT: That is about all I can expect from you, Mr Foster.

The Hon. N. K. FOSTER: I bow to your wisdom, Mr Acting President, but those words are not offensive to me. I do not believe they are offensive given the context in which they were used. Those words are used every day. You should not continue to live in the eighteenth century, Mr Acting President, because it does not become you, and

you should have more brains if you think that it does. There are splits and divisions within the Liberal Party Cabinet and they are showing. A group of three Ministers dominate that Cabinet. A group of three Ministers dominated the Cabinet in the previous Government. When I said that in this Chamber I was not criticised, but now that I have mentioned that it is happening to this Government, members opposite are castigating me.

The Government should never believe that it has an exclusive right to be approached by members of the public. That attitude by the Government has been very evident over the last two weeks. The Government has criticised Duncan, Bannon and every member of my Party. Last week the Attorney-General made a statement in relation to a matter of concern to most adult South Australians. He insinuated that members of my Party are anti-police, anti-law and order and pro-criminal. The Attorney-General also levelled many other insinuations and insults at my Party. If the Attorney continues in this vein and I am sitting in this Council when he rises in an attempt to do a political job against members on this side, I will abort any leave that he has been granted. The Attorney will then have to use other forms of the Council to continue. He will have to run the gauntlet before the matters he raises can be debated.

The Attorney-General is not the only person that has been approached by the police in relation to complaints within the force and a number of other matters. The Attorney should always remember that. The Attorney made a sordid attempt to reflect on at least one solicitor in this State by saying that he was a member of the Australian Labor Party convention. There is no such position as member of the Australian Labor Party convention. The Attorney-General does not know what he is talking about.

The Hon. J. C. Burdett interjecting:

The Hon. N. K. FOSTER: Never mind about you, Mr Burdett. The molecule from Mannum can remain silent for a moment. I did not reflect upon Mr Griffin when he was President of the Liberal Party or refer to the fact that he was playing around with the Liberal Movement. I think we can all be bigger than that. The Attorney has no right to reflect upon a member of the public in the way that he did today.

The Hon. K. T. GRIFFIN: Mr President, I rise on a point of order. The Bill before the Council is an Appropriation Bill. The honourable member is referring to a matter which is not relevant to the Appropriation Bill. Mr President, I call upon you to ask the honourable member to stay within the subject matter of the Bill.

The Hon. FRANK BLEVINS: Mr President, I wish to speak to the point of order. Traditionally, the Budget debate is wide ranging. I have been a member of this Council for 6 years and I have never heard any member being asked to speak closer to the Appropriation Bill. Such a course of action would defy every past practice and tradition that has been established in relation to this Bill.

The PRESIDENT: The Hon. Mr Foster has strayed a long way from the appropriation of money.

The Hon. N. K. FOSTER: I understand that a sum of money is set aside in the Budget to assist people in relation to legal matters. The Attorney-General has certain responsibilities as a paid servant of the public of South Australia, and I remind honourable members that he is paid out of this Budget. Whilst addressing this Council today, the Attorney was in the pay of the public and he saw fit to cast aspersions and denigrate the character and integrity of a member of the public. Therefore, surely I have a right in this Budget debate to protect that person who does not have the right to come into this Chamber and protect himself against such scurrilous attacks. If the Attorney-General wants to govern in the same way that Menzies used to govern—by divide and rule—that is a matter for his own conscience. However, it is no way to govern and it does do very little for the community.

The present police inquiry is related to the Budget. If the Government is not prepared to widen the terms of reference of that inquiry it should not complain every time a new case is discovered that needs investigating. It will become never-ending, and the Government will never be rid of it. I am quite happy if the Government does not set up a Royal Commission, because it will not be able to use the old political stunt, which has been used by both political Parties, of refusing to discuss a matter because it is the subject of a Royal Commission and it is *sub judice*. Honourable members have heard enough about the very broad understandings and misunderstandings which apply to that so-called rule. I am glad the Attorney took a point of order on me, because it suggests how small he really is: he can dish it out but he cannot take it. Mr President, are you likely to be attending a Presiding Officers conference in the near future?

The PRESIDENT: Shortly.

The Hon. N. K. FOSTER: Within the life of this present Parliament?

The PRESIDENT: There is a Presiding Officers conference each year.

The Hon. N. K. FOSTER: I bet London to a brick that you, Mr President, have the good sense not to prepare a paper for that conference dealing with restricting a Budget debate to the Budget Lines. I am sure that no Presiding Officer within the Westminster system would dare present such a paper at a Presiding Officers conference even remotely suggesting that such a course of action be followed. I will support the Bill. However, it does not deserve support, because it does not support the community and the people who, sadly, elected this Government to office.

The Hon. ANNE LEVY: An inquiry into the kindergartens in this State was announced by the Minister yesterday. This results from the cut that has been made to the funds for kindergardens. As I am sure all honourable members would be aware, there has been considerable public outcry that the Government has failed yet again to implement one of its promises, which was that it would provide free kindergarten education for four-year-old children and some 3½-year-old children in this State.

Yesterday, the Minister announced an inquiry that will involve the Education Department, the Childhood Services Council and the Department for Community Welfare among others. In other speeches the Minister has clearly indicated that the target for this inquiry is the Childhood Services Council. I predict that we will see the Childhood Services Council emasculated and that its functions will be reduced. It will be much less able to provide the services for which it was set up. The council does a great deal more than look after kindergartens: it is responsible for entire child care programmes, which involve kindergartens, full day care, family day care, occasional care, and so on, as well as play-groups, vocational programmes, after-school care and many other services that are related to the education and welfare of children.

Recent moves have been made to integrate all of these services through the Childhood Services Council. It is obvious that it would be a very sensible use of facilities to have kindergartens run not only as centres for sessional kindergartens but also as centres where other childhood services could be co-ordinated, where play-groups could be held, where day care and family day care could be centred, where toy libraries could be situated, and where the entire range of services for small children could be integrated. I predict that the current Government inquiry is designed to

break up the Childhood Services Council and thereby to reduce other integration of services and, indeed, reduce the services that have been available for children in this State.

We all know what a review means to this Government: A review equals rationalisation, and rationalisation means cuts. Therefore, we can confidently predict that cuts will be made in the programme of the Childhood Services Council and that the kindergarten children of this State will be made to suffer. My reason for deducing this is that the inquiry is being carried out by Mr John Burdett, not the Honourable John Burdett, the Minister in this Council, but a public servant of the same name. Mr Burdett has been called the hatchet man for the Liberal Government. As far as I am aware, he has no qualifications whatsoever in the area of childhood services or primary and pre-primary education, and no experience in dealing with sensitive areas such as the provision of services for small children and their parents.

Furthermore, only a fortnight ago he started in his new position as Director-General of the Department of Services and Supply. One may well wonder why, when he has just taken on such a responsible position, his attention has been diverted from his new job to conduct this new inquiry. We can only predict that it will result in a cut, and yet again the most defenceless people of the community, the pre-school children, will be made to suffer.

One may also ask how many women will be involved in the inquiry that Mr Burdett is carrying out. I do not ask this question facetiously: The whole area of provision of services for small children is staffed largely by women. There are hardly any male kindergarten teachers. The provision of either occasional or family day care is staffed almost entirely by women. The specialists in our community in the provision of services for small children are almost entirely women. I would very much like to know how many women will be involved in this inquiry, because they would have some sympathy and understanding for the staff who will be involved. If there are to be cuts and, as I have said, rationalisation means cuts, and if there are to be staff cuts, women will be involved. Again, we will have a situation where women and children are being made to bear the brunt.

A quite different matter on which I wish to comment concerns the Budget papers for health. It was stated previously that the Health Commission data in the Estimates is very reduced and is not as comprehensive as the information relating to other departments, because there is a Health Commission. It has been suggested that this lack of information is made up for in two ways: First, by the Programme Estimates, and secondly by the appendices to the Estimates Committees.

In this regard, I would like to make a short comment on each of the additions to our information. I searched right through the yellow books in order to see with which programmes the Health Commission was concerned. There was everything possible relating to health, except, that is, any mention of family planning or abortion. It is really incredible that that programme performance budgeting book refers to pre-natal care, obstetrics, children's health, adolescent health, mothers' health, geriatric care, crisis health care, general diseases, and specific diseases such as coronary care and kidney care.

Each part of the body and each state of an individual's life is mentioned or covered by the programmes set up by the Health Commission. The absolutely startling omissions are family planning and abortion, both of which should be the concern of the Health Commission and both of which need to be considered in a comprehensive health care programme for this State.

I am indeed very surprised that no mention is made of them. Anyone reading those documents would imagine that this State forbad both family planning and abortion. I sincerely hope that the devisers of these yellow books will give further consideration to this matter when drawing up their programme performance budgeting booklet next year and will give the Parliament information regarding what is being done via health services with regard to these two very important matters.

Secondly, I refer to pages 114 and 115 of appendix 2 of the Estimates of Payments document, where we have a great list of bodies that are funded in part or in full by the Health Commission. There are recognised hospitals, both teaching and non-teaching, as well as hospitals, again both teaching and non-teaching, that are not incorporated under the Health Commission Act. There are also nursing homes, mental health services, community health and associated activities, domiciliary services, deficit-funded health institutions, non-recognised hospitals, institutions and other bodies. There are great lists of them.

It is indeed valuable for Parliament to know which bodies in our community are receiving funding. However, there is no information either as to what they received last year or what it is proposed that they will receive this year. How can anyone who is seriously investigating the provision of health services in our community evaluate what the Government is doing if we are not given this basic information as to how much money these bodies are getting?

This information is not detailed in the earlier part of the Estimates, although some information is provided in the programme performance budgeting book. There is a category 'Other bodies', the organisations which are being funded, and the sum provided in this respect is, I think, $19 000 000. However, there is no indication as to how this money is being split up amongst the various worthwhile organisations that are being subsidised.

More important, there is no information as to how much these organisations received in the last financial year. I suppose it can be said that in some cases the actual amounts that they are to receive have not yet been determined for the current financial year. This may be the case for some of them, although it is certainly not true for others.

I know of some of these institutions and organisations that have already received information regarding what they will receive in this year's Budget, and I welcome this. However, this means that it must be known how much these organisations are getting. Why cannot Parliament be given this information? Even if it is argued that, at the time this document was printed, there was no information as to how much each organisation in appendix 2 would get, why cannot we be told what they received last year? That must be known, as the financial year has finished.

The Hon. J. C. Burdett: Has anyone asked?

The Hon. ANNE LEVY: I realise that if I request this information I can get it. However, it seems to me that it is the Government's job to present this information to the Parliament without a member's having specifically to request it. Certainly, Parliament could be told how much these organisations received last year, even if it is not possible for it to be told what they will receive this year.

I stated previously that some of these institutions have already been told what they are to receive this year. I am very pleased to know that decisions have been taken at an early stage for this financial year. Last financial year, at least some of these organisations were not told how much they were to get from the State Government until eight months into the financial year. How any organisation can be expected to plan its activities for a year when it does not know how much it is to receive until the eighth month of the financial year is quite beyond me. Such a dilatory

attitude indicates either carelessness or a lack of efficiency on the part of the authorities responsible, when such a long period can be allowed to elapse before a body or organisation is told what sum it is to receive. However, from what I have heard, this is not occurring this year, so perhaps the complaints that were made in the past financial year have corrected this situation.

This question leads me into my final point in regard to the bodies that are funded through the Community Welfare Grants Advisory Committee. The Budget papers indicate the sum with which that committee has to deal. Again, however, there is no information as to how that money is to be allocated this year or indeed how it was allocated last year.

Again, it may well be that this year's allocation has not yet been fully determined. However, information regarding last year's allocation is obviously available and I consider that it should be available to the Parliament.

The Hon. J. C. Burdett: Do you realise that they are funded on a calendar-year basis and not on a financial year basis?

The Hon. ANNE LEVY: In either case, what they have received in the last financial or calendar year is known, and it should be provided to members of Parliament without their having to request it specifically. I believe that the information provided by the Government to Parliament is lacking in this respect.

The Hon. J. C. Burdett interjecting:

The Hon. ANNE LEVY: Two wrongs do not make a right. I believe that as a member of Parliament I am entitled to this information without having to drag it out of the Government by asking for it. It should be provided. Sometimes one gleans information from various publications, and I gather that one organisation funded through the Community Welfare Grants Advisory Committee has received a considerable sum for a six-month period.

The Hon. J. C. Burdett: Have you read the Community Welfare Department Annual Report? It appends the complete list. If you just read the report, you would find that the list is contained in an appendix—it is provided to members.

The Hon. ANNE LEVY: It should be provided with the Budget. That is what we are concerned with; we are here discussing the Budget. It is part of the Budget—it is Budget information. This is the time and place when it should be provided to members of Parliament. The departmental reports are so out of date as a rule that they are not of much value to members.

The Hon. L. H. Davis: Someone could have asked a question.

The Hon. ANNE LEVY: I said that we could ask questions, but I do not think we should have to ask questions to find out how Government money is being spent. That information should be provided without our having to ask for it.

The Hon. J. C. Burdett: It's in the annual report.

The Hon. ANNE LEVY: It is always so late that it is years out of date.

The Hon. L. H. Davis: It is not years out of date.

The Hon. ANNE LEVY: It is not as up to date as the Budget papers, which should contain such information. That is where it should be provided. Obviously, some of these organisations are receiving information as to their money, and I refer to a publication which was sent to me and which refers to funding of a so-called counselling organisation known as Birthline. As I am sure honourable members know, Birthline is set up by the Right to Life Association. It purports to counsel women who have unwanted pregnancies, with the proviso that it refuses to ever mention abortion as an alternative and, if the woman concerned mentions abortion, it tries to talk her out of it and, even more, it refuses to refer her elsewhere if she wishes to consider abortion.

This organisation is proudly maintaining that, for the current six months, it received $4 000 from the Government for the six-month period. Further, the organisation presents statistics which indicate that this year it has averaged 175 telephone calls a month, which is about six a day, but that the number of appointments kept with Birthline has been not quite 22 appointments a month. This is much less than one appointment per day. I do not doubt the value of the work that they do with people who wish to be helped through unwanted pregnancies—

The Hon. J. R. Cornwall: Unplanned, too.

The Hon. ANNE LEVY: There is a difference between unplanned and unwanted pregnancies. Many unplanned pregnancies become wanted pregnancies. Here we have this organisation which sees much less than one client a day and which answers the telephone six times a day, yet it has received $4 000 for a six-month period. I presume that this is an annual rate of $8 000, but that information is not available to me. It might not be available to anyone at this stage. As a member of Parliament, I believe we need to consider not only the grant that Birthline is getting, but also the grant that other organisations may be getting; we need up-to-date information about what they are getting for the current six months so that we can make these comparisons about whether we feel that Government money is being spent where the best value can be provided for it. Without accurate information it is impossible for us to do that and, as I repeat, one does not like to have to drag this information out of the Government—

The Hon. J. C. Burdett: It's in the annual report.

The Hon. ANNE LEVY: The annual report does not provide information about what organisations are getting in the present six-month period.

The Hon. J. C. Burdett interjecting:

The Hon. ANNE LEVY: I am saying that these organisations have got this money. A sum is known, and it should be provided to us in the Budget papers. It is not. I can ask for it; I may even get it; but it should be available to all members of Parliament without our having to drag it out, inch by inch, from the Government. How else can we do our job of seeing that taxpayers' money is well spent? I support the Bill.

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

LOCAL GOVERNMENT ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 22 October. Page 1518.)

The Hon. C. W. CREEDON: This Bill is designed to correct what is obviously a difference of opinion between members of the legal fraternity as to whether the Glenelg Council has the right to lease the subject area to McMahon Constructions, whose object, we are told in the second reading explanation, is to revitalise the area and construct a greater range of more up-to-date facilities and amenities for the use of the public.

Whilst the second reading explanation outlines what already exists and what new facilities will be provided, it does not indicate, for instance, the running track which I am told is close by and which I am led to believe is subject to community use at least during the summer holiday period. It would be a great pity to see this area dominated by an artificial mountain. It is hardly likely that runners

will take kindly to merry-go-rounds, sky-cycle rides, bumper boats in a lake or even collecting take-away foods as a substitute for their usual fun and exercise.

I have already been informed of two complaints that Mr Hemmings, M.P. (our shadow Minister of Local Government), has received from elderly people in the near vicinity who are afraid that their view will be obstructed by the artificial mountain. I am told that this artificial mountain is to be constructed of galvanised iron, so no doubt there will be other people who will look on the intended construction as damaging to the community amenity. The Minister has indicated that he will move for a Select Committee to examine the ramifications of the changes and that will give all interested persons the opportunity to express their opinion. It will also give all members of the Select Committee an opportunity to examine a report prepared by Pak-Poy and Associates for the Coast Protection Board.

The report, I understand, recommended that the foreshore area at Glenelg be cleared of all structures that interfere with the amenity. We are well aware of the need for change in keeping with the demands of the people we represent. I can concede that outdated and unused facilities should be replaced or upgraded, but we must always be prepared to consider the needs of those who may be in the minority and those whose amenity or area aesthetics could be jeopardised by the construction. The Opposition supports the second reading and looks forward to the Select Committee's Report.

The Hon. C. M. HILL (Minister of Local Government): I thank the honourable member for his contribution and for his assurance of support at the second reading stage. I heard him mention some fears of local ratepayers concerning the proposal that may follow this legislation. I hasten to point out to the honourable member that neither the Government nor the Parliament is involved in the pertinent area to which he referred. The Bill makes the way clear for the local governing body, namely the City of Glenelg, to make a decision (whatever that decision may be) concerning arrangements to lease the land for a purpose mutually acceptable to the council and the lessee. The Government is not supporting any scheme down there in any way at all. It is simply opening the way for the City of Glenelg to carry out negotiations with a potential lessee.

Bill read a second time and referred to a Select Committee consisting of the Hons. G. L. Bruce, C. W. Creedon, M. B. Dawkins, L. H. Davis, C. M. Hill, and Barbara Wiese; the quorum of members necessary to be present at all meetings of the Select Committee to be fixed at four members and Standing Order 389 to be so far suspended to enable the Chairman to have a deliberative vote only; the Committee to have power to send for persons, papers and records, and to adjourn from place to place; the Committee to report on 1 December 1981.

STAMP DUTIES ACT AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 1626.)

The Hon. FRANK BLEVINS: The Opposition supports the second reading of this Bill. Our attitude to the Bill has been very clearly expressed in the other place by our Leader, Mr Bannon. I do not intend to go through all the fine details of the Bill, as that has been quite adequately done in the House of Assembly. Anybody wondering what our complete attitude is can refer to the relevant copy of *Hansard*. However, I will attempt to abbreviate some of the comments and arguments advanced in the House of Assembly and perhaps highlight one or two of them.

As the second reading explanation by the Attorney-General states, the Bill deals with a number of matters relating to stamp duties, the most important feature of which is an increase in stamp duty on cheques from 8c to 10c which is a highly inflationary 25 per cent increase.

The Hon. K. T. Griffin: It is 15c in Tasmania.

The Hon. FRANK BLEVINS: I will come to that in a moment—thank you for prompting me. It is one of the elements of the 1981 Budget which we are dealing with in this Council and which has been canvassed at considerable length both inside the Parliament and outside.

It is not necessary to go into any further detail except to say that it is another one of the measures that have been referred to as taxation by stealth. A highly inflationary 25 per cent increase on a charge is, by any calculation, an extremely large increase. Coupled with the increases in various other areas that this Government has made, it gives the lie to the statement that this is a low-tax Government. It is in fact a high-tax Government and increasingly so. As I said earlier this evening, it is interesting that the higher taxes are across the board, and because of that are most unfair. The ability of people to pay those taxes varies enormously, and the burden and the charges of the Government falls most heavily on those who have the least ability to pay.

That is rather strange coming from a Government which came into office on the basis that it would be a low-tax Government. One of its main planks was that the public sector of our State economy was too fat, that it was sucking the private sector dry and had to be reduced. Of course it found when it came into office that the public sector was indeed a very tight ship, a lean orgnisation, and had been well managed by the previous Government.

If the Government were going to bring about any reduction at all in the Public Service it would be at the cost of reducing services and not at the cost of maintaining services in an economic way. It seems that a wholesale dumping of services has had a number of social effects, but it has also had the effect of depriving the private sector of a considerable amount of its business, and therefore the private sector is now beginning to wonder whether the economic nonsense being engaged in by this Government should not be dealt with. It is interesting to note that business people in this State are dealing more and more with the Opposition. I think that there is an element of self-preservation in that, because they are aware that in about 12 months they will have to deal with the present Opposition as the government, so to some extent they are hedging their bets. However, they are not too worried about the change of Government in 12 months time, and a large number of them would welcome it.

Tax measures such as this are highly inflationary. The taxes that are being replaced by the current increases in no way could be termed inflationary in their effect: I refer to what I said in a previous debate, that taxes such as succession duties and gift duties have no inflationary effect at all whereas measures such as this one raising the stamp duty charges on cheques by 25 per cent are quite inflationary. Measures such as this are reasons why South Australia has one of the highest rates of increase in c.p.i. figures of any of the States—in fact, the highest. Increases in charges such as those for electricity, tobacco, cigarettes, and measures like that that this Government has deliberately introduced, all act on inflation, as do large increases in the water charges and as has the extrodinarily large increase in public transport charges, which I think amount to about 50 per

cent since this Government has been in office. These increases in charges are all highly inflationary.

The main points mentioned in the second reading explanation to which the Opposition takes strong exception indeed are clauses 3 and 4 of the Bill which repeal sections 31l and 31p of the principal Act. The object of those particular sections was that they were designed so that duty payable in respect of rental or credit business, or instalment rental agreements, was not passed on to the consumer. The Opposition was not satisified, from what is stated in the second reading explanation, that it is necessary to repeal those sections. They represent, on the face of the Act, a protection to the consumer. I think that the fact that the Government is attempting (I hope unsuccessfully) to repeal those sections is an indication, again, of how little regard this Government pays to the consumer.

A considerable amount of consumer protection legislation has been built up in this State to make it the envy of all other States; there is no doubt about that whatsoever. However, under this Government, and under this Minister, consumer protection has gradually been whittled away in various areas and this is one significant example of that. It was argued in the second reading explanation that the provision means very little in practice. I believe that the sections are in the Act for a reason and I cannot buy that argument—they were put there with some intention. The Parliament obviously intended to protect the consumer with those sections and no good reason at all has been advanced why they should be repealed. Knowing that the Democrats give some lip service to consumer protection, and that this is the type of issue that they claim to have some sympathy with, I am confident that the Democrats will not let the people of this State down and will support the deletion of these particular provisions.

The Hon. R. C. DeGaris: I do not think that—

The Hon. FRANK BLEVINS: The Hon. Mr DeGaris interjects—

The Hon. R. C. DeGaris: Are you suggesting amendments?

The Hon. FRANK BLEVINS: Courtesy demands that I answer that interjection, but that matter will probably be dealt with in the Committee stages, as the Honourable Mr DeGaris knows. I am surprised he tries to get me to transgress Standing Orders. With the assistance of the Democrats, we hope commonsense will prevail in that area.

The Hon. M. B. Dawkins: Do you think they will be here?

The Hon. FRANK BLEVINS: I have every confidence that the Democrats will dishcharge their duty to the people of the State by being in this Council when required and voting to protect the public by supporting the Opposition's proposition in this particular measure. It was interesting that in the second reading explanation the Attorney-General stated the following:

> Thirdly, the Bill provides for the repeal of sections 31l and 31p of the Act which are designed to prevent the duty payable on credit or rental business or instalment purchase agreements being passed on to the consumer. Similar provisions do not exist in the corresponding legislation of the other States. The provisions achieve little in practice as it is understood that most lenders in this State cover the duty component of their overheads by adjusting rates of interest.

It seems to me that they are flouting the law, because they are passing them on. The Attorney continued:

> The Government has obtained assurances from credit providers that consumers will not be disadvantaged by the repeal of these provisions.

If the credit providers are so sure that this will not affect the consumer, then I cannot really see that they would have any objection to the provisions staying in the Act.

Whilst this measure quite clearly is part of the Government's budgetary strategy, and while we deplore increases such as the one I have mentioned of 25 per cent that this Bill provides for, it is, of course, the Government's right to increase those charges if it wishes. It seems hell bent on committing suicide. I do not know that I want to do anything to delay or avoid that inevitable end to this Government. Increases such as the one proposed in this Bill of 25 per cent will hasten the end of this Government and, I suppose, in that way I welcome it and would not want to delay that happening. I say quite clearly that in the Committee stages the Opposition will be asking the Government to explain more clearly the necessity for clauses 3 and 4 of the Bill. We will consider the Attorney's answer and decide whether it is good enough and, hopefully, we, along with the Honourable Mr Milne, will be able to expand upon the argument in the Committee stages. The Opposition supports the Bill through the second reading stage.

The Hon. K. T. GRIFFIN (Attorney-General): I appreciate the readiness of honourable members to consider this Bill this evening, notwithstanding that it was only received by the Council earlier today. It was stated in the Budget that the increased stamp duty on cheques should apply from 1 November 1981. Unless the Bill is passed this evening there is a good prospect that that target date will not be achieved. Banks in particular have been preparing for the introduction of the increased charge as from the start of business on Monday next, so I appreciate the willingness of honourable members to deal with the Bill immediately.

The Hon. Mr Blevins has referred to stamp duty on cheques. I draw his attention to the fact that the increased stamp duty on cheques in South Australia will bring us into line with all other States except Tasmania, where the rate of tax is about 15 cents. In New South Wales and Queensland the amount of duty payable on cheques is the same as that included in the Bill. Victoria has been higher than 10 cents per cheque, but I understand that it will be reduced shortly. Therefore, this Bill does not put South Australia out of pace with the rest of Australia, but keeps us very much within the range of duties charged on cheques by other significant States of Australia.

The Hon. Mr Blevins also referred to the repeal of sections 31*l* and 31p, which relate to the passing on of stamp duty on credit transactions. Organisations holding revolving credit accounts, for example, which are the major facility for providing credit to customers in retail trade organisations, will need to apply to the Credit Tribunal for a variation in the terms of their credit providers licence. Either the interest rate will have to be reduced and the duty passed on, or some other compensating variation will have to be made. Other credit providing agencies have indicated that there will certainly not be an increase in the payments due by debtors as a result of the passage of this legislation.

As I said earlier, this measure brings South Australia into line with all other States, where there is no requirement to prevent duty being passed on to the person to whom credit is being made available. The Government does not see any disadvantage to the consumer as a result of the repeal of sections 31*l* and 31p. In some instances there may well be a benefit, because at the present time interest rates for some credit providers are increased to accommodate the fact that stamp duty cannot be passed on to the consumer. Of course, one must recognise that that interest rate applies for the whole period of the loan. As a result, in some instances it is likely that the person to whom credit is supplied is paying more than if the interest rate were reduced to the normal interest rate and duty passed on to

the consumer. Therefore, it is possible in some instances that the consumer will pay less than the amount presently being paid. I thank honourable members for their indication of support for this Bill.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Progress reported; Committee to sit again.

RIVER TORRENS (LINEAR PARK) BILL

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

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

That this Bill be now read a second time.

The Government has recently published a scheme for implementing a plan for the establishment of a linear park along the course of the River Torrens from the Gorge Weir to the sea and for carrying out flood mitigation works along the length of the river. On 5 June 1981, representatives of all riparian councils met with the Premier and relevant State Ministers. At this meeting the Government announced its proposals for the River Torrens. The constructive and co-operative attitude of all councils was evident. On 12 June 1981, the Premier wrote to all councils asking that they confirm their general agreement to the proposal.

Subject to satisfactory formal agreement being reached with all riparian councils concerning the scope of the work to be undertaken by the Government, cost-sharing arrangements and responsibility for ongoing maintenance, the Government has announced its intention to establish a project team within the Engineering and Water Supply Department to implement the proposal.

The Government has also decided that, due to the possible serious consequences of a major flood along the Torrens River, the flood mitigation scheme in particular should be allocated top priority for its full implementation. Furthermore, since this scheme is fully complementary to the Torrens River linear park scheme, as defined in the earlier River Torrens Study Report, 1979, the Government has decided that both schemes should proceed simultaneously with the target completion date of 1986 to coincide with the State's sesquicentennial celebrations.

The present Bill will enable the compulsory acquisition of land necessary to implement the scheme. It is necessary, because an examination of existing legislation reveals that none of the present Acts applicable to the river is quite apt to cover implementation of the scheme.

The Bill confers upon the Minister of Water Resources power to acquire land for the purpose of establishing the linear park along sections of the Torrens River extending from the sea to the Gorge Weir, but excluding the section of the river within the City of Adelaide. It includes power to acquire land for the linear park within the area between O.G. Road and Park Terrace. This particular section of the river is associated with the north-east busway.

Although compulsory acquisition of land will only be used as a last resort, it is vital that adequate legislative power is available to avoid major delays. This measure will only be necessary for the duration of the scheme which is proposed to be completed by 31 December 1986, at which time the Act will expire.

Clauses 1 and 2 are formal. Clause 3 gives the Minister of Water Resources the power to acquire land adjacent to and including the Torrens River from Gorge Weir to the sea excluding land under the control of the Adelaide city council. Clause 4 will enable the Act to expire on the completion of the scheme.

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

PUBLIC PARKS ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

STAMP DUTIES ACT AMENDMENT BILL

Adjourned debate in Committee (resumed on motion).

(Continued from page 1647.)

Clause 3—'Repeal of s.31'

The Hon. FRANK BLEVINS: As I indicated during the second reading stage, the Opposition opposes this clause and clause 4, which are contingent on each other. These two clauses provide that the duty payable by the registered person in respect of credit business or hire purchase agreements shall not be passed on to the consumer. The Attorney-General dealt with this matter in the second reading explanation, but he was rather unconvincing. The Attorney made two points. The first was that these provisions do not apply interstate. I believe that that is no argument at all. The fact that any provision that applies in South Australian law does not apply anywhere else does not mean that that provision is bad. It may well mean that we are further advanced in our laws in South Australia than are other States. I am quite sure that that is the case in regard to many issues. Merely to say that a provision does not apply in other States is no argument, and it is unworthy of the Government to use that argument. One would think that there must be more substance.

The second point that the Attorney made was that some guarantees had been given by credit suppliers that the repeal of these two sections of the Act will not affect the consumer. It is all very well for the suppliers of credit to say that, but what guarantees do we have? As far as I am aware, the Government has been given no written guarantees by the providers of credit; apparently, it only has the word of some suppliers, who are not named, so that there is no way in which the Opposition can check with them to see whether what they say is correct. Even if what they say is correct, and even if the providers of credit had no intention of levying these charges on consumers of credit, what is their objection to specific provisions in the Act that stop them from doing that? If they say that they will not do that anyway, even if the provisions are repealed, why repeal the provisions? What is the argument for that? Not one argument has been advanced. The two points that were made by the Attorney certainly constitute no argument at all.

As I said during the second reading stage, there is consistent erosion of the consumer protection that applies in this State. This consumer protection offends deeply the conservative side of politics, which believes that private industry should have the right to do as it wishes and that the consumer should beware—I believe that *caveat emptor* is the Latin phrase. That is not good enough in this day and age. Why does the Government want to repeal this consumer protection provision? It can only be that it is part of the philosophy of this Government to gradually erode the consumer protection legislation and to allow the private sector to do as it wishes, so that the consumer must keep a careful look-out. If he is bitten by a shark, that is too bad.

I do not think that we should go back to those bad old days before 1965 when that philosophy reigned supreme.

That philosophy is all very well where people have equal standard at the point of contract but, of course, that is not the case, as the information to enable the consumer to make a considered judgment on a deal quite often does not exist and, to some extent, he must take it on trust. To ask the consumer to do so is asking a great deal.

I see that the Hon. Mr Milne is present in the Chamber. I know that the Australian Democrats have a philosophy of helping the little people. I constantly hear Mr Chipp, who loves that phrase, referring to the little people. He says it very well and constantly: he is here to help the little people in Australia. Don Chipp and his Party warm to the little people. However, the little people will be on the receiving end as a result of the repeal of the clauses.

I am sure that the Australian Democrats, in line with their philosophy of protecting the little people from the ravages of big business, will not permit this clause to pass. It can probably be said that this is a money Bill and is part of the Government's Budget. However, these clauses are not. They are not revenue-raising measures at all, and any argument that these clauses are necessary in any way to support the Government's Budget is just so much nonsense. I hope that the Attorney-General does not persist with that argument, because it is quite spurious. This is consumer protection alone, and it has not raised any revenue for the Government. In fact, it can only raise—

The Hon. K. T. Griffin: How is that?

The Hon. FRANK BLEVINS: I will tell the Attorney. It will act to the detriment of consumers if these provisions are repealed. Finance companies will be able to charge consumers.

The Hon. K. T. Griffin: But they do it indirectly now.

The Hon. FRANK BLEVINS: I ask the Attorney to wait just a moment. They can put these charges on consumers.

The Hon. J. C. Burdett: Not really.

The Hon. FRANK BLEVINS: Of course they can. There is nothing to stop them from doing so. It was found necessary by the Legislature some time ago to protect the consumer from credit suppliers doing that. The Legislature must have had a reason for so doing. The provision has gone through this Council, which has said for some time that it was a necessary provision. If a credit provider is charging a certain rate of interest, which is usually quite usurious (the Hon. Mr Hill is my grammarian), and wants—

The Hon. R. C. DeGaris: I didn't think that he was as old as you.

The Hon. FRANK BLEVINS: We weather fairly well. If a finance company is charging a certain rate of interest and wants to put these charges on top of it, there is nothing at all to stop it from doing so. It would be quite remiss to this Council at least not to discuss the matter further.

It may well be, as the Government says, that this matter is of no consequence. However, I find that very difficult to believe. The Opposition is not asking in any way for the whole of this Bill to disappear. That is not our intention. Our intention is merely to get the two Houses together to discuss this matter further in the calm and rational atmosphere of a conference. I know that members opposite have said time after time that that is a very good and productive procedure. I heard the Hon. Mr Dawkins state only the other day that, when both Parties work in concert, we get the best legislation.

The Hon. M. B. Dawkins: One of your colleagues said that.

The Hon. FRANK BLEVINS: Yes. The honourable member was quoting Bert Shard.

The Hon. M. B. Dawkins: No, I wasn't.

The Hon. FRANK BLEVINS: Will the honourable member say who it was, then?

The Hon. M. B. Dawkins: It was Cyril Hutchens.

The Hon. FRANK BLEVINS: He was a fine member, and I am pleased that the Hon. Mr Dawkins quoted him. On this occasion, the Labor Party is not satisfied with the explanation given, and it may well be that, if a conference is arranged between the Houses, some agreement can be reached that satisfies both Parties.

Surely, it is in the interests of the State to have both Parties satisfied in relation to areas such as this when there is a slight conflict between them. I strongly urge the Committee to reject these amendments so that we can get to a position where both sides can get to a conference away from the debating floor and thrash out the matter in a rational manner, and hopefully come to a conclusion that retains the protection for the consumer against providers of credit, some of whom, as members knows, are very powerful organisations, which are right on top in the economic world. To take away this protection for the consumer without a great deal more consideration would, in the Labor Party's opinion, be very wrong.

The Hon. K. T. GRIFFIN: Sections 31*l* and 31p were enacted in 1968, and the Consumer Credit Act and its related Consumer Transactions Act were passed in 1972-1973. So, the sections that we are seeking to repeal were passed well before any consideration of regulation of the consumer credit industry, other than through the old Money-lenders Act. So, after that period of time, it is appropriate to review the operation of these two sections.

At first sight, I can agree that sections 31*l* and 31p appear to offer a substantial benefit to consumers entering into consumer credit transactions in South Australia. But, on deeper examination, it becomes apparent that the benefits are largely illusory. While there are some transactions (Bankcard is one) where credit terms and conditions are set on a national basis, and not varied for South Australia to take account of the cost to the credit provider of stamp duty, by far the greater number of transactions offer ways in which the effect of sections 31*l* and 31p can be avoided without actually breaking the law. Examples of the kinds of adjustments that a South Australian credit provider might make include higher selling prices, interest charges and loan establishment fees.

Where the purchaser decides to terminate his contract before the due date, the effect of sections 31*l* and 31p is such that a credit provider can recoup part, and in some cases the whole, of the stamp duty that he has paid. In circumstances where action has been taken to avoid the effect of the sections in setting up the transaction, the consumer in this situation would be paying twice, so that the effect of sections 31*l* and 31p in some instances can act very much to the detriment of the consumer rather than to his benefit.

The very fact that this legislation does not exist in other States (and there does not appear to be any criticism of that) suggests to me that consumers are not suffering as a result of the absence of this sort of provision in the comparable consumer credit legislation. The repeal of the two sections would result, first, in the proper disclosure of the real cost of credit transactions to borrowers and purchasers, secondly, in a reduction in interest rates where they have been increased to cover the cost of stamp duty; and, thirdly, in an elimination of confusion where rebates of credit charges are calculated upon the early payment of a loan or credit purchase in the circumstances that there may be a hidden stamp duty component.

There is the provision in the Act that, in these situations of early payment, the actual amount of stamp duty may be apportioned between the lender and the borrower. I suggest that the honourable Mr Blevins does not have any real cause for concern. I can appreciate the concern which he has expressed, but I suggest to the Committee that I have

adequately covered the ground to reassure members that consumers will not be at risk as a result of the repeal of these two sections.

The CHAIRMAN: The question is 'That it be suggested to the House of Assembly that clause 3 be struck out'.

The Committee divided on the question:

Ayes (8)—The Hons. Frank Blevins (teller), G. L. Bruce, J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, and Barbara Wiese.

Noes (9)—The Hons. J. C. Burdett, J. A. Carnie, L. H. Davis, M. B. Dawkins, R. C. DeGaris, K. T. Griffin (teller), C. M. Hill, K. L. Milne, and R. J. Riston.

Pairs—Ayes—The Hons. B. A. Chatterton and C. J. Sumner. Noes—The Hons. M. B. Cameron and D. H. Laidlaw.

Majority of 1 for the Noes.

Clause thus passed.

Clause 4—'Repeal of section 31p.'

The Hon. FRANK BLEVINS: The Opposition opposes this clause, which is virtually consequential upon the previous clause. I am most intrigued why the previous clause, if I understand it correctly, was put to the Committee as a money clause. It seems to me that this is something that ought to be cleared up, because there does not appear to be any revenue-raising question at all involved in clause 3.

As the Opposition is not really in the business of interfering in money clauses that the Government puts to this Council, I would appreciate an explanation and clarification about clause 3 and why it is considered a money clause. It would make an interesting debate, because it will obviously affect the way the Opposition deals with this clause. My interest is no longer on the clause as such—

The Hon. J. C. Burdett: You are only wasting time.

The Hon. FRANK BLEVINS: It may be wasting time to you, but it is an important principle to me. You may consider the niceties of Parliament and the relative positions of the two Chambers as a waste of time, but the Opposition and I do not; we take it very seriously indeed. What is wasting time to Mr Burdett is time well spent in the Opposition's view. My question, if it is in order, is to you, Mr Chairman.

The CHAIRMAN: Is your question as to why clause 3 is considered a money clause?

The Hon. Frank Blevins: Yes.

The CHAIRMAN: It is an appropriation of revenue.

The Hon. Anne Levy: No, it's not.

The CHAIRMAN: Yes, it is.

The Hon. FRANK BLEVINS: At times some Bills consist of quite disparate measures. Some of them are to raise revenue and some are to expend revenue to set up a body. By drawing a long bow one can argue that they are money clauses. I am sure that the Hon. Mr DeGaris would argue that they are not money clauses. To say that clauses 3 and 4 of this Bill are money clauses is not just drawing a long bow; those clauses have nothing to do with raising money. It strikes me that it is absolutely absurd to say this is a money clause. For what good it can do, I disagree completely with what you, Mr Chairman, have said. I oppose clause 4.

The CHAIRMAN: This is an Assembly Bill. It was proclaimed a money Bill in the other place, and came here as such.

Clause passed.

Clauses 4 and 5 passed.

Clause 6—'When Bills, notes, etc., to be stamped.'

The Hon. FRANK BLEVINS: To me quite clearly clause 6 is a revenue raising measure, imposing a 25 per cent increase on stamp duty payable on cheques. It erodes considerably the relatively favourable position that this State was in *vis a vis* some of the other States. The Attorney-General boasted that it brought the charges in line with Queensland and New South Wales.

The Hon. K. T. Griffin: And Victoria.

The Hon. FRANK BLEVINS: And Victoria. Having regard to charges in New South Wales, Victoria and Queensland (the three main Eastern States), this Government has now taken away a cost advantage that was available to the people, to manufacturing industry and other industries in the State. The Attorney-General is saying that cheques should be the same price and that the cost advantage should not be there. I do not want to hear from the Government again any argument that wages in this State should be lower than they are in the Eastern States. If it is good enough for the Government to bring in charges and boast that they are comparable with other States, when the trade union movement argues that wages in this State should be the same as they are in the Eastern States, I hope the Government will applaud those sentiments, because the principle is exactly the same. I support the clause.

Clause passed.

Clause 7 passed.

Clause 8—'Computation of duty in case of certain real property transactions.'

The Hon. R. C. DeGARIS: We have heard the Hon. Mr Blevins speak on the Budget and he has now suggested an amendment to a money clause. It is a red letter day. I am proud of the manner in which the Hon. Mr Blevins is tackling his role in this Chamber.

The Hon. Frank Blevins: What about clause 3—is that a money clause?

The Hon. R. C. DeGARIS: It has already been ruled upon.

The Hon. Frank Blevins: I know that, but is it?

The Hon. R. C. DeGARIS: If the honourable member looks at section 60 of the Constitution Act, he will find out all about it. Clause 8 deals with the question of stamp duty on conveyances of primary producing land. Before I say anything about it, I point out that I believe that originally the amendment made to section 66ab was designed to close a loophole by which people were exploiting the system and avoiding payment of stamp duty.

The Hon. Anne Levy: The Liberal Party exploited it.

The Hon. R. C. DeGARIS: The Liberal Party did not exploit it; individual people exploited the loophole in section 66ab to avoid stamp duty by transferring small parcels of a property instead of a whole section.

The Hon. Anne Levy: Didn't it apply to the Liberal Party property on Greenhill Road? Senator Messner was involved.

The Hon. R. C. DeGARIS: Not to my knowledge.

The Hon. Anne Levy: It has not been denied.

The PRESIDENT: Order!

The Hon. R. C. DeGARIS: Section 66ab was amended to block up the loophole in regard to avoidance. The avoidance industry is built around the fact that we have, in many areas, progressive taxation such as income tax and stamp duty. It is a progressive form of taxation that encourages people to find loopholes in taxation legislation.

The Hon. Frank Blevins: They will find loopholes, anyway.

The Hon. R. C. DeGARIS: Not necessarily. There is less incentive if a flat rate of taxation applies.

The Hon. K. L. Milne: That is correct.

The Hon. R. C. DeGARIS: It is a statement of fact. However, when the amendment came through to block that loophole, it caught a number of transactions which were legitimate and which should not have been caught.

I understand that this particular amendment is to once again create the situation where genuine transactions are not caught. For example, I give the illustration of the sale

of a rural property in which there may be areas of land being sold that are owned by one person and in which eight or nine people purchase eight or nine blocks entirely separately. Under the Act, that could be aggregated and stamp duty charged on the whole of the land transaction, even though there are eight or nine entirely separate purchasers of that particular land. It is not the seller, of course, who pays the stamp duty; it is the purchaser. What was happening was that a person who bought a small block of land for $30 000 or $40 000 might have to pay stamp duty at the rate of a $600 000 or $700 000 land transaction. That, of course, was not the intention of the legislation when blocking the original loophole.

I am perfectly happy with the fact that this matter is being handled in clause 8, but I ask the Attorney-General whether it is possible that any genuine purchaser of a small block of land may still be lumbered with a heavy stamp duty payment on a small block of land, because this is not retrospective to the time that the other amendment was made. If there is a person or persons in the community who have been wrongly taxed, if I can put it that way, in relation to the blocking of the loophole in the original section 66ab, I suggest that there should be an amendment to this clause allowing the Government to make an *ex gratia* payment to those people who have been wrongly assessed, for example, from stamp duty on that transaction.

I would like to raise another case. How would the Commissioner view separate transactions involving a large farming area of several thousand acres that is in eight or nine sections, where the sections are transferred at different times? How would the Commissioner view the separate transactions, having regard to the time that elapsed between each of those transactions? I think that that is relevant to this clause, and I should like a reply from the Attorney about that. I think that the Attorney understands the point I am making.

Whilst I have always been strongly opposed in most cases to retrospective legislation, there are times when I have supported retrospectivity with regard to certain matters where justice is done by the matter being retrospective. I think, in this case, there could be people purchasing relatively small areas of rural land who will be caught with a large stamp duty payment because the original blocking of the loophole has caught people it should not have caught.

The Hon. K. T. GRIFFIN: In respect of the first point to which the Hon. Mr DeGaris has referred, it is possible for the Government at any time to make an *ex gratia* payment, whether for this or for any other purpose, where there are good and sufficient reasons. One has to remember that such payments have ultimately to pass the scrutiny of the Auditor-General. Such payments in my experience are only made after they have been to the Auditor-General and been approved by Cabinet. So, if there is an instance of particular hardship, or where there are other good and sufficient reasons, whether in the context to which the honourable member refers or some other context, that certainly is something that would always be considered by whatever Government was in office.

At present section 66ab seeks to deal with a series of conveyances that have been, or appear to have been, executed within 12 months of each other and arise out of substantially the one transaction or the one series of transactions. There are a number of factors which the Commissioner takes into account in assessing whether or not transactions fall within the present section 66ab. The Hon. Mr DeGaris is correct in saying that section 66ab was passed at a time when tax avoidance schemes were widely used and were designed to avoid what would otherwise be a proper stamp duty liability. I think that section 66ab was first passed in 1975. It was never intended to catch the sorts of transaction to which reference has been made in the second reading explanation, that is, the sale of allotments of land, all conditional upon each other, to different persons and not being part of the one series of transactions between the same or related parties. I believe that the amendments which are now before the Committee do remedy a deficiency which was never intended when the original section 66ab was passed by the Parliament.

The Hon. ANNE LEVY: I appreciate the point that the Attorney is making, but I wonder why this clause has been brought in particularly referring to primary-producing land. It seems to me, as was mentioned in a fairly oblique way in the Assembly debate on this topic, that the subdivision of a title into strata titles could come into exactly the same situation as the subdivision of primary-producing land about which the Attorney is talking. In my admittedly limited experience in this area, it would seem to me that the strata title situation would be and exact parallel, and I wonder why the primary-producing land is given this favoured treatment over the parallel situation of strata titling.

The Hon. K. T. GRIFFIN: With respect, they are not parallel. They may appear to be. Let me examine the strata title situation. If there is a block of units which presently are not the subject of strata titles and the proprietor desires to create separate titles, applications are made to the Director of Planning as well as to the Registrar-General of Deeds. Then they are offered for sale, once the strata titles have been created. Each one is a separate title and the sale is generally not linked to the sale of any other strata title. The sale of one unit, for example, is not ordinarily made conditional upon the sale of all the other units within that strata title complex, so the difficulty of section 66ab does not apply, anyway. The real difficulty comes only with primary production land, when there are broad acres and when perhaps someone wishes to retire and wants to sell all of his land. He wants to maximise his return, so he applies to the Director of Planning for approval to subdivide into allotments.

The Hon. Anne Levy: Hobby farms.

The Hon. K. T. GRIFFIN: Yes, hobby farms. Of course, with primary production, if he has any part of the land left at the end of this process it will necessarily be an inconvenience to him to have to farm one or two allotments left out of the subdivision of maybe seven, eight, 10 or more allotments. What he does is offer all of the allotments for sale and make it a condition that it is either all or nothing. That means that each sale is dependent upon the sale of all the other allotments. The allotments may be sold to different persons, each unrelated to the others, and it is in that context that section 66ab presently catches the transactions, because they are related transactions through the condition which requires all of them to be sold before settlement takes place for the sale of those allotments. It is that anomaly, which is not common but which has occurred over the past year or so on several occasions, which the Government believes ought to be corrected. It is only ever likely to occur in primary production and it can be distinguished from the strata-title situation referred to by the honourable member.

The Hon. R. C. DeGARIS: I realise that a Government can make an *ex gratia* payment, but would the Government consider an *ex gratia* payment if an application was made when a genuine land sale had taken place but when stamp duty appeared likely to be charged on the whole sale instead of a sale involving a separate parcel?

The Hon. K. T. GRIFFIN: I cannot give an undertaking that it would be favourably considered. However, I can give an undertaking that it would be considered. I point out to honourable members that there are difficulties; for instance, how far does one go back? If one makes an *ex gratia*

payment where a series of transactions have been completed, which, if this amendment had been included in the Act, would have been granted relief from a higher rate of taxation or duty, it creates a precedent.

Are we to look at only those transactions that have not yet been concluded? I believe a number of issues have to be examined, and the Government is certainly prepared to do that. I can give no further undertaking. To indicate that favourable consideration would be given would be irresponsible without having access to all of the facts, not only in the case referred to by the honourable member, but in all the others which might be in the pipeline or which have been completed. That is as far as I can responsibly take this particular question.

Clause passed.

Remaining clauses (9 to 12) and title passed.

Bill read a third time and passed.

STATE TRANSPORT AUTHORITY ACT AMENDMENT BILL (No. 2)

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

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

That this Bill be now read a second time.

The State Transport Authority was established under the State Transport Authority Act, 1974, and, since that time, has operated under a miscellany of statutory provisions drawn from that Act, the Bus and Tramways Act, 1935-1978, and the Railways Act, 1936-1979. This Bill attempts a major rationalisation of the existing legislation. It repeals both the Bus and Tramways Act and the Railways Act and incorporates into the State Transport Authority Act the powers necessary for the continued operation of the State Transport Authority.

When the State Transport Authority Act was first enacted in 1974, there were three bodies concerned with the operation of the major forms of public transport in South Australia. These were the South Australian Railways Commissioner, the Municipal Tramways Trust and the Transport Control Board. Initially, the State Transport Authority was not invested with power to assume the functions of these authorities itself. Its function was limited to direction and control of their activities. But it did have a statutory obligation to advise the Minister of Transport, to whom the administration of the Act was committed, on ways and means by which the operational functions and activities of the three bodies could be assumed directly or indirectly by the authority.

A report was in fact prepared and in 1975 amendments were made to the Railways Act and the Bus and Tramways Act under which the State Transport Authority directly assumed the functions of the authorities enumerated above. However, under more recent amendments, the functions and activities previously undertaken by the Transport Control Board were transferred from the authority to the direct responsibility of the Minister of Transport and are now administered by the new Division of Road Safety and Motor Transport which has been established within the Department of Transport.

The legislative change that I have briefly outlined above left the Railways Act and the Bus and Tramways Act in force, but, of course, in a modified form. These Acts are rather antiquated documents which do not, in their present form, provide an adequate charter for the authority. In particular, they do not provide for the modern automated and semi-automated vehicular systems that are now becoming possible by reason of advancing technology. The purpose of the present Bill is to restate the statutory powers of the authority in a modernised and simplified form. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without reading it.

Leave granted

Explanation of Clauses

Clauses 1 and 2 are formal. Clause 3 repeals the Bus and Tramways Act and the Railways Act. Clause 4 is formal. Clause 5 repeals and re-enacts section 4 of the principal Act. This section deals with the definitions that are required for the purposes of the new Act. Clause 6 amends section 5 of the principal Act by providing that the authority is subject to the control or direction of the Minister. Clause 7 repeals certain provisions of the principal Act and enacts new provisions empowering the authority to delegate its powers, dealing with various financial matters, and providing for the authority to issue an Annual Report.

Clause 8 is the major provision of the Bill. It repeals existing part III of the principal Act and enacts new parts III and IV. New part III deals with the powers and functions of the authority. New section 17 sets out those powers and functions. New section 18 provides for the acquisition of land under the Land Acquisition Act for the purpose of establishing, extending or altering a public support system. New section 19 empowers the authority to carry out works that are necessary for the establishment, maintenance, extension, alteration or discontinuance of a public transport system. New section 20 empowers the authority to carry out structural works in relation to public streets or roads. The authority is required to make good any damage that arises from these works and, subject to any agreement with the authority responsible for the care, control and management of the street or road is liable to maintain structures established by the authority in relation to a street or road. New subsection (3) requires the authority to give notice of works that will involve disturbance of the surface of a public street or road.

New section 21 deals with the discontinuance of a public transport system or part of a public transport system. It provides that the authority may with the consent of the Minister take up and remove structures that are not required in view of the discontinuance and sell or dispose of materials or equipment that is surplus to the authority's requirements in view of the discontinuance. New section 22 empowers the authority to determine the routes along which public transport services are to be provided and the places at which stations, stops or other points for embarkation or disembarkation of passengers or goods are to be established. Where the authority proposes to commence using a public street or road on a regular basis for the purpose of public transport services the authority is required to notify the relevant road maintenance authority. Before the authority establishes a bus stop or other point for embarkation or disembarkation of passengers or goods, the authority is required to consult with the relevant road maintenance authority.

New section 23 provides that where it is, in the opinion of the authority, desirable that facilities or amenities for recreation or refreshment be available in connection with a public transport system, the authority may itself provide such facilities or amenities, or may grant leases or licences over property of the authority with a view to provision by the lessees or licencees of such facilities or amenities. The present powers of the authority to provide liquor at the railway refreshment rooms at the Adelaide Railway Station are preserved under this new section. New section 24 makes it an offence for a person to hinder an employee of the

authority in the exercise of a duty assigned to him by the authority.

New section 25 creates offences of damaging or defacing property of the authority. Upon conviction the convicted person may be required to pay compensation. New section 26 makes it an offence for a person to behave in a disorderly or offensive manner while in a vehicle operated by the authority. It empowers employees of the authority to require any person who behaves in such a manner to alight from the vehicle, and if he refuses or fails to do so, to exercise reasonable force to remove him from the vehicle. New section 27 is directed at avoidance of fares payable to the authority.

New section 28 makes it an offence for a person to carry a dangerous or offensive object or substance on a vehicle operated by the authority. New section 29 provides for the summary disposal of offences. It empowers the authority to issue expiation notices in respect of offences. New section 30 exempts from stamp duty instruments under which the authority acquires an estate or interest in real or personal property, or takes property on hire. New section 31 is a regulation making power.

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

ESSENTIAL SERVICES BILL

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

PUBLIC SERVICE GUIDELINES

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

That the suggested Guidelines regarding Appearances of South Australian Public Servants as Witnesses before Parliamentary Committees, set out in Appendix II of the Report of the Committee on Guidelines for Public Servants Appearing before Parliamentary Committees, and laid on the Table of this Council on 29 September 1981, be adopted.

(Continued from 27 October. Page 000.)

The Hon. K. T. GRIFFIN (Attorney-General): I appreciate the consideration that honourable members have given to this motion. Certain questions were raised that were essentially related to the accountability of Ministers if public servants do not answer questions asked of them in Parliamentary committees. That question has not been addressed by the guidelines, because it has much wider implications than just whether or not information can be obtained from Ministers or public servants.

The whole question of the relationship between the Legislature and the Executive is one that should operate on a basis of goodwill and a desire to ensure that our Parliamentary system operates effectively. If at any time there should be a confrontation between Parliamentary committees and a Minister or a public servant, it is at that point that that very difficult constitutional question of authority must be resolved. Issues arise in the Westminster system around the world from time to time that gradually throw some light on the way in which such tensions could be resolved. We are very fortunate that in Australia there has been a very limited need to explore the constitutional relationships that are necessarily involved in the matters referred to by the Leader of the Opposition and the Hon. Mr DeGaris. The Government has sought to explore a reasonable basis for relationships between public servant witnesses and Parliamentary committees in a genuine atmosphere of ensuring that information is made available by the Executive to the Legislature on matters of fact.

As I indicated when moving this motion, the guidelines do very little more than set down what might already be regarded as convention or practice, or, in fact, matters of good sense and common courtesy. The Hon. Mr DeGaris suggested that it will really not make much difference whether or not the guidelines are passed, because if they are not passed, the Government can promulgate them as guidelines to the Public Service, and public servants will at least be able to take some comfort from the fact that the Government will support them if they adhere to those guidelines.

I would suggest, with respect, that there is more in it than that. The guidelines have the support of the President and the Speaker, as well as the Government and the Public Service Board, which is the employer of public servants. While there was a minority report from Mr Connelly of the Public Service Association, he, in fact, signed the majority report, and he qualified that signing by his minority report. Nevertheless, he did not withdraw from the form of the guidelines which the majority of the committee had submitted to the Premier and which is now before us for consideration. I believe it is important for both public servants and for committees to have the sort of information that is available in the notes for guideance of public servants. Accordingly, I believe that the guidelines should be supported by this Council.

The Council divided on the motion:

Ayes (9)—The Hons. J. C. Burdett, J. A. Carnie, L. H. Davis, M. B. Dawkins, R. C. DeGaris, K. T. Griffin (teller), C. M. Hill, K. L. Milne, and R. J. Ritson.

Noes (8)—The Hons. Frank Blevins, G. L. Bruce, J. R. Cornwall (teller), C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, and Barbara Wiese.

Pairs—Ayes—The Hons. M. B. Cameron and D. H. Laidlaw.

Noes—The Hons. B. A. Chatteron and C. J. Sumner.

Majority of 1 for the Ayes.

Motion thus carried.

FORESTRY ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

It proposes a number of disparate amendments to the principal Act, the Forestry Act, 1950-1974. These result from a review of the general operation of the principal Act which revealed that the Act is inadequate and outmoded in certain respects.

The Bill provides for the appointment of forest wardens with the inspectorial powers necessary to cope with problems posed increasingly by the expanding use of forest reserve land by members of the public, particularly for recreational purposes. Provision is also made in this respect for the granting of permits to enter and use forest reserve land.

The Bill proposes that a subcategory of forest reserve land be created to be known as native forest reserve. This is designed to enable appropriate forest reserve land to be set aside for conservation of native flora and fauna. It is proposed that native forest reserve be created by proclamation, each such proclamation containing a statement of the purposes for which the land is being designated native forest reserve. The Bill further provides that land that is set aside in this way may only be resumed by a proclamation which must be laid before Parliament and may be disallowed by resolution of either House of Parliament.

The Bill provides that the title of statutory office of Conservator of Forests created by the principal Act be replaced by the title of the permanent head of the Woods and Forests Department, namely, the Director, Woods and Forests Department.

Finally, the Bill proposes amendments that relate to financial aspects of the administration of the principal Act. The Bill provides that a borrowing power be conferred on the Minister, who is, under the principal Act, constituted a body corporate. In addition, the Bill proposes the repeal of section 22 of the principal Act, which provides for the provision by Parliament of the moneys required for the purposes of the Act. Instead, it is proposed that the administration of the Act be financed from income derived by the Minister from forest operations. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides that the measure is to come into operation on a day to be fixed by proclamation. Clause 3 makes a number of amendments to the definition section, section 2 of the principal Act, which reflect changes to substantive provisions of the principal Act. The clause does, however, substitute references to the Director of the Woods and Forests Department for references to the Conservator of Forests, which is considered to be an outmoded title.

Clause 4 replaces sections 2a, 2b, 2c, and 3 with a new section which provides for the declaration and naming of forest reserves and native forest reserves. This is to be effected by proclamation which, in the case of a native forest reserve, is to contain a statement of the purposes for which the native forest reserve is being established. Land that has been declared to be a forest reserve or native forest reserve may only be resumed under the clause by a proclamation containing a statement of the reasons for resumption which must be laid before each House of Parliament and may be disallowed by resolution of either House. Sections 2a, 2c and 3 are proposed to be repealed for the reason that they have no further function to perform.

Clauses 5, 6 and 7 substitute for references to the Conservator references to the Director. Clause 8 provides for the enactment of new sections 8a to 8e. New section 8a provides for the appointment of forest wardens. That section also provides that each member of the Police Force is also to be a forest warden. New section 8b provides for the issuing of identity cards to forest wardens. New section 8c confers appropriate inspectorial powers on forest wardens. New section 8d provides for seizure by forest wardens of objects used in the execution or furtherance of offences against the principal Act or which afford evidence of the commission of such offences. New section 8e provides that it shall be an offence for a person to falsely represent that he is a forest warden.

Clause 9 provides for the enactment of a new section 9a of the principal Act which provides that native forest reserve is to be managed by the Minister, having regard to the purposes for which it was declared to be native forest reserve, and that the Minister is to endeavour to ensure that no operations are carried out on such land which are inconsistent with those purposes. Clauses 10 and 11 substitute for references to the Conservator references to the Director. Clause 12 provides for the enactment of a new section 16a conferring a borrowing power on the Minister as a body corporate.

Clause 13 substitutes the term Director for the term Conservator where it appears in section 19 of the principal Act. Clause 14 provides for the enactment of a new section 19a, which is an evidentiary provision. Clause 15 amends the regulation-making power section, section 21 of the principal Act. The clause inserts new powers providing for the regulation of access to and conduct on forest reserve land and the grant of permits to enter upon and use forest reserve land. Clause 16 provides for the repeal of section 22 of the principal Act. This section provides for the provision by Parliament of the moneys required for the purposes of the principal Act. It is proposed, however, that the administration of the principal Act be financed from income derived by the Minister from forest operations.

The Hon. ANNE LEVY secured the adjournment of the debate.

HISTORIC SHIPWRECKS BILL

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

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

That this Bill be now read a second time.

The aim of this Bill is to provide a mechanism to protect the large number of historic shipwrecks and relics within the waters of South Australia. It also provides controls for the recovery of such wrecks and relics and for their disposition. At present, there is no specific legislation that protects historic shipwrecks and relics within State waters, as the Commonwealth Historic Shipwrecks Act 1976, recently proclaimed in South Australia, applies only to Australian waters adjacent to the State. The Commonwealth legislation, which adequately serves for the protection of historic shipwrecks and relics, is mirrored in this Bill.

More than 340 ships are known to have been wrecked around the South Australian coast, and the majority of these are located in State waters, such as the Gulf St Vincent and Spencer's Gulf. These ships are an important part of South Australia's heritage and a vital part of its history. Many were involved in the early exploration of this region. They reflect European man's early contact with South Australia. Many were involved in the vital cargo trade that was first South Australia's lifeline and later essential to its growth and ultimate prosperity. For the historian, their contents provide valuable guidance to the habits and customs of the period.

It is only through a systematic and detailed archaeological excavation that shipwrecks and their relics can offer their full potential in the State's maritime history. An example of this can be seen in Western Australia, where the Western Australian Museum, Maritime Archaeological Department, has established an important historical collec-

tion for study and public information. This work has been helped by the proclamation of the Historic Shipwrecks Act, 1976, to protect those shipwrecks and to enable a maritime archaeological programme to be carried out. Although South Australia does not have the Dutch shipwrecks, as in Western Australia, it has a large number of colonial vessels vital to the early development of this State that could offer valuable historical information.

With the increase in the popularity of scuba diving over the past two decades, a marked increase in the looting, souveniring and damage to shipwrecks has occurred. Acts of vandalism have occurred by people interested in only the monetary value of a shipwreck. The historical importance of a shipwreck is destroyed, although in some cases people are not aware that they are doing this. Well-meaning souvenir hunters have been unaware that, following exposure to seawater, metals become unstable and require expensive and lengthy conservation treatment. As a result, people acting in the best of faith have deprived future generations of relics of great historical value.

Under the Bill, the Minister is authorised to declare as historic shipwrecks or historic relics the remains of ships or items from them that are of historic significance. These then become subject to the provisions of the Bill. Under these provisions, persons finding or having possession of such items are required to notify the Minister. The Minister is then empowered to give directions as to how the items are to be dealt with, and he may also issue permits for the exploration or recovery of shipwrecks and relics subject to such conditions as are considered appropriate.

The area surrounding a declared wreck or article may be declared a protected zone and this will permit controls to be applied to any activity that may occur in the area. The Bill provides that a register, to be known as the Register of Historic Shipwrecks, will be maintained. This register will be open to public inspection. Maintenance of the register will not only assist in preserving these shipwrecks but will also provide a valuable guide to those who wish to see, but not interfere with, the relics of our past for themselves.

While protecting these wrecks, the Government is also anxious to ensure that exploration and discovery is not inhibited or prevented. Less than one quarter of the known wrecks have been located. To encourage exploration and to reduce temptation of looting, the Bill provides for the payment of a reward for the discovery of hitherto unlocated historic shipwrecks. The amount of the reward will not be contained in the legislation, but will be determined from time to time, according to the relative money values of the day and the importance of the discovery.

The Bill is framed for protection, not prosecution, and by its very existence it may help develop an understanding of the importance of historic shipwrecks and of the need to act responsibly in their vicinity. The amateur diver should therefore have no difficulty with this Bill provided that it is not his intention to pillage historic shipwrecks. Heavy penalties may be imposed under the Bill but for each and every penalty provision is made for defences that exist against prosecution. The Bill is careful to preserve the proper rights of individuals. The State does not claim ownership of any shipwreck, unless it is necessary to do so in order to protect the public interest and in such case the Bill provides for the vesting of the historic shipwreck in the Crown.

The Commonwealth Historic Shipwrecks Act, 1976, has received favourable response from segments of the fishing industry, the Scuba Divers Federation of Australia and offshore development organisations in those States where it has been in operation and in South Australia since proclamation, thus laying the foundation for this Bill. An important part of South Australia's heritage will be protected with this Bill and I commend it to the Council. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses.

Clause 1 is formal. Clause 2 provides that the measure is to come into operation on a day to be fixed by proclamation. Clause 3 sets out the definitions used for the purposes of the Bill. Clause 4 provides that the Crown is to be bound by the Bill. Clause 5 authorises the Minister to declare as historic shipwrecks or historic relics the remains of ships or articles that lie within, or have been removed from, the State's waters and which he considers are of historic significance.

Clause 6 allows the Minister to make a provisional declaration that shipwrecks or relics are historic. Such a declaration will remain in force for 12 months unless it is revoked sooner. Clause 7 enables the Minister to declare a protected zone not exceeding 100 hectares around a historic shipwreck or historic relic. Clause 8 provides for the publication of notices under the above clauses in newspapers or other publications, as well as the *Gazette*. Clause 9 requires a person who has, or who obtains, possession, custody or control of an article to which a notice is in force under the Bill to notify the Minister of that fact. A person will not be guilty of an offence against this section if he can establish that he neither knew, nor had reasonable grounds for believing that the article was one to which a notice related.

Clause 10 enables the Minister to ascertain the location of an article which may be part of a historic shipwreck or a historic relic by requiring a person who he believes has or had possession, custody or control of that article to provide information as to its whereabouts. Clause 11 empowers the Minister to require a person having possession, custody or control of an historic shipwreck or historic relic to take certain action as to its preservation or exhibition, or to provide access to it. A direction given under this section may be subject to a review by the district court and a person required to take action may recover reasonable costs incurred in complying with the direction.

Clause 12 requires the Minister to keep a Register of Historic Shipwrecks upon which is to be entered information relating to notices in force under clauses 5, 6 or 7. Clause 13 prohibits the damage, destruction, disposal, removal or interference with a historic shipwreck or historic relic, except in accordance with the conditions of a permit granted under the Bill. Clause 14 permits the making of regulations to prohibit certain activities in protected zones. Such activities include diving, salvage and recovery operations, carrying or use of explosives, instruments or tools likely to damage a historic shipwreck or historic relic and the mooring or use of ships. Clause 15 empowers the Minister to grant permits for the exploration or recovery of historic shipwrecks or historic relics, subject to such conditions as are considered appropriate.

Clause 16 provides that it is a defence to a prosecution for an offence under the Bill if the act which constituted the offence was done for the purpose of saving human life, securing the safety of a ship, dealing with an emergency involving a serious threat to the environment or was done with any other reasonable excuse. Clause 17 requires a person who finds the remains of a ship or articles associated with a ship to notify the Minister.

Clause 18 provides for the payment of a reward for the discovery of hitherto unlocated shipwrecks or articles sub-

sequently declared to be of historic significance. Clause 19 enables the Governor to make arrangements for Commonwealth authorities to perform functions in relation to historic shipwrecks or historic relics. Clause 20 empowers the Minister, where he considers it is in the public interest, and subject to the right of an owner to claim compensation, to declare any historic shipwreck or historic relic coming into the possession of a person after the commencement of the Act to be vested in the Crown.

Clauses 21, 22, 23 and 24 deal with the appointment and powers of inspectors for the purposes of the Bill. Clauses 25 and 26 deal with the procedure for prosecutions under the Bill. Clause 27 allows the Minister to delegate the powers given to him under the Bill. Clause 28 provides for service of notices. Clause 29 enables the making of such regulations as are contemplated by the Bill.

The Hon. ANNE LEVY secured the adjournment of the debate.

ADJOURNMENT

At 11.48 p.m. the Council adjourned until Thursday 29 October at 2.15 p.m.