LEGISLATIVE COUNCIL

Wednesday 18 November 1981

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

PUBLIC WORKS COMMITTEE REPORTS

The PRESIDENT laid on the table the following reports by the Parliamentary Standing Committee on Public Works, together with minutes of evidence:

Beetaloo Dam and Spillway Rehabilitation,
Elizabeth Community College—Stage IV.

QUESTIONS

INDUSTRIAL COURT MAGISTRATE

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

Leave granted.

The Hon. C. J. SUMNER: Early in July, I received information about the conduct of a magistrate in the Industrial Court of South Australia who heard a case for reinstatement taken by Dr Coulter against the Institute of Medical and Veterinary Science. The case proceeded for 18 days and was then adjourned for discussion, pending settlement. Following that adjournment, an approach was made to the President of the Industrial Court. As a result of that approach the magistrate disqualified himself from further hearing of the case. The allegation was made that the magistrate had, during the proceedings, gone to sleep on a number of occasions. Therefore, 18 days of court hearing were completely wasted.

In July, after receiving this information, I raised the matter informally with the Attorney-General. Two months later, on 24 September, I raised the matter in Parliament and received a reply which was less than satisfactory but which confirmed that the magistrate had disqualified himself. In other words, it confirmed that 18 days of court time in the hearing of a very important matter in the Industrial Court had been wasted.

Since early July I have attempted to obtain some satisfaction on this matter. Initially, I took the matter up informally, and I have not named the magistrate concerned in public. However, the fact is that the magistrate is still sitting on cases, and not just small chamber matters but full cases, particularly for reinstatement—important cases for people who have been dismissed.

I have now received another series of complaints emanating particularly from the Working Womens Centre. The centre has advised me that it has received a number of complaints about the conduct of this particular magistrate. In one case recently of *Myles v A.P.I. Traders*, a witness, an applicant in a reinstatement case, during cross-examination refused to answer a question until the magistrate woke up. The administration of justice has become a farce in the Industrial Court if these allegations are correct. Quite frankly, the court is being brought into disrepute, and parties to proceedings no longer have any faith that justice is being done. The Government appears to be unconcerned, but I believe that it must take the blame for the situation, simply by failing to appoint sufficient qualified people to the Industrial Court and having to rely on a retired magistrate to hear these cases. My questions are as follows: First, will the Government investigate these fresh complaints about the conduct of the magistrate and, secondly, what steps does the Government intend to take to ensure that the administration of justice is not brought further into disrepute in the Industrial Court?

The Hon. K. T. GRIFFIN: I will certainly refer that question to the Minister of Industrial Affairs, under whose responsibility lies the administration of the Industrial Court. The question of who should sit on cases within the court is not a matter for any Minister in the Government—it is a matter decided by the court itself, under the President. The last thing that the honourable member would want is for any Minister of the Crown or the Government collectively to interfere in the administration of justice within a court, whether the Industrial Court or any other court. Accordingly, I will refer the matter to which the honourble member has referred to the Minister of Industrial Affairs. He will undoubtedly refer it to the President of the Industrial Court in whose hands the decision with respect to this particular magistrate will ultimately rest.

FESTIVAL EVENTS

The Hon. B. A. CHATTERTON: Has the Minister of Arts a reply to my question of 21 October about festival events?

The Hon. C. M. HILL: Over recent festivals it has been the policy of the Board of Governors of the Adelaide Festival to actively seek corporate sponsorship for the majority of events held during the festival. Sponsorship for the 1982 festival has already exceeded the amount obtained for the 1980 festival. The event that a corporation sponsors is the subject of discussions between the festival and the various sponsors. Wherever possible, the contracted performing companies that are appearing at the festival are advised of sponsorship, but as a large number of companies are from overseas, this is not always practicable. There was recent comment in *The National Times* where a performing company pointed out that the sponsorship for its event was raised by and for the Adelaide Festival and was not a direct sponsorship to that particular performing company. The Board of Governors is satisfied that sponsorship arrangements currently in operation are working satisfactorily and, wherever possible, the festival will continue to consult with the various performing arts companies who are part of the festival, regarding any sponsorship raised by the festival.

IRRIGATION AREAS

The Hon. B. A. CHATTERTON: Has the Minister of Local Government a reply to my question of 22 October about irrigation areas?

The Hon. C. M. HILL: The Minister of Water Resources informs me that no alteration to or withdrawal of the pamphlet and application forms connected with the grants scheme is necessary as their wording is correct. The date of 4 September 1980 has been introduced to cover the situation where an irrigator who, by virtue of the moratorium, did not have a rehabilitated farm outlet provided until after 1 July 1981, but who, in anticipation of receiving such an outlet, had commenced conversion to improved irrigation practices.

DENTURES SCHEME

The Hon. J. R. CORNWALL: I seek leave to make a brief explanation before asking the Minister of Community

Welfare, representing the Minister of Health, a question on dentures for country pensioners.

Leave granted.

The Hon. J. R. CORNWALL: On the front page of yesterday's *Advertiser* appeared an article by medical writer Barry Hailstone under the headline '$10 dentures for the aged'. I will come back to that in a moment. My concern is that this may be yet another cruel confidence trick on the pensioners by the Minister of Health. To illustrate that, I refer to an announcement that the Minister made at about this time last year concerning a free spectacles service for pensioners throughout country areas. The announcement was given great prominence at that time. It was carried in every non-metropolitan newspaper throughout South Australia, and in fact what was announced never happened at all. Indeed, the Minister was forced to make a confession about it. In *Hansard* of 27 October 1981, in reply to a question from the member for Whyalla, she said:

> The member for Whyalla is correct in recalling that I announced late last year that the Government expected the service to proceed early this year. That announcement was made in good faith and in the genuine belief at that stage that it could proceed.

She then points out that she had not realised that there was an on-going feud between the ophthalmologists and the opticians, a feud which has been going on for years and which she was not able to overcome. By the time that dispute was eventually resolved, the Government, as the Minister said, found itself in an extremely difficult Budget situation. She stated:

> As a result of the difficulties imposed on the State Government by the Federal Government towards the end of the last financial year, it was not possible to proceed . . .

That promise had been given great prominence. Every pensioner in the State requiring spectacles was led to believe that the service was to be extended throughout country areas, but it never eventuated. We now have the latest announcement, with the Minister shooting from the lip, telling all pensioners in the country areas of South Australia that they will have access to free dentures through a participating scheme with local private dentists. She said, amongst other things:

> I am well aware that the dental health of pensioners has been sadly neglected in the past and I am also aware of the adverse impact that poor dental health can have on the total mental and physical health of all age groups, particularly the elderly.

Nowhere in that article was there any mention of how this scheme was to be financed. So, immediately I went to the report which was prepared for the Minister and which is entitled 'Dental Services in South Australia'. It was published in August 1980, and it is interesting to see what it had to say concerning dental services in country areas, as follows:

> A Government subsidised fee-for-service scheme through private dental practice is an ideal method of providing dental services to country pensioners . . . and is supported, in principle, by the committee.

Costing was carried out, and it is pointed out that in the first year of operation there would be very substantial demand. Even writing that down to 20 per cent (and that was used as an example), it was further stated:

> For example, if 20 per cent of the eligible group seeks full upper and lower dentures in the first year of such a scheme, the cost to the Government would be $2 600 000.

The local dental officer schedule was used, being that used by the Department for Veterans Affairs. The committee estimated the cost in 1980 as $2 600 000. Referring to the estimate, it was stated:

> No provision has been made for administrative costs associated with the operation of the scheme. Obviously, procedures would need to be developed for the approval of treatment, the payment of accounts and the monitoring of the scheme.

I concede that the Minister has stated that the A.D.A. has agreed to charge 70 per cent of the current l.d.o. fee but, even if that is taken into account, 70 per cent of the estimated $2 600 000 is still $1 800 000. By the time the administrative costs to which the committee refers are added and one takes into account inflation, in the first year, even with minimum use, according to my estimate, the cost would be in excess of $2 000 000.

I predict that that scheme will just not eventuate and that again the country pensioners in South Australia will be the victims of a cruel confidence trick by the Minister. I further predict that, if the scheme is adopted at all before the next State election, it will occur in Mount Gambier, because that area just happens to be a marginal seat. Two, three, or four dozen sets of artificial dentures will perhaps be provided, and that is what will hapen to this grand page 1 announcement. No provision was made in the Budget for this scheme. I have scoured the Budget Estimates, but nowhere can I find an amount set aside anything like $2 000 000. I therefore ask how the scheme will be financed, and how much money will be made available in the financial year 1981-82.

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

COOBER PEDY FIRES

The Hon. FRANK BLEVINS: Has the Minister of Local Government a reply to a question I asked on 20 October about Coober Pedy fires?

The Hon. C. M. HILL: The Coober Pedy Progress and Miners' Association has written to me seeking financial assistance regarding several matters and included in that correspondence is a request for financial assistance to install a new salt water pipeline and fire hydrants in the main street area of Coober Pedy.

As the association can still draw upon the resources of the Outback Areas Community Development Trust until the Coober Pedy Local Government Extension Act is proclaimed, and there is an urgent need for some work to be carried out, an application has been submitted to the trust for financial assistance. I am led to believe that that application will be favourably considered.

In addition, an officer of the Department of Local Government will very shortly be visiting Coober Pedy to design the fire equipment that is to be installed and I would be hopeful that the work will be able to proceed prior to the end of this calendar year.

REPLIES TO CORRESPONDENCE

The Hon. ANNE LEVY: I seek leave to make a brief explanation before asking the Minister of Local Government, representing the Chief Secretary, a question about replies to correspondence.

Leave granted.

The Hon. ANNE LEVY: Instances have been drawn to public attention of the delays that occur in regard to replies from Ministers. The matter that I wish to raise today probably takes the record. I raise it at the request of the people concerned who have not yet received a reply to a letter they wrote to the Chief Secretary on 27 February 1980—21 months ago. I refer to a letter about special branch files that was sent by the President of the Council for Civil Liberties to the Chief Secretary. I will read part of that letter to show that it is by no means trivial, irrelevant or unimportant. In part, the letter reads:

This council has noted with some concern remarks made by the Government in the last session as to reconstitution of the Police Special Branch. If the Government intends the Special Branch to be reconstituted, this council believes that it should only be in line with the recommendations of the White report, namely the compilation of files on only those people reasonably suspected of being involved in subversive activity. Even with such restriction, this council believes that there should be a body of review to review such files at least one *per annum*, with that body of review having the power of ordering and overseeing the destruction of files deemed by it to be unnecessary.

We should be most interested to hear from you as to the Government's determination in this matter and whether or not any restriction such as we propose will be imposed. This council is further disquieted by allegations that files maintained by the former Special Branch, and ordered to be destroyed, have in fact not been destroyed. We should be most pleased if you would advise whether or not the recommendations of the White report in this regard have been complied with.

As can be seen, this is not a trivial matter. Surely it is a matter to which any Government should respond if it were raised by anyone, but particularly when it is raised by a body as concerned about such matters as is the Council for Civil Liberties.

As I have said, the letter is dated 27 February 1980. It was acknowledged on 11 March 1980 on behalf of the Chief Secretary, but the council has heard nothing further. Early this year a member of the council rang the Chief Secretary's office to find out what was happening. He spoke to an officer there who assured him that he would research the matter and get back to the council. When members of the council had heard nothing further from the Chief Secretary's office, they wrote again on 29 May this year, recalling the telephone conversation and the promise to have the original letter followed up. However, once again, they heard nothing further and wrote another letter on 4 October this year to the Chief Secretary's office quoting reference numbers, file numbers and other necessary information in an effort to have the matter followed up.

I think my question is obvious: will the Minister take up with his colleague the question of non-replies to reputable and responsible organisations, such as the Council for Civil Liberties, and see that a reply to that organisation's original letter is provided as soon as possible? Twenty-one months is an inordinately long time to have to wait for a reply, even from members of the present Government. I am sure that the Minister of Local Government, having been a member of the Council for Civil Liberties, will appreciate the insult that his Government is according to this organisation by ignoring its correspondence for 21 months.

The Hon. C. M. HILL: I will take up the unusual circumstances with the Chief Secretary and do my best to hasten the matter along.

NOISE LEVELS

The Hon. G. L. BRUCE: I direct a question to the Minister of Consumer Affairs regarding noise levels in places of public entertainment, and I seek leave to make a short explanation before asking the question.

Leave granted.

The Hon. G. L. BRUCE: I understand that some time ago the Government set up an inter-departmental working party on the subject of noise. It would appear that the working party was looking at noise associated with places of public entertainment. After some 12 months, the report has not surfaced. It would seem that, at the request of the Australian Hotels Association, a further working party has been established. Following that, we had the report about the Hackney Hotel, where there was a noise problem. When that matter was raised in another place, the Chief Secretary gave the following reply:

The honourable member is quite correct; he did write to me about the Hackney Hotel and he has written to me also about several other hotels, which indicates some concern in the district of Norwood. This matter relates to the portfolios of the Minister of Environment and Planning, the Minister of Consumer Affairs and me. We have had on-going discussions about the matter and the difficulty of policing the problem areas. My colleague in another place, the Minister of Consumer Affairs, is looking at the legislative requirements needed to deal with this problem.

Can the Minister enlighten us on what he is intending to do, how far along the pipeline the plans are, and whether action will be taken under the Licensing Act or in relation to the Industrial Affairs portfolio? Will he say just what is intended at this stage?

The Hon. J. C. BURDETT: I first make clear that I was not the convening Minister of the working party. Regarding the suggestion by the honourable member that a second working party was set up at the request of the A.H.A., I have no knowledge of that; that is news to me. Certainly, the working party has prepared a report (it was not only on the question on noise in licenced premises), and that is being looked at.

The question of noise in relation to licenced premises is a difficult one. The matter of noise emanating from the premises themselves can be dealt with by my department, the Department of Environment and Planning, and the police, but some of the major complaints are not regarding noise emanating from the premises themselves but are regarding noise caused by patrons after they leave the premises. Unless the persons who make the noise can be apprehended by the police at the time, that matter becomes very difficult. It is difficult to hold a licensee responsible for noise that occurs outside the licenced premises, although he can be held responsible regarding noise inside the licenced premises.

The answer to the question is that legislation is being looked at with a view to its being presented to Cabinet. One of the recommendations (I think this is fairly well known) was that we look at legislation along the lines of the New South Wales show-cause provisions, so that a licensee can be called on to show cause why his licence should not be suspended or certain other action should not be taken, instead of simply waiting for objections until the time of renewal of the licence. The question of noise could be one of the matters to be taken into account. This is being looked at very closely, and is fairly well along the pipeline, to use the honourable member's term.

HILTON HOTEL COMPLEX

The Hon. N. K. FOSTER: I desire to direct questions to the Attorney-General in respect of the Hilton Hotel. Can the Minister supply answers to the following questions:

1. Who are the owners of the hotel? Can the Minister supply individual owner's names, countries of origin, and company interests?

2. To what extent were past or present members of the Adelaide City Council involved?

3. What amount of money has been of personal gain to members of the Adelaide City Council as a result of the transaction?

4. What is the return to the Government of the 99-year lease agreed to by Cabinet?

5. Are there any parking facilities available near the Hilton Hotel complex itself?

6. If not, does the Government further insist on the Adelaide City Council's imposing its will on the present lessee of the Central Market Car Park to relinquish or diminish the 50-year lease?

7. Is it the intention of the Government to amend the Local Government Act to provide for the Adelaide City Council's having power of acquisition?

8. To what extent will South Australian business be involved in the project on completion?

9. Is the now proposed casino to be on the second or third floor, and, if so, what charges will be made to the Government for rental leasing of such hotel space by the Hilton Hotel complex?

10. What money has been invested by Hilton Hotels Limited?

11. If the answer to question 10 is 'None', then what company or other interests provided the capital for the project?

The Hon. K. T. GRIFFIN: I will have to obtain that information for the honourable member. My recollection is that the same members are involved with the development of that hotel as were involved at the time the previous Government was negotiating for the international hotel to be established. I will obtain the information and bring back a reply.

The Hon. N. K. FOSTER: I have a supplementary question. Since the Attorney insists that the same people with which this Government is associated were associated with the previous Government, can he say at what stage the previous Government ceased its negotiations? Was there any confirmation by the previous Government as to arrangements that now exist between Hilton Hotels Limited and the Government?

The Hon. K. T. GRIFFIN: I will obtain that information for the honourable member.

VIDEO CASSETTES

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

Leave granted.

The Hon. C. J. SUMNER: I have received a complaint from a resident of Mount Gambier that in shop windows there are being displayed video cassettes with covers that are offensive to some people. A number of complaints have been made about this. Basically, the complaint is not necessarily about the contents of the cassettes; it is that the covers on the cassettes are offensive and are on public display. What steps can the Attorney-General take to ensure that this obscene material, which is offensive to some citizens, is not openly displayed in shops?

The Hon. K. T. GRIFFIN: The Classification of Publications Act presently is the legislation which relates to the classification of video tapes. A number of tapes are periodically submitted to the Classification of Publications Board. Some of these tapes are classified and some are refused classification. Classification is required if they are to be sold. The categories of classification for video cassettes presently are the same as those which apply to printed publications. If the cassettes which are being displayed are offensive—

The Hon. C. J. Sumner: It is the covers.

The Hon. K. T. GRIFFIN: If the covers are offensive, then it will depend on whether or not they have been classified and, if they have been classified, what classification has been accorded those cassettes by the Classification of Publications Board. If they are in fact offensive and have not been classified, there is provision under section 33 of the Police Offences Act for some action to be taken by the authorities. If the honourable member wants action taken, I suggest that he disclose to me informally the address of the premises and I will arrange to have them checked.

STATE MEAT INSPECTORS

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

Leave granted.

The Hon. B. A. CHATTERTON: During the recent dispute of Commonwealth meat inspectors, South Australia was not able to process meat because only Commonwealth meat inspectors operate in this State. All other States, except Tasmania, have both Commonwealth and State meat inspectors and, as State meat inspectors were not on strike, other States were able to operate some abattoirs with State meat inspectors. In this State, a number of meat wholesalers who were concerned about the situation went as a deputation to the Minister of Agriculture to find out whether it was possible to establish a State meat inspection service. Evidently the Minister agreed to take up the matter and investigate the possibility. His final remark to the deputation was, 'They don't call me ever-ready Teddy for nothing.' The deputation was puzzled by this remark and asked me what it meant. Can the Minister inform us what he meant by that remark?

The Hon. J. C. BURDETT: It seems to me that the question is somewhat facetious. I hardly think the question is serious but, if the honourable member really wants me to refer the question to my colleague in another place and bring back a reply, then I will.

GRADUATE DIPLOMA

The Hon. ANNE LEVY: I seek leave to make a statement before asking the Minister of Local Government, representing the Minister of Education, a question about the graduate Diploma in Teaching (Catholic Studies).

Leave granted.

The Hon. ANNE LEVY: Although there has been no public announcement, I believe that plans are under way for introducing at the Adelaide College of Arts and Education a course to be known as a Graduate Diploma in Teaching (Catholic Studies). As I understand it, the provision of this course has been approved by the Council of the Adelaide C.A.E., but it has not yet been approved by The Tertiary Education Authority of South Australia. It is expected to be approved later this week. I do not know whether the course has been approved by the Federal authorities, whose approval is necessary if Federal finance is to be provided for such a course, in the same way as it is provided for all other courses offered by the C.A.E.s.

I understand that this is to be a post-graduate diploma, with the aim of teaching catholic dogma and theology to students who have teaching qualifications, so that they will then be equipped to teach in the Catholic schools of this State. It is definitely a Catholic course of straight theology, liturgy and dogma not taught from a secular point of view and completely different from the Graduate Diploma in Religious Education which is currently provided at a number of C.A.E.s in this State where, in these latter courses, there is overall study of religion in all its aspects, and not a dogmatic or confessional course.

I further understand that, in order to get this course off the ground in 1982, the Catholic Office of Education is providing $30 000 to employ staff for this purpose and that, furthermore, the Catholic Office of Education will be choos-

ing the staff for the course, helping to design the programme or curriculum, and vetting it throughout the year, which would appear to be quite contrary to any principles of academic freedom and responsibility as is usually held within any tertiary institution.

The normal practice, which most academics would defend to the utmost, is that the institution itself is the only body responsible for hiring staff, and that no outside interference is permitted in curricula, in approving courses, conducting them or vetting them.

Furthermore, I understand that an argument has been advanced that such a course should be offered in South Australia as in a number of the Eastern States there are Catholic teachers colleges which have become Federally-funded C.A.E.s and, as they are funded by Federal Government money, a similar course should be so funded in this State. However, it has to be noted that these Catholic C.A.E.s in the Eastern States are not only teaching theology and dogma but also providing a full range of teacher-education courses and are preparing students in all aspects of teacher training.

Their per capita funding is no different from that provided to any other college of advanced education that is undertaking teacher training courses without any dogmatic content. Of course, there are serious financial implications in this proposal as well as those relating to academic considerations. If the course is to be funded by the Tertiary Education Commission (I am not referring now to 1982 but to subsequent years), this will mean that money has to be diverted from other courses to provide this one. However, if it is to be a special allocation outside the moneys already provided to the commission, this will mean that the Federal Government is choosing to provide extra finance for this religious course, and one may well ask whether this is not Government interference in the courses which are offered in tertiary institutions and, if the Government chooses to provide extra moneys for this course, why this course and not other courses? Why this course and not sufficient funds to continue existing courses, some of which are having to be cut due to the lack of money to—

The Hon. C. M. Hill: You realise that the Catholic private schools are short of staff?

The Hon. ANNE LEVY: There are many unemployed teachers in this State. Also, there is a centre for Catholic studies in this State which has provided teaching of Catholic dogma and theology for members of staff from Catholic schools being funded entirely from Catholic sources and not relying on the public purse for the teaching of theology and dogma to such teachers.

One further point is the reaction of other churches. If this course does come to fruition, can we expect to have pressures applied to have graduate diplomas in the teaching of Anglican studies, Lutheran studies, Uniting Church studies, Transcendental Meditation studies, and so on, covering all the types of religious schools which exist in this State? I realise that this area overlaps the responsibilities of the State and Federal Governments and that such a proposal could not have proceeded as far as I understand it has without discussions having occurred with State and Federal bodies.

Will the Minister confirm or deny the allegations which I am making, and can he further provide details of which I have not become aware? Will he also comment on the implications of such a course for the very important principles of academic freedom and educational funding in this country, and can he say whether he has approved of a Catholic theological programme being entirely funded from the public purse?

The Hon. C. M. HILL: I will ask the Minister of Education for a full report on this matter, and I will also ask him to include his comments, as the honourable member has requested.

POTATO PROMOTION

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

Leave granted.

The Hon. B. A. CHATTERTON: I understand that the Potato Board does some promotion of South Australian potatoes and, in that promotion, it points out that the quality of South Australian potatoes is superior to the quality of potatoes imported from Victoria. I have no complaint about that, as it is part of the job of the board to carry out promotional work. I have no objection to the board's making comparisons between South Australian and Victorian potatoes, but it has also been reported to me that during periods of potato shortages in South Australia the board itself packs Victorian potatoes.

People are not aware of the fact that they are getting Victorian potatoes packed by the board. If that is the situation, it does seem somewhat inconsistent. If they are on the one hand promoting South Australian potatoes in comparison with Victorian potatoes and then, under their own trading operation, introducing Victorian potatoes into this State, it is inconsistent. Will the Minister investigate the situation and see whether the board is operating in this way? If he finds that it does operate in this way, could he ask the board to inform consumers, if it is selling Victorian potatoes, that in fact that is the case?

The Hon. J. C. BURDETT: That seems to be a more substantive question than the last one directed to the Minister of Agriculture. I will have great pleasure in referring that question to my colleague and in bringing back a reply.

ETHNIC AFFAIRS

The Hon. N. K. FOSTER: I seek leave to make a brief explanation before asking the Minister Assisting the Premier in Ethnic Affairs a question on ethnic affairs and immigration.

Leave granted.

The Hon. N. K. FOSTER: I was somewhat alarmed to read in the *Advertiser* this week that John McLeay, a one-time member of the Federal Parliament who came into disrepute in this place through the rightful questioning by the Leader on this side in regard to that gentleman's shady business dealings—

Members interjecting:

The PRESIDENT: Order!

The Hon. N. K. FOSTER: What do members want me to say—that he is a pinnacle of honesty?

The PRESIDENT: Order! I ask that the comment be withdrawn.

The Hon. FRANK BLEVINS: I rise on a point of order. I have a sense of *deja vu*. We have had the Attorney-General on a previous occasion ask for a withdrawal on the basis that John McLeay was a member of Parliament. I took a point of order which you, Mr President, upheld that, as John McLeay was no longer a member of Parliament, he had no right to unsurp the right of members in this place in our freedom to say anything that we wish.

The Hon. C. M. Hill: They have not got that freedom—that is unparliamentary.

The PRESIDENT: I take the point of order. What the Hon. Mr Blevins said is quite correct. If I heard correctly,

there was a request for a withdrawal. I therefore ask the honourable member to withdraw.

The Hon. N. K. FOSTER: I withdraw. If the Attorney wants to get off at Bowden he can. If he does not understand me, he should talk to somebody a bit older than he is. The Hon. Mr Hill understands me, as he is laughing.

The PRESIDENT: Order!

The Hon. N. K. FOSTER: Mr McLeay now holds an office, of which he is not worthy, in the United States of America. This chap, although he was a member of Parliament as was his father and uncle before him, cannot deny the members of this Council the right to ask questions in regard to his family business.

The Hon. K. T. Griffin: You can ask—

The Hon. N. K. FOSTER: Shut up, Mr Attorney!

The PRESIDENT: Order! The honourable member can ask his question without all this nonsense.

The Hon. N. K. FOSTER: I was alarmed to see that Mr McLeay, the Ambassador (or whatever office he may hold), is wandering across the Southern United States begging young people to emigrate to Australia, particularly South Australia, because there is plenty of work here for tradesmen. He is a liar and a fool. He knows that that is not the case at all. His family had to flog their own business interests to Nat Solomon after sacking most of their employees.

The Hon. K. T. GRIFFIN: I rise on a point of order. That matter is totally irrelevant to the question. I draw your attention, Mr President, to the Standing Order which requires the honourable member to adhere to the subject matter of his question.

The PRESIDENT: I take the point of order and ask the honourable member to make his explanation without all the trimmings about various individuals.

The Hon. N. K. FOSTER: The question may well be in regard to the decrease in the number of carpetbaggers in this State. The Attorney does not know what the question is.

The PRESIDENT: Order! That is unparliamentary.

The Hon. N. K. FOSTER: Will the Minister have representations made to the Federal Minister of Immigration to inform the previously honourable John McLeay that his action in the United States in suggesting that work is plentiful and available for tradesmen is mischievous and denies the right of the unemployed in this State to a prior job opportunity? Is it a fact that all brick layers at the Marleston training establishment were dismissed last week and have not laid a brick for at least nine months and that there are to be no apprentices engaged at that establishment for the rest of 1981 and 1982? Will the Minister convey that to the once honourable Mr McLeay?

The Hon. C. M. HILL: The answer to the first question is 'No'. As for the situation at Marleston, I have no knowledge at all.

PETROL RATIONING

The Hon. G. L. BRUCE: I asked a question on 22 September at page 1028 of *Hansard*. I asked another on 29 September at page 1202 of *Hansard* regarding petrol rationing under the odds and evens system. As yet I have had no answers. Can the Attorney-General indicate when the answers will be available?

The Hon. K. T. GRIFFIN: No, I cannot give an indication but I will follow up the honourable member's questions for him.

AUSTRALIAN GALLERY DIRECTORS COUNCIL

The Hon. B. A. CHATTERTON: I seek leave to make a brief explanation before asking the Minister of Arts a question on the Australian Gallery Directors Council.

Leave granted.

The Hon. B. A. CHATTERTON: I think all honourable members would have been disturbed to read the recent reports that the Australian Gallery Directors Council has been wound up and that the exhibitions of outstanding merit which have been arranged and organised within Australia will no longer continue. The future of some of the exhibitions currently touring Australia is in doubt. I understand that the debts of the council are of the order of $300 000. While the Australian Council was prepared to provide some contribution to these debts, the States were not prepared to pick up the rest. I think that the South Australian situation has been quite good in this regard. I believe that South Australia has been prepared to pick up its share. It is the larger Eastern States that have not been prepared to help the directors council overcome its financial problems. It would be a great pity for South Australia if this council was to be wound up, as we are one of the smaller States and it is more difficult for us to find the sorts of exhibitions that the Australian Gallery Directors Council has been able to arrange. It seems important therefore for South Australia that this council continue. Did South Australia offer to contribute on a pro rata basis to the debts of the council to help overcome this financial problem? Secondly, has the Minister contacted other State Ministers of Arts or other State Premiers to try to get the council back on the rails?

The Hon. C. M. HILL: A full meeting of the Australian Gallery Directors Council will be held today to discuss this situation and the question of liquidation. It is true that quotas were suggested from each State and that, although the board of the Art Gallery in South Australia found great difficulty on this financial aspect, South Australia has indicated that it is prepared to meet and indeed honour its promise that $17 000 could be found from the State.

From the information I have, South Australia is the only State that (until today, at any rate) has indicated that it is prepared to find the amount that has been allocated as its share among the respective States so that the liquidation might be avoided. I agree with the sentiments of the Hon. Mr Chatterton that the situation is a severe blow to the visual arts in this State and also in Australia, because the demise of the A.G.D.C. will leave a vacuum. The council has provided the Australian people with magnificent exhibitions, which, incidentally, have not been confined to the major cities but have been shown throughout regional centres in Australia. If the council goes out of existence, it is proposed that responsibility for all current exhibitions will be transferred to individual galleries.

In regard to the honourable member's second question, I have not been in touch with my Ministerial colleagues interstate, because the matter has involved negotiation and contact between the respective boards throughout the various States. The council has been a rather unique body. It has not been a Government instrumentality: it has been an entity that was formed by the various art galleries in their own right and in each State. Each one enjoys autonomy. I have been quite satisfied, in my communications with the board of the Art Gallery in Adelaide and in my reading of the various reports that have been coming to me in regard to this matter, that South Australia has done everything possible and that I could not have done any more to save the situation Australia-wide. However, today's meeting might well come up with answers that are a little more optimistic than those that I have given, and I will await

the outcome of today's meeting with considerable interest. I want to stress (and I believe that the honourable member has raised a very important point) that South Australia was prepared to meet its obligations, despite financial difficulties—

The Hon. B. A. Chatterton: That is what I said.

The Hon. C. M. HILL: That is right. That point deserves publicity. South Australia does not enjoy becoming involved with liquidations, where creditors are placed in serious financial difficulty.

MEMBERS OF PARLIAMENT (DISCLOSURE OF INTERESTS) BILL

Adjourned debate on second reading.

(Continued from 11 November. Page 1807.)

The Hon. R. J. RITSON: It is a pity in a way that I find myself opposing this Bill, because I support the principle of declaration of interests by members of Parliament. I have no fundamental objection to that principle.

The Hon. M. B. Cameron: Like most of us, you have no interests.

The Hon. R. J. RITSON: Yes. I oppose this Bill merely because of the large number of defects and the things it does not do.

The Hon. C. J. Sumner: Why don't you vote for it at the second reading stage and move amendments?

The Hon. R. J. RITSON: The Hon. Mr Sumner always tries to drown me out, but he will not do so on this occasion. We have all heard of the curate's egg—'very good in parts'. Actually, it is not quite like the curate's egg: it is not very good in any of its parts. I believe it is a little like the vicar's daughter who appeared, to a suitably blind lover, to be average, because in those parts where she was not too broad she was too narrow. So it is with this Bill. The Bill is too wide in terms of those to whom disclosure must be made and in terms of the mechanisms for disclosure; however, it is far too narrow in delineating the people who should make disclosure and in terms of the range of interests requiring to be disclosed. As I will demonstrate later, I doubt that that has occurred by accident. I suspect it has a substantial political purpose.

On top of all that, there are other defects that were glossed over in the Hon. Mr Sumner's rather meagre second reading explanation. The honourable member referred, by way of support for his contentions, to the existence of other legislation along these lines, both in Victoria and Britain. He referred to the New South Wales joint report. I will therefore spend a few minutes considering the alleged similarities and the differences to see whether any parallel inferences can be drawn from the existence of that legislation which might support this Bill. Because the Hon. Mr Sumner fairly glibly and perhaps cunningly referred to this legislation, I will consider the resemblances.

In the first place, this Bill, the Victorian Act and the Act of the House of Commons all provide for a register which is tabled in Parliament and which becomes a public document, but there the similarities cease. This Bill requires the registrar to make available to any member of the public any part of that extract or deposition before it is tabled in Parliament and without the knowledge of the member to whom it refers and with the member having no opportunity to make a personal explanation. Moreover, the wording of the Bill provides for the condonement of selective copying. It would be very easy for a member of the public to copy those parts of the register that selectively paint a biased picture of a member whom he wishes to denigrate.

That is not just a matter of theory because, in practice, members of the public will not come flocking in to pore over such a document. The only people who would want to copy selectively from that document prior to its tabling in Parliament would be people with a personal or political axe to grind. Apart from the question of fairness in relation to this premature leaking of information by clerical officers of the House (and that is what it would amount to), the fact is that that provision is included in the Bill but is not in the Victorian legislation or the British legislation. Apart from the unfairness of all that, certain technical problems arise, such as copyright and problems of Parliamentary privilege. I should imagine that a clerical officer who gives out such information would indeed be privileged, because he would be acting on the instructions of the House. However, the status of a copy made by a member of the public is somewhat doubtful. The Stockdale *vs. Hansard* cases did not even resolve the question of the extent of privilege extending to the official Parliamentary paper, let alone copies of it. The Parliamentary Papers Act puts the matter to rest as far as absolute privilege in relation to *Hansard* as such, but not necessarily in relation to copies or extracts of *Hansard*. My understanding of current legal opinion is that probably there is an extended qualified privilege relating to such copies, provided that publication is in the public interest and without malice.

The Victorian Parliament, being wiser than the Hon. Mr Sumner, incorporated a codification of that position within its legislation. The Victorian legislation does two things: first, it totally forbids, on a statutory basis, the leaking of information prior to its tabling in Parliament and, secondly, it codifies the qualified privilege relating to the use made of documents or copies of documents after tabling. I believe that the Hon. Mr Sumner did not want to do that, or he had some other purpose in mind.

The Hon. C. J. Sumner: Why don't you move an amendment?

The Hon. R. J. RITSON: The Leader asks why I do not move an amendment. I considered that, but I have such a long list of defects that the Bill is actually beyond resuscitation.

Members interjecting:

The PRESIDENT: Order!

The Hon. R. J. RITSON: As I was trying to say, if that was the only doubtful area in this Bill, I would move an amendment. However, the Bill is so far beyond resuscitation, as I will demonstrate, that it is really quite impractical to move all the amendments that would be necessary. Apart from the question of Parliamentary privilege, I also refer to the question of copyright. I understand that any document produced is subject to copyright. The question of the general public making selective photocopies is something that comes to mind. However, that is a minor mechanical defect which I will let pass in favour of some of the more serious implications of this Bill.

The proposed mechanism for disclosure has other defects; for example, whereas this Bill is silent on the question of updating registered interests between the proposed statutory dates, the Victorian Parliament and the House of Commons, again being wiser than the Hon. Mr Sumner, have specific provisions for updating. The Victorian legislation without specifying a time nevertheless provides for review as circumstances change during the year. The House of Commons provides for updating within four weeks of a change in circumstances and, indeed, the Victorian legislation also provides for prospective registration. Therefore, a member who anticipates a benefit in the forthcoming 12 months is required to register it.

It seems to me that there is more value in knowing what a member is likely to gain as a result of a conflict of interest than in knowing 15 months later what interests were conflicting when he voted on a Bill in the previous year. That is the effect of the Bill now before the Council. There is an annual return period, at the end of which there is a registration period and a relevant day for the tabling of that information, which can be up to 15 months after the interest was first registered. I believe that it is of less interest to Parliament or the public to know what my interests were last year when I voted on a Bill that has already been dealt with than what my interests will be next month when a Bill is introduced. I believe that other Parliaments which have produced provisions for updating the registration and for the notification of prospective or anticipated benefits expressed some wisdom which is lacking in this Bill.

I now turn to other problems that I have found in this Bill, and I refer specifically to the question of culpability. I notice that this Bill provides for a fine of $5 000 (I am not sure whether that is a flat fine of $5 000 or a fine not exceeding $5 000). I do not know that much about law, but I am aware that many people believe that it makes more sense, if they mean not exceeding $5 000, to say that. However, that is very much beside the point. The point is that one could commit an inadvertent offence. One would then have to ponder the meaning of 'without reasonable excuse'. I am aware that the word 'reasonable' has been thrashed around in the courts and has acquired a certain meaning in case law.

The Hon. R. C. DeGaris: A reasonable meaning.

The Hon. R. J. RITSON: Yes, and that is a reasonable interjection. Of course, the Victorian legislation seemed to be a lot wiser, because it uses the words 'wilful contravention against the provisions of this Act'. I think that the whole purpose of Bills such as this is to prevent 'wilful contraventions' and not to produce litigation over a late return because someone was travelling. That is a minor matter which, as the Hon. Mr Sumner mentioned, might have been dealt with in Committee; that is, if there were not quite so many such matters. The question of the range of interests which are required to be disclosed is very interesting, particularly when one looks at the British and Victorian legislation. The Hon. Mr Sumner has confined his Bill entirely to pecuniary interests. Both the British and Victorian legislation deal with a very wide range of interests which might cause conflict or which might appear to influence a member of Parliament. The Victorian and British Acts are not confined to the question of whether one owns land or whether one has a second job or whether one owns shares.

There is the other side of the coin, too, and the whole range of one's cultural, recreational, political, and union affiliations, one's overseas travel—the whole range of interests other than money interests—are laid down in the register. I will read a little from the House of Commons register of interests and give an idea of the sort of material that is registered there. Some parts are very short and some very long. We have the following:

BIDWELL, Sydney (Ealing, Southall)

5. Financial Sponsorships—Sponsored under Labour Party 'Hastings' Agreement by the Transport and General Workers Union, as a candidate only.

BIFFEN, John (Oswestry)

1. Directorships—International Systems Research Ltd.
3. Trades or Professions, etc.—Economic Adviser to Grieveson, Grant & Co.; and journalist.

Those are the sorts of things. We also have this one:

6. Overseas Visits—One week's visit to the U.S.A., September 1975, sponsored by John Hopkins University and Ariel Foundation.

I understand perfectly why the Hon. Mr Sumner thinks somehow that he may embarrass the Liberal Party if he can demonstrate what is already known, namely, that we have several people in our Party who own substantial property and have substantial business interests, but he has not suggested that we follow the British example and register, for example, the Hon. Mr Dunford's Peace Committee sponsored trip to Eastern Europe, and all those other sorts of interests.

I am not ashamed of any of my interests. I have membership of clubs, and possibly my being a member of Parliament could cause conflict of interest. I have an interest in the Fly Fishermen's Association, which is desperately interested in the Upper Torrens, but it is not a pecuniary interest. Why does the Hon. Mr Sumner not want to widen the area of information provided? Why does he want to say that any member of the public can pick over and publish any material that may be out of date before it is tabled?

I noticed that he brought electoral candidates into the matter, so I had a look at the question of electoral candidates in the inquiry by the British Select Committee of 1974-75, and there provision for registering the interests of electoral candidates was confined to those candidates who were successful and gained office. The relevant period during which interests were to be registered was certainly prior to assuming office, but they were registered only when the persons actually took office as members of Parliament.

The Hon. Mr Sumner has given us something quite different. He has given us a relevant period up to six months prior to the date of nomination, the relevant date being the day of nomination, so whether or not the candidate is successful, from the date of nomination his affairs or any selected part of them that anyone wants to see will be obtainable from the register. I could foresee an election campaign that may consist of a Party simply going to that register and letter-boxing an electorate with selected parts of the private affairs of a political candidate. That is something very different from the British situation, and I wonder why the Hon. Mr Sumner has done it. I wonder whether that is related to the absence from this Bill of the protections against that sort of thing which exist in the Victorian legislation, which contains specific prohibition against abuse of that material and against use of it other than in the public interest.

The Hon. C. J. Sumner: Move an amendment.

The Hon. R. J. RITSON: There are so many.

The Hon. C. J. Sumner: The fact is that you haven't got the guts to come out for public disclosure. Tell me whether you are in favour of public disclosure.

The Hon. R. J. RITSON: I will in a moment. Let me get on with it. The next question that bothers me is the question of delineation of the people who are required to disclose, because this is an area in which I feel that Bill is too narrow. It deals with members of Parliament as such but, again, if we look at the British Select Committee report, we find that the committee was particularly concerned with the affairs of Ministers because of their Executive position. They can be regarded as having a position in the administrative branch of Government, as distinct from a position in the legislative branch of Government, and, although the supremacy of Parliament is a matter of legal theory, everyone knows that the administrative branch of Government, which consists not only of the Ministers but also of senior public servants, is a real power in the land.

Everyone knows that large areas of policy are generated at senior public servant level. Everyone knows that senior public servants are in possession of highly confidential information and have advance knowledge of policy detail and, if we are to give a semblance of showing the public that people in such positions of authority not only declare

their interests but are prepared to show them to the public, we must look very seriously at a more extensive review of the mechanisms of disclosing the interest of members of the administrative branch of Government.

The New South Wales Joint Committee report spends some 25 pages discussing the question of conflict of interest in the Public Service, and it mentions those States with substantial regulations requiring public servants to disclose their interests. Of course, those interests are disclosed internally. I have never seen a register of the interests of heads of departments deposited on the benches of this Council. I have never heard that such a register is available for the public to come and pick over, but I think that, if there is an argument for such an indiscriminate exposure of private matter to be applied to members of this Parliament, there is a stronger argument for it to be applied to the senior echelon of the Public Service.

Where there have been scandals in other democracies (it is hard to find any examples in South Australia; I think we may be attempting to legislate for a problem that has not arisen), they have almost never arisen without executive condonement. I am surprised that the Hon. Mr Sumner, in drafting the Bill, has ignored that fact. He has ignored the arguments from Britain and New South Wales and has aimed his Bill entirely at standing up members of Parliament. He has aimed it at standing them up, without including protections providing that material copied by the public must be used in the public interest, without malice. He has restricted the Bill to pecuniary affairs, whereas other Parliaments have dealt with social pressures and other connections. It seems to me that what he has done, whether he intended it or not, has simply produced a Party politically-motivated Bill, with some sort of feeling that somehow he will embarrass members of the Liberal Party by having, the interests of members of Parliament, demonstrated.

Somehow or other the Hon. Mr Sumner quite forgot to note the Victorian safeguard, and he forgot to broaden the disclosure to matters such as union sponsored overseas trips and so on. The matter of the interests of Parliamentary candidates was originally introduced in other Parliaments in relation to a relevant period prior to a member's taking office. This has been inverted in this Bill into a device which requires candidates, by the time they nominate and whether they are successful or not, to virtually make their private affairs available to the opposite party for the purpose of campaigning, again without the protection that the Victorian Act gives in terms of good faith and public interest.

This Bill is really a skeleton Bill and has addressed itself to none of the fundamental matters about which Parliament should think more deeply and to which it should address itself. This Bill is so skeletal that it is not capable of resuscitation in the Committee stage, and for these reasons I oppose the second reading.

In response to the Hon. Mr Sumner's earlier challenge, I give him my personal view; I do not know what the Government may do in the future, if it decides to bring in a Bill. I would have no objection whatsoever if all my private affairs were to be registered in terms of the direction in which the interest lies. The idea of a quantum of interest is not all that important. The Victorian legislation clarified that aspect, but the situation remains unclear in the Hon. Mr Sumner's Bill. Some of the wording in the Bill implies that quantum of interest might be required. I have had difficulty in interpreting this Bill but there is no difficulty in interpreting the Victorian legislation, because section 6 (5) provides clearly:

> Nothing in this section shall be taken to require a member to disclose the amount of any financial benefit entered on the register in respect of any member or his spouse.

What is clear there remains unclear in the Hon. Mr Sumner's Bill. I have no objection to disclosure of the direction to which my interests lie. For example, I do additional private medical consulting, but the question of quantum of interest involves disclosure of how much each patient pays me. I would not mind if such matters were to be registered, provided there were included the precautions which are evident in other Acts and which prevent the public from coming in and picking over out-of-date information or selectively copying and publishing information before it is tabled in Parliament. I do not want people to selectively copy half of the truth so that they can letterbox an electorate for political purposes, but I do not mind these sorts of matters being recorded and held by the presiding officer.

The Hon. C. J. Sumner: That's not public.

The Hon. R. J. RITSON: My personal opinion is that that information becomes public if, on questioning of the President by an Opposition member in this Chamber, the President refers to the register and says to the member who has asked the question, 'Such and such a member does (or does not) have a pecuniary interest.' Then the matter would become public, since it would be in *Hansard*, and the newspapers would have access to it, too.

The Opposition is the communitys watch-dog in every other matter. I cannot see why it cannot have the nouse to observe, during a debate or political controversy, the fact that a certain person may have a pecuniary interest, and use the Parliament and the presiding officer to require the production of the information on the floor of this Chamber. I am very happy to have that system of disclosure and to widen the content so that it is not just business interests, but every other factor of political pressure which may give rise to—

The Hon. C. J. Sumner: But not publicly disclosed, right?

The Hon. R. J. RITSON: Yes, publicly disclosed as a result of a question to the presiding officer. That is my view. I do not know what the view of the Government would be.

The Hon. C. J. Sumner: No general public disclosure.

The Hon. R. J. RITSON: The answer is that it then goes on general public display. What the Leader wants is a retrospective register of a person's wealth last year. It is not even clear if he wants the liabilities included; I do not think he does. If a member has an asset here and a liability there, the Leader would like to be able to put his assets down in the front office for the public to pick over, to prove that he is a wealthy man.

Let us suppose we have liabilities down there. I have never received a bribe. If people realise how poor I am, they may consider that I am bribe-worthy. The implications of this are quite immense. I think that the information should be able to be made public, upon questioning in the Chamber, through the President, and that the amount of information obtained should be broadened to be in line with the British and Victorian experiences. If such a Bill were to come before the Council, I think I would support it, but I would have to see it. This little skeletal fragment of a Bill we have before us now, with so many defects, must be rejected. It is beyond resuscitation in Committee.

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

EVIDENCE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 11 November. Page 1815.)

The Hon. J. A. CARNIE: During the debate on this matter one or two Opposition speakers have mentioned that

members from this side refused to serve on the Select Committee. We did not serve on the committee, because we considered that the matter of unsworn statements had been through enough inquiries and investigations.

The Hon. M. B. Cameron: We disclosed during the election that we would be putting it through.

The Hon. J. A. CARNIE: Yes, that is right. In particular, the third Mitchell Report was relevant to South Australia. Perhaps the main reason why we did not serve on this committee was that the abolition of unsworn statements was stated Government policy at the election.

The Hon. M. B. Cameron: It was an election promise.

The Hon. J. A. CARNIE: Yes, and we felt that no good could be served by further inquiries into it.

The Hon. K. L. Milne: It is not for the Party to say that. Parliament asked you to serve on the committee, and your Party decided not to obey the request of Parliament. How disgraceful!

The Hon. J. A. CARNIE: I have heard some nonsensical remarks, but that tops the lot. In giving the reason why we would not serve on the Select Committee, I do not in any way detract from the work done by that committee. Like the Hon. Mr DeGaris, although I do not agree with the findings of the committee, I recognise the amount and depth of work put in by it. I must say that, although I have read the report with much interest, I have not read the evidence, which I imagine would be quite voluminous. In reading the report one thing did shine through—it is a very grey area so far as opinion is concerned, and this was stated by the Hon. Anne Levy who, at the end of her speech, said:

> It is true that this is a contentious area of the law, but on balance the Select Committee recommended retention of the unsworn statement.

The use of the words 'on balance' shows that the recommendation of the committee to retain the unsworn statement was not a clear-cut decision. There is apparently no doubt that everyone in this Council and probably people outside it who have knowledge of or an interest in this matter believes that change is necessary. It is a question of whether the right to make an unsworn statement be retained with safeguards or whether it be abolished with safeguards, and that is the decision which has to be made.

The committee has made one decision from that evidence, and I believe it should be another decision. This Bill introduced by the Leader of the Opposition results from the committee's decision. There is no question that it would be an improvement on the present system, but my view and that of the Government is that unsworn statements should be totally abolished. There is a real danger that acceptance of this Bill would put back abolition by many years.

When deciding on the fourth of the options considered by it, the committee said that it had considered the weight of the evidence. As I have said, I have not read that evidence and I cannot really comment on it but, as far as numbers are concerned, more submissions were received in favour of abolition than for retention with or without safeguards. Only two submissions supported option 4—retention with safeguards—and they were from the Council for Civil Liberties and the Labor Lawyers Association. True, others used it as an alternative to their major submission, but they were the only two that put it forward as the prime submission. On the other hand, nine favoured abolition. All I can say, not having read the evidence, is that the evidence of those two bodies must have been very impressive indeed to outweigh the nine submissions, one of whom was Justice Mitchell.

The Hon. Frank Blevins: The Law Society and Justice Bray—

The Hon. J. A. CARNIE: Justice Bray did not give evidence, although his paper was presented to the committee.

The Hon. Frank Blevins: The evidence of the Law Society was devastating.

The Hon. J. A. CARNIE: I read about that in the report. The right to make an unsworn statement is not common. It has never existed in America or Canada, and it does not exist in Scotland. It appears only to exist, as far as English-speaking countries are concerned, anyway, in England and some Australian States. It was abolished in Queensland in 1975 and in Western Australia in 1976. New Zealand abolished it in 1966. The main argument for retention is that some people would be disadvantaged by its abolition, and I think that, in general, the fact that some people may be disadvantaged is perhaps over-emphasised. In this regard, I refer to a report of the Attorney-General in Western Australia. The report concerned abolition, and he said:

> 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.

Also, in his report the Queensland Deputy Public Defender, said that, although his office had not welcomed abolition, he felt that ordinary defendants had not been disadvantaged by it. However, I think that most reasonable people will admit that there is one group who cannot be classed as ordinary defendants, that is, Aborigines. In fact, the report from Queensland to the Select Committee went on to say that Aboriginal and some other defendants were in a difficult position because cultural differences reduced their ability to cope with cross-examination. We know that the cultural differences of the Aborigines, particularly the tribal or semi-tribal Aborigines, is such that they will usually say what they think authority wants them to say.

The Hon. Frank Blevins: A bit like politicians!

The Hon. J. A. CARNIE: Like some politicians. Whilst admitting that this is a problem, I do not believe that it is sufficient to warrant retention of the unsworn statement. In the cases that I have just mentioned, particularly concerning Aborigines, they would have counsel to assist and protect them, and I am sure that judges and jurors would take their obvious cultural differences into account. Indeed, the Queensland report to which I have just referred made the point that there has probably been no change in the conviction rate (and I presume that was in regard to all defendants, Aborigines and others) since the abolition of the unsworn statement.

I want to conclude by referring to the area which, to me, is the most important reason for abolition—the question of people, usually men, charged with sexual offences. I must say that I was surprised at the attitude taken by the Hon. Miss Levy and the Hon. Miss Wiese. Probably all honourable members would agree that rape is the foulest of crimes, and that a woman's previous sexual experience should have no bearing whatever on the guilt or otherwise of the accused, yet we have the position now where the accused can make, by means of the unsworn statement, the wildest allegations and unpleasant imputations about the character of the alleged victim, without fear of cross-examination.

No matter how much the judge may direct the jury (and various ways in which this may or may not be done were mentioned in the report), whether the comments said are true or false, some will stick in the minds of the members of the jury and, while the accused cannot be cross-examined, the alleged victim has probably been subjected to the most searching and embarrassing cross-examination. In her speech, the Hon. Miss Wiese—and this was also mentioned by the Hon. Anne Levy—stated:

. . . the embarrassment and trauma caused to women in such a case through cross-examination will not be lessened by subjecting the accused to cross-examination: women still have to endure the process that they presently undergo.

I agree with both honourable members about that but, nevertheless, surely the whole idea of bringing charges is the hope that that person will be found guilty.

Just digressing for a moment, I do not think that anyone seriously doubts that rape is much more widespread than the cases brought to court, simply because many women try to forget the whole episode rather than subject themselves to the harrowing experience of the witness box. However, once the case has been brought to court, I cannot agree that it would make the matter worse by cross-examining the accused. Showing him to be a liar or a particularly bad character could alter the jury's view of what he said in his statement. Perhaps the allegations may never be made if the accused is aware of the fact that he could be examined on them. I believe a lot of things are said in these cases simply because, on good legal advice, the accused knows that he cannot be cross-examined. However, I believe that cross-examination will at least provide an opportunity of clearing the alleged victim's name; otherwise some of the mud will always stick.

The Hon. Barbara Wiese: That is provided for by making the statement subject to the rules of evidence.

The Hon. J. A. CARNIE: I will mention that in a moment. It is interesting to note that two of the submissions which supported total abolition were made by women's organisations. They supported abolition without safeguards. As was pointed out by the committee's report, their evidence covered only this one aspect; it did not cover other aspects of the unsworn statement. As I said at the beginning of my speech, this is a very grey area: do we retain the unsworn statement with safeguards or do we abolish the unsworn statement, still with safeguards? As you said, Madam Acting President, it is a matter of weighing the balance. After having read the report and thought about the matter for some time, I have come down on the side of abolition with safeguards, rather than retention with safeguards. A Bill which does exactly that has been presented in another place. For that reason, I oppose this Bill.

The Hon. G. L. BRUCE secured the adjournment of the debate.

FLINDERS UNIVERSITY BY-LAWS

Order of the Day, Private Business, No. 7: Hon. J. A. Carnie to move:

That by-laws under the Flinders University of South Australia Act, 1966-1973, in respect of vehicle and pedestrian traffic, made on 9 July 1981, and laid on the table of this Council on 16 July 1981, be disallowed.

The Hon. J. A. CARNIE: I move:

That this Order of the Day be discharged.

Order of the Day discharged.

NOARLUNGA REGULATIONS

Order of the Day, Private Business, No. 9: The Hon. J. A. Carnie to move:

That regulations under the Planning and Development Act, 1966-1980, in respect of the Metropolitan Development Plan—Corporation of Noarlunga Planning Regulations, Zoning, made on 30 April 1981, and laid on the table of this Council on 2 June 1981, be disallowed.

The Hon. J. A. CARNIE: I move:

That this Order of the Day be discharged.

Order of the Day discharged.

VEHICLE MOVEMENT

Order of the Day, Private Business, No. 10: The Hon. J. A. Carnie to move:

—That Corporation of Adelaide by-law No. 2 in respect of vehicle movement, made on 26 March 1981, and laid on the table of this Council on 2 June 1981, be disallowed.

The Hon. J. A. CARNIE: I move:

That this Order of the Day be discharged.

Order of the Day discharged.

ELECTORAL ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 11 November. Page 1818.)

The Hon. M. B. CAMERON: I do not support this Bill, and that may be a surprise to the Opposition. I will proceed to give some reasons for it. Let me read first from the second reading speech of the Hon. Mr Sumner as follows:

It makes illegal the publication of misleading advertising in election campaigns and provides that an application may be made to a court for an injunction to prohibit the advertisement being published again and to order a correction of the facts which were misleading.

I would like to know how one arrives at the decision that an advertisement is misleading. We will not know in most cases whether or not it was misleading until one, two or three years after the election.

The Hon. K. L. Milne: Rubbish!

The Hon. M. B. CAMERON: It is not rubbish at all. I ask the Hon. Mr Milne to settle down for a moment. If he listens he may learn something about what has happened in the past. He has not been in this Council very long and has not been through many election campaigns and seen the sort of misleading advertising to which we are subjected. In many cases we could not find out for three, six or nine years that it was misleading.

The Hon. Frank Blevins: Tell us about Windy Point.

The Hon. M. B. CAMERON: The honourable member will be pleased to know that that will come up. In 1970, the policy speech made by the Premier of the day stated that the Government would proceed to redevelop Hackney. If an advertisement had been published (and no doubt there were advertisements issued by the Labor Party) that stated that that Government intended to redevelop Hackney, at what stage do we have that advertisement withdrawn? We did not have a clue that the Government would not proceed with it. Three years later are we to order a fine or penalty against the Government and would it be expelled from office for not proceeding with its stated intention as contained in the advertisement? It was certainly misleading. The whole policy speech was misleading. Perhaps we will have the same accusations made against us because we have not abolished the unsworn statement, because an arrogant Opposition will not let us get ahead with the policies we announced before the last election. It is a totally undemocratic Opposition in terms of numbers.

I refer to the 1974 election campaign. One of the daily papers contained a magnificent photograph of the Hon. Mr Virgo standing in front of the Adelaide Railway station with a big programme of what he was going to do with it. There was no qualification at all. There was going to be an international standard hotel, a large stadium with a seating capacity for 8 000, buildings for the State Transport

Authority, restaurants and bistros, retail and service shops and other residential developments, such as flats. Those details were released at a press conference. People all over South Australia saw that article and thought that it was going to be a wonderful thing. Nothing could have been more misleading than that. I do not know whether the Hon. Mr Milne has been down to the Adelaide Railway Station. I suggest that he go down and see what has been done—absolutely nothing.

What action can be taken against that sort of thing? It is just as misleading as any advertisement, and that information was contained in advertisements at that time. If the Hon. Mr Milne looks around he will see evidence of that. If he did not know at the time what would happen in future he could not possibly decide on it. That is the stupidity of the whole thing.

One does not know until three years later whether the statements are misleading. The trouble with the Hon. Mr Milne is that he becomes paranoid about one thing, and so he wants to change the whole Act because of one incident that upset him, whether or not it was true. I think it is true, but never mind that. The Hon. Mr Milne has his own opinion. The public has every right to its opinion. The honourable member wants to change the whole system because of one little thing that affected him. He should be a little less thin-skinned about these things.

The Labor Party advertised that it would establish an Aboriginal cultural centre near Wellington on the Murray. I often travel through Wellington on my way home. This statement was made in the 1973 policy speech of the Labor Party, but I have yet to see an Aboriginal centre at Wellington. How could one know that that advertisement was misleading? One had to wait and be patient. It could not be withdrawn at the time. It was an absolutely ridiculous proposition to suggest that someone should decide about misleading advertisements. So that the Hon. Mr Bruce is not disappointed, I will refer again to the restaurant at Windy Point. In 1970, an advertisement stated that we were to have a first-class restaurant at Windy Point.

The Hon. Frank Blevins: Tonkin has just said that he will do it. His promises also involve Redcliff.

The Hon. M. B. CAMERON: I will not go into Redcliff. The Labor Party was to start the project in April 1974, and actually stated that, but we have not seen it yet.

The Hon. J. E. Dunford: What about the 7 000 jobs?

The Hon. M. B. CAMERON: Most of them have been provided. It was stated that the restaurant at Windy Point would include a terrace where people could eat in the open air, with food from either a smorgasbord or a barbecue. To my knowledge, one cannot get any food at Windy Point. I could go on and on. Another advertisement stated:

> We will seek to negotiate a commencing date for Chowilla to be inserted in an enforceable agreement.

That statement was made in 1970. Not only did the Labor Party make that statement but also that was its main reason for bringing down a Liberal Government. There was false advertising, but that was the worst of the lot. It was an absolute disgrace. The Hon. Mr Sumner, in his second reading explanation, stated:

> It is an abuse of the democratic process for a Party to be elected on the basis of misleading information.

If there was ever a Party that abused the democratic process, it was the Labor Party during its term of Government. The examples I have read out (and I have at least 100 of them) are an indication of the abuse and the method used by the Labor Party. Because I believe it is important for the Hon. Mr Milne to hear, I will repeat the following:

> It is an abuse of the democratic process for a Party to be elected on the basis of misleading information.

That was the Hon. Mr Sumner speaking. No Party held Government for so long and won Government time after time on the basis of misleading information than did the previous Labor Government. We do not complain about that: it is up to us, as another Party, to point out these things. Eventually, we pointed out these things and we are on the Government benches. It is now up to Mr Milne. No matter what is stated in the newspaper, the Hon. Mr Milne has every right to answer what he believes to be misleading statements. I do not believe that those advertisements were misleading; however, the Hon. Mr Milne claims that they were. He has every right to do so and to express his complaints in the editorial columns. However, for him to support a stupid Bill like this—

The Hon. Frank Blevins: Tell us about Monarto.

The Hon. M. B. CAMERON: I do not have the time—which has no real basis because it is impossible to enforce, is nonsense. One cannot know what a Party will or will not do after an election. An advertisement could state all sorts of things, but one does not know for three years whether they will be carried out. The advertisement would not have to be withdrawn. One may not know for even 10 years.

The Hon. J. R. Cornwall: This is the greatest load of cods-wallop I have ever had to listen to in this Chamber.

The PRESIDENT: Order!

The Hon. M. B. CAMERON: Does the honourable member want me to read out the lot?

The PRESIDENT: Order! The Hon. Mr Cameron should address the Chair and not argue across the floor.

The Hon. M. B. CAMERON: I will answer through you, Mr President. The Hon. Mr Cornwall normally talks a lot of rubbish. Let me quote to him again from the Hon. Mr Sumner's explanation, as follows:

> It makes illegal the publication of misleading advertising in election campaigns and provides that an application may be made to a court. . .

An advertisement can contain anything: it can contain the promises of the Government that is coming in, and it normally does. How on earth is one to know whether the Government will carry out those promises?

The Hon. G. L. Bruce: It might have to deal with a hostile Upper House.

The Hon. M. B. CAMERON: Yes, which denies it that right. For the Hon. Mr Milne to narrow things down to an advertisement is nonsense, because the Bill will not stick to that. It will have to apply to all matters that are the subject of advertising in an election campaign. One cannot possibly decide at the time what is misleading and what is not misleading, and that is a simple fact.

The Hon. J. R. Cornwall: You just want to continue your dirty tricks.

The Hon. M. B. CAMERON: The only people who applied dirty tricks in this State were members of the Labor Party, which falsely advertised its programme and falsely brought forward programmes that it knew it would not carry out. Even before Labor Party members decided to call yet another early election, they knew they would not carry out their programme. They merely drew up a programme that they thought might look good in the newspapers, and away they went. For the honourable member to say that we played dirty tricks is nonsense. It is members opposite who did that for so long.

This Bill is absolute nonsense. It will not be enforceable. It would be an absolute disaster to try to bring it in. Members opposite are saying that they do not trust the people of this State to be able to see through the nonsense of any political Party. Let me say that the people have had a good education over the 10 years of the Labor Government and they know what is and what is not false. Members

opposite are treating the people of this State like children. They are saying, 'We will assist you to decide what is misleading and what is not misleading.' To my mind, that shows contempt for the judgment of the people of this State, and I cannot support that. I do not support the Bill.

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

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL (No. 2)

The Hon. K. T. GRIFFIN (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Criminal Law Consolidation Act, 1935-1980. Read a first time.

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

That this Bill be now read a second time.

It provides a pre-trial procedure by which a judge will be empowered, after the arraignment of an accused, to determine questions of admissibility of evidence and other preliminary questions of law before empanelling a jury. Over the years, concern has been expressed by the Supreme Court judges about the unwieldy procedure required in relation to *voir dire* hearings and legal argument that takes place prior to the Crown Prosecutor's opening. The *voir dire* hearings usually relate to the admissibility of police records of interviews and often last anything from one to four or five days.

Under the present procedure, these hearings take place after the empanelling of the jury. In most cases it is necessary that they take place prior to the Crown Prosecutor opening his case. The result is that a jury, having just been empanelled, is asked to retire to the jury room or leave the court with instructions to return at a future date. This is administratively cumbersome and inconvenient for jurors themselves. In order to reduce the frequency of occasions upon which the jury is required to retire, greater procedural flexibility is desirable so that evidentiary matters and other preliminary questions of law may be determined before the jury is empanelled. This Bill creates such a procedure. 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 inserts new section 285a in the principal Act. The new section provides that a court before which an accused person is arraigned may hear and determine any question relating to the admissibility of evidence and any other preliminary question of law affecting the conduct of the trial before the jury is empanelled.

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

PLANNING 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 is designed to give effect to the Government's policy of ensuring that planning and environment management requirements and procedures reflect the wishes of the community. In particular, the Bill, and the complementary Bill to amend the Real Property Act, aim to simplify the existing planning laws, integrate planning and environmental decision-making, streamline the decision-making processes and provide more flexible methods of regulating development in both urban and rural areas.

Following their initial introduction on 10 June 1981, copies of the Bills together with explanatory material were mailed to all local councils and to other interested organisations and individuals. During July and August a total of 13 public meetings were conducted to explain the Bills. The meetings, which were organised jointly by the Department of Environment and Planning and the Local Government Association, were held both in the metropolitan area and in a number of country centres. In addition to the above meetings, officers of the department have spoken on the Bills at a range of other meetings organised by councils, regional organisations, the development industry, conservation groups and other interested parties. The Government is grateful to all those who have taken the time to contribute to the successful introduction of the new Development Management System. More than 140 submissions have been made on the Bills and every item raised in these submissions has been carefully considered.

The changes proposed in the two Bills achieve the Government's objectives by:

(1) Replacing the 11-member State Planning Authority by a commission of three persons and a Minister's advisory committee of eight persons.

(2) Establishing uniform but simple administrative procedures to be used by all councils when dealing with development applications.

(3) Ending the temporary 'interim development control' presently administered by over 80 councils.

(4) Establishing a system for formulating development policies which is responsive to changing circumstances.

(5) Providing for decision-making on local matters at the local level and giving councils better enforcement powers.

(6) Integrating development and land division decisions (involving a consequential transfer of powers to the Real Property Act).

(7) Enabling the environmental impact of significant projects to be assessed with the final decision being made at the State level.

(8) Introducing conferences prior to formal appeal hearings.

The basic concept is that a person wishing to undertake development will apply initially to the local council. Applications of local significance will be determined by the council. Advice will be sent to the council on those applications in which Government departments have an interest, before the council makes its decision. Applications for projects having more than local significance will be forwarded by the council for decision at State level. The decision will normally be made by a small commission in lieu of the State Planning Authority. Proposals of substantial importance and those of a highly controversial nature, will be determined by the Governor. Any application of major importance may, at the discretion of the Minister, be the subject of an environmental impact statement.

The council and the new commission will be required to make decisions on applications in accordance with policy set out in the relevant authorised development plans which will be consolidated and referred to collectively as the Development Plan. The advisory committee representing various interest groups will advise the Minister on changes of policy to be incorporated in the Development Plan.

Need for amendment: The present Planning and Development Act has been both praised and criticised by the judiciary. The basic framework of the Act is reasonably

simple, but the many amendments and the array of subordinate legislation have led to criticism.

The Act has been amended by 23 Acts since coming into operation 14 years ago and there are 165 separate sets of regulations plus 49 sets of amending regulations. There are confusing differences in the powers operating throughout the State. These differences have arisen due to councils gradually recognising the need to exercise some control of development since the Act came into operation in 1967. The quite separate powers and procedures relating to the division of land add to the confusion. The completion of development plans for the settled parts of the State and the now widespread adoption by councils of interim controls, which begin to expire in December 1982, provide the opportunity for a comprehensive State-wide re-appraisal.

The Government, through this Bill, is now proposing the integration of controls of private development. A person wishing to undertake a project may not be aware of all the permits required, all the bodies to be approached and all the procedures to be followed. Ideally, a person wishing to undertake a project should be able to obtain one basic approval and know that all the fundamental aspects have been considered.

This Bill establishes the basis of the new system. Planning controls in their various forms are now being applied in most parts of the State, so the merits of introducing one set of simple and uniform administrative procedures should be recognised. Having established sound basic planning legislation, a progressive reassessment can then be made of the overlapping controls of private development outside the present Planning and Development Act. Thus, further rationalisation can be achieved.

Administration: At present, the State Planning Authority formulates development policies, regulates development, and buys land for open space and redevelopment. On taking office, the Government, as a matter of priority, assessed the responsibilities of the State Planning Authority. The Government is satisfied that restructuring of the administration of planning at the State level is necessary to ensure better accommodation of the community's wishes.

An Advisory Committee is proposed comprising a Chairman and seven other members representing local government, commerce and industry, conservation interests, the rural sector, housing and urban development. Its role will be to advise the Minister of amendments for the policies expressed in the present development plans. The body to make decisions on those development applications referred to the State and to report on development by Crown agencies, is to be called the South Australian Planning Commission. It will comprise a full-time Chairman with two part-time members, one knowledgeable in local government and one experienced in administration, commerce, industry, or the management of natural resources. The present land holdings of the State Planning Authority and the legislative provisions relating to finance, land purchase and development will be transferred to the Minister to achieve greater flexibility and simpler administration.

Policy documents: The present Planning and Development Act enables development plans to be prepared for various parts of the State. The development plans and their reports include both development proposals by public bodies and matters to be taken into account by councils and the authority when considering applications from private developers. The Act says that development plans shall be of a 'general' nature.

The matters to be taken into account when determining applications can be expressed in more detail in planning regulations, for example, the regulation maps which accurately define the boundaries of zones. The procedures for making both development plans and planning regulations involve public exhibition.

A number of councils are now actively wishing to amend the general development plans or their more detailed planning regulations. Having to amend both documents, involving two public exhibitions, is a cumbersome procedure and confuses the public. There is also difficulty in deciding whether a proposed amendment to a planning regulation can proceed without first amending the general development plan.

The Bill proposes that the two procedures be combined, enabling development plans to contain the detailed policy presently contained in planning regulations.

The concept of 'planning areas' in the Planning and Development Act has served its purpose and is to be dispensed with. This will enable all the present development plans to be considered as parts of one plan, to be known as the development plan. Broad changes of policy encompassing the whole State, or large parts of the State, can then be introduced more easily.

Provision is also made for development plan documents to be edited and consolidated.

Replacing interim control: The temporary control enabling development to be controlled while planning regulations are being prepared, known as interim development control, was initially restricted to a maximum period of five years. The time was later extended to eight years and more recently to 10 years.

The control is exercised by over 80 councils, mainly in country areas. Under the Planning and Development Act, each council must introduce separate planning regulations before the 'interim' period expires, otherwise the power lapses. The introduction of such regulations would involve substantial financial and manpower resources and take considerable time. Many councils have also found the 'interim' powers to be adequate.

The opportunity is to be taken, therefore, to help councils operating interim controls, by legislating for one common set of uniform administrative procedures which replace the temporary powers.

Those 31 councils, mainly metropolitan, with their own zoning regulations will be required to adopt the same uniform administrative regulations while still retaining their zones and standards which will form part of the development plan. It will then be possible to make procedural amendments uniformly and thus avoid the confusing differences that now exist due to some councils operating different versions of regulations recommended by the State Planning Authority. Several councils are considering amending their present regulations and wish to identify administrative matters separately.

The proposed uniform administrative regulations will deal only with definitions and procedures. The principles upon which decisions will be based will be those contained in the relevant part of the development plan. Discussions on the broad outline of the proposed uniform administrative regulations have already taken place with local government officers.

Council responsibilities: The resources available to councils to control development in their areas vary considerably. Some councils are not sufficiently well staffed to administer all existing powers effectively. In addition, complex development applications are received from time to time in sensitive areas of the State where councils are ill-equipped to deal with them.

On the other hand, there are many minor matters which are dealt with at the State level which should only require council attention. There are also many councils that are willing to accept more responsibility and have the capacity to do so.

A better sharing of responsibilities is needed between local and State Governments.

The proposed uniform administrative regulations will be drafted so that the varying resources of councils and the varying significance of development applications can be recognised. Classes of development to be referred for decision at State level or for State Government advice will be capable of variation between councils and between different zones in a council area.

Land division: Confusion arises from the present planning legislation due to the different powers and procedures that apply to the control of building development and the control of land division.

The effect of approving a subdivision plan is simply the granting of authority to the applicant to dispose of the land in separate titles. Yet the considerations the approving body keeps in mind when deciding the application are concerned with the likely future use of the land. If the use of the land for houses, shops, roads or factories is acceptable then the issue of separate titles is of lesser importance. Thus approval of the use of the land should come first and the issue of separate titles should be related to that approval. At present two quite separate approval systems operate.

The present method of controlling land division, involving decisions both by the Director of Planning and councils, also means that the Director and the staff assisting him are involved in a large volume of minor matters which could and should be dealt with by councils only. In addition, many of the present provisions in the Act relating to land division govern the procedures of the Lands Titles Registration Office and are more appropriate in the Real Property Act.

The integration of development and land division controls is to be achieved by a simple procedure of requiring the applicant wishing to deposit a plan in the Lands Titles Registration Office to accompany his application by certificates. The certificates will certify that the use proposed for the land is permitted or has been approved; the area and dimensions of the allotments are satisfactory, and requirements regarding road works, services and open space payments have been met. The procedure will be similar to that presently operating for the issue of strata titles.

Impact assessment: The Government is aware of the potential conflict if new and separate controls are introduced relating particularly to environment protection and coastal management.

The present environmental impact assessment procedures are operated under a Cabinet directive. The procedures are applied to Government projects and to some local government and private projects. They are administered by the Minister of Environment and Planning through the Department of Environment and Planning. They work well but some legislative backing is needed.

Administrative and legal complexities arise when assessment procedures are made a separate statutory requirement which can be imposed at will on any private development. In such circumstances the developer is faced with uncertainty, delays and added costs. If the assessment procedures are integrated with the planning procedures then one system of administration can apply.

When councils make day-to-day decisions on local matters under the planning legislation they need to be satisfied that adequate safeguards for protecting the surroundings of the proposed development are incorporated in the design. Additional information should accompany some applications and the new commission with advice from the Department of Environment and Planning will issue guidelines to councils on the form and content of the information which should be supplied. No further law is required to introduce this concept.

Major and controversial development applications referred by councils for decision at the State level may warrant special consideration of the environmental, social and economic factors involved, making an impact assessment of all those aspects justified. It will be possible for the final decision on such applications to be made by the Governor or by the new commission. A separate procedure is included in the Bill for assessing the environmental impact of important new mining operations.

Appeals: The Government believes that there should be a conference of the parties immediately following the lodging of an appeal. The purpose of the conference will be to explore the possibility of reaching a settlement without the need for a formal hearing, or to define, and if possible reduce, the issues to be dealt with at a hearing. Such conferences are not likely to resolve major matters under dispute, but where the disagreement is over minor matters then expensive formal hearings may be avoided.

At present an appeal to the Planning Appeal Board is heard by a judge and not less than two commissioners. If the parties agree, a lesser number of members may hear the appeal, but this rarely happens. The Bill enables the number of members who hear an appeal to be varied. Some savings should result. The Board will in future be known as the Planning Appeal Tribunal.

Enforcement: Better powers to enforce planning decisions have been sought by Councils for some time. Enforcement will be aimed at preventing unauthorised development proceeding and securing remedial works rather than, as at present, only punishing the defendant for a criminal offence. Proceedings will be, first, by means of orders granted by a judge of the District Court with penalties for failure to comply. Secondly, there will be prosecutions for breaches of the law. The prosecution proceedings will be separate from the District Court's proceedings, and will be dealt with by magistrates.

The Crown: Parts of the present Act bind the Crown, others do not. The situation needs to be clarified. It is a general rule that the Crown is not bound by a statute unless named in it, or unless it otherwise appears that it was the intention of the legislature that it should be bound. Even if a statute states that the Crown is bound, questions arise frequently as to whether a particular instrumentality is the Crown. A number of cases show that a body may be the Crown for one purpose and not another.

Administrative and legal problems arise when legislation authorises one arm of Government to carry out a public work, yet other legislation gives another arm of the same Government a discretionary power to approve or refuse the work with rights of appeal to an administrative tribunal and the courts. It is difficult to prosecute the Crown.

Both the public and the private sector should be required to comply with the same development standards but it is inappropriate for an appointed commission, a council or an appeal tribunal to be able to determine whether Government work should proceed.

A separate procedure is incorporated in the Bill for specified instrumentalities of the Crown. The procedure requires that instead of seeking a formal approval, the named instrumentalities will submit their work proposals to the new commission and to the local council for report. Consultation with other departments will be carried out administratively and the present environmental assessment procedures of the Department of Environment and Planning will continue.

If the work proposed is seriously at variance with the policy contained on the development plan, the matter will be referred to the Governor. Any instrumentality not named in the legislation will follow the same procedure as a private developer and have appeal rights to the Planning Appeal Tribunal and the courts.

Mining Operations: At present a mining operator usually has to obtain a lease and approval of a working programme under the mining legislation, and a separate approval under the planning legislation before proceeding. The law is in urgent need of clarification but it is essential that the control of this important use of land forms part of the integrated system of controlling development.

The Mining Act provides security of tenure by a sequence of tenements which allows a mining operator to proceed from the exploration stage through to the mining of the deposit. However, private mines proclaimed under the Act are not subject to the tenement provisions. The Mines and Works Inspection Act is concerned with safeguarding the health and safety of workers, preserving amenity and securing rehabilitation of worked sites.

The Planning and Development Act is designed to secure the orderly and economic use of land. It establishes a method of determining land use policies, power to control the use and division of land and includes powers to purchase land.

Collectively, the legislation provides a complete system for the security of tenure and management of mining operations, rehabilitation of the site and protection of mineral resources. However, overlap and conflict arise due to separate approvals being necessary under both mining and planning legislation involving different policies and procedures. The procedures are to be simplified by:

(i) excluding from the normal control procedures under the planning legislation any mining operation subject to the issue of a claim, lease, licence or permit under the Mining Act (this means prospecting, exploration, proving and production activities);

(ii) causing the Minister of Mines and Energy to refer to the Minister any application for a mining lease of a class, or in an area, prescribed by regulation;

(iii) requiring the Minister's concurrence to the issue of the lease or in the event of non-concurrence, the matter to be resolved by the Governor;

(iv) requiring separate planning consent to be obtained for any future mining operation on a private mine not being effectively operated (such consent would be required now under the present legislation).

Complementary provisions in the Petroleum Acts will ensure a uniform system of administration. New mining operations of major importance will be subject to more detailed environmental impact assessment. The Minister responsible for this Act will be directly involved in determining the content of the impact statement and its assessment.

Other Matters: The Planning and Development Act presently provides for the control of state heritage items by the State Planning Authority. A recommendation on each application has to be obtained from the Minister administering the Heritage Act. The authority has delegated most of the control to councils. The procedure for considering heritage applications is separate from the other control procedures in the Act. In future the control of heritage items will be incorporated with other controls in the uniform administrative regulations.

Outdoor advertising is presently controlled under six Acts. The fragmented and uncoordinated nature of the controls, the lack of clear and common policies and the lack of adequate rights of appeal are matters of concern to the industry, local government, traffic authorities and conservation bodies. Separate legislation for advertising would proliferate the many controls already existing. There is a need to simplify the controls rather than add separate administrative machinery dealing with one particular class of development. The Bill enables the control of advertisements to be introduced, except for the structural aspects which will remain in the Building Act.

The present Planning and Development Act includes a regulation making power to control the felling of trees. The new legislation will enable the control of tree felling and vegetation clearance to be introduced where necessary.

The control of the demolition of buildings is not specifically included in the present Planning and Development Act except for state heritage items. There has been some demand for such a control to be introduced, apart from the safety provisions contained in the Building Act. Demolition is controlled under the City of Adelaide Development Control Act. A State-wide control of all demolition would be onerous but there would be merit in having the power to introduce such a control selectively as the principles upon which the control is to be exercised are determined. The Bill enables this to be done.

There has been a growing interest in voluntary agreements as a means of ensuring sound land management. The present Act does not provide for making legal agreements which are binding on present and subsequent owners. Some so-called 'gentlemen's agreements' have been made, and the Heritage Act has been amended to enable agreements to be made relating to matters relevant to that Act. Agreements afford a means of enlisting the cooperation of a land owner in pursuit of a particular objective. The Bill enables councils and the Minister to enter into agreements and also to ensure that agreements apply to successors in title. The power will enable agreements to be made on a wider range of matters than that contained in the Heritage Act, and will be useful in redevelopment areas. I seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 enables the whole, or parts, of the new Act to be brought into operation on dates to be fixed. Clause 3 gives the arrangements of the new Act. Clause 4 contains definitions necessary for the purposes of the new Act. Clause 5 repeals the Planning and Development Act, provides the necessary transitional powers and vests the land holdings of the State Planning Authority in the Minister. Clause 6 enables parts of the State to be excluded from the operation of the Act or parts of the Act. Clause 7 provides that the commission will report on development by the Crown and the Governor will resolve matters of conflict. Clause 8 provides that council development proposals shall be dealt with by the commission.

Clause 9 establishes the South Australian Planning Commission. Clause 10 provides for the commission to be of three persons, a full-time chairman and two part-time members. Clause 11 deals with procedures of the commission. Clause 12 gives the general functions of the commission. Clause 13 enables the commission, with the approval of the Minister, to delegate any of its powers.

Clause 14 establishes the Advisory Committee on Planning consisting of eight persons and chaired by the full-time chairman of the commission. Clause 15 gives the functions of the committee. Clause 16 deals with staff to serve the commission and the advisory committee.

Clause 17 continues the Planning Appeal Board in existence, which will be known as the Planning Appeal Tribunal. Clause 18 establishes a chairman of the tribunal. Clause 19 provides for judges of the Local and District Criminal Courts to be judges of the tribunal. Clause 20 provides for full-time or part-time commissioners of the tribunal. Clause

21 deals with the validity of the tribunal's proceedings. Clause 22 disqualifies a judge or commissioner from hearing a matter in which he has an interest. Clause 23 provides for a secretary to the tribunal. Clause 24 makes the chairman responsible for the administrative arrangements of the tribunal.

Clause 25 provides that the tribunal shall comprise a judge and not less than one commissioner, except that a judge or commissioner or the secretary may deal with minor matters. Clause 26 requires that a question of law shall be determined by a judge. Clause 27 requires that a conference of the parties shall precede the formal hearing of an appeal and the tribunal can issue orders giving effect to any compromise or settlement reached. Clause 28 deals with the principles governing hearings. Clause 29 lists the powers of the tribunal in relation to witnesses and production of documents.

Clause 30 enables the Minister to intervene in the proceedings if a question of public importance is involved. Clause 31 enables the tribunal to make orders for costs in accordance with a scale to be prescribed. Clause 32 provides that hearings before the tribunal shall be in public. Clause 33 enables rules to be made governing the proceedings of the tribunal. Clause 34 provides for appeals from the tribunal to the Land and Valuation Court. Clause 35 enables the tribunal and the Land and Valuation Court to deal with irregularities and modifications to proposals subject to appeal.

Clause 36 deals with the District Court orders and interim orders requiring that works done in contravention of the Act be rectified. Clause 37 provides that proceedings may be commenced within 12 months after the date of alleged contravention of the Act or, with the authorisation of the Attorney-General, within five years. Clause 38 provides for appeals against District Court orders to the Land and Valuation Court.

Clause 39 provides that offences against the Act shall be dealt with summarily. Clause 40 establishes the development plan comprising all development plans authorised under the present Act and those parts of present planning regulations which express policy. Clause 41 enables the development plan to be amended by supplementary development plans. Clause 42 enables coastal management plans to be incorporated in the development plan. Clause 43 provides for copies of the development plan and amendments to be available to councils and the public. Clause 44 provides that the development plan is a public document of which a court or tribunal shall take judicial notice.

Clause 45 provides that development shall not be undertaken contrary to the Act. Clause 46 provides that no development shall be undertaken without the consent of the relevant planning authority other than where it is permitted by the principles of development control contained in the development plan. Clause 47 requires the Minister responsible for State heritage items to report on development applications relating to those items.

Clause 48 deals with the preparation of environmental impact statements, which the Minister may require or have prepared in relation to development of major social, economic or environmental importance. The Minister may require that amendments be made to statements prepared under this section after receipt of public comment. Clauses 49 and 50 provide that the Governor may declare that specified development of major social, economic or environmental importance requires the consent of the Governor. A decision on such a development shall not be given until an environmental impact statement has been prepared.

Clause 51 provides a right of appeal against a decision of a planning authority. Clause 52 extends to third parties the right to make representations concerning an application for approval and requires the planning authority to give notice of its decision to the third party, who may then appeal to the tribunal. An appeal of this type can be pursued beyond the conference stage only by the leave of the tribunal.

Clause 53 specifies the powers of the tribunal to confirm, reverse, vary or give effect to the decision subject to appeal. Clause 54 deals with the removal of advertisements, enabling the repeal of the Control of Advertisements Act. The new provisions are similar to those of the repealed Act.

Clause 55 provides for the continuation of uses existing at the date on which the Bill is to take effect. Provision is also made for the planning authority to declare that a land use which has been discontinued for six months or more ceases to be a valid use. Such declarations are made the subject of appeal. Clause 56 establishes that the law to be applied to an application shall be the law in force at the time the application was made.

Clause 57 provides for the interaction between this Bill and certain other Acts in relation to the demolition of buildings and the felling of trees. Clause 58 deals with mining operations. It provides that the Minister of Mines and Energy will give public notice of applications for the grant of a mining tenement. He may, and when prescribed shall, refer applications to the Minister of Environment and Planning for his advice, and the Minister may then require the preparation of an environmental impact statement. The Minister of Environment and Planning will advise the Minister of Mines and Energy whether or not the application should be granted. Where the Minister of Mines and Energy does not agree with this advice the matter shall be referred to the Governor for his determination. Clause 59 provides that the Planning Act will not affect operations carried on in pursuance of Mining Acts except as provided in Clause 58.

Clause 60 enables the Minister to enter into agreements relating to the preservation or development of land and enables councils to enter into similar agreements in relation to land within their area. Clause 61 enables the Governor to proclaim land as open space on application of the owner and prevent use of the land for any purpose other than that of open space.

Clause 62 provides that the Minister may prepare development schemes under which approved authorities may acquire, develop, manage or dispose of land. Clause 63 enables the Minister to purchase land by agreement for public purposes. Clause 64 deals with the reservation of land for future acquisition, by means of proclamation by the Governor. Compensation for land so reserved is to be paid, and if the amount is not agreed, subject to determination of the amount by the Land and Valuation Court. The owner of the land so reserved may require the relevant authority to acquire the land, with compensation to be assessed on the basis of the value of the land had it not been reserved.

Clause 65 establishes that the moneys required for the purposes of the Bill shall be paid out of moneys provided by Parliament for those purposes. Clause 66 provides for the continuance of the Planning and Development Fund and establishes the type of payments that may be made to the fund. Clause 67 enables the Minister to borrow money for the purposes of the Act on terms approved by the Treasurer. Clause 68 details the purposes for which money standing to the credit of the Planning and Development Fund may be used.

Clause 69 requires the Minister to keep proper, audited accounts. Clause 70 requires the preparation of annual reports by the commission and the tribunal. Clause 71 provides members of the commission and tribunal, together

with persons authorised by the Minister or by the commission or tribunal, to inspect land and premises.

Clause 72 provides for professional advice to be obtained by councils in relation to the preparation of a supplementary development plan and other matters arising under this Act which are prescribed in regulations. Clause 73 contains the power of the Governor to make regulations.

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

REAL PROPERTY 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.

This Bill complements the Planning Bill, 1981. Both Bills are designed to give effect to the Government's policy of simplifying the existing planning laws, streamlining the decision-making processes and providing more flexible methods of regulating development.

The broad outline of the changes proposed by the Government is given in the explanation of the Planning Bill. This Bill, to amend the Real Property Act, is primarily concerned with changes to the system of controlling the subdivision of freehold land.

The report by Mr S. B. Hart on the Control of Private Development in South Australia, July 1978, describes how the control of land subdivision has evolved; it details the extent and complex nature the procedures presently operating and recommends that changes be made.

Briefly the Hart Report points out that the history of land subdivision control is one of constant change of powers and procedures. The dual control exercised by the State Government and local government has existed in various forms since 1887 and the control has evolved independently of land use and building controls.

The effect of approving a subdivision plan is simply the granting of authority to the applicant to dispose of his land in a number of separate titles. However, the considerations the approving body keeps in mind when deciding the application are concerned with the likely future use of the land. For example, whether the land is to be used for houses, flats, shops or factories. If the use of the land is acceptable then the form of tenure is of lesser importance. Thus approval of the use of the land should come first and the issue of separate titles should be related to that approved use.

Under the present Planning and Development Act the controls and the administrative procedures governing the use of the land and the division of the land differ considerably and are quite separate. It is proposed that the type of buildings to be erected and the use of the land be determined at the same time as boundaries for ownership purposes are considered. This will be done by regarding land division as a form of development and requiring that before separate titles are issued based on new boundaries, the appropriate authority is satisfied with the use proposed for the land.

Thus an owner wishing to divide his land will apply in the first instance to the local council for consent to divide the land and to use it for a specified purpose. This application will be made under the planning legislation in the same way as application is made for consent to any other form of development.

Consultation by the council with State Government agencies and other standard procedures will then follow and the applicant will receive a decision on his development application under the Planning Act, with rights of appeal to the Planning Appeal Tribunal in the case of a refusal. This decision will be equivalent to what is now commonly known as the Form A approval.

The present method of controlling land division, involving decisions both by the Director of Planning and councils, means that the Director has to make decisions on a large volume of minor applications which could and should be dealt with by councils only. In future councils will receive advice from State Government agencies, but as with other classes of development application dealt with under the planning legislation, only the controversial or complex cases will be decided at State level. Advice will of course be sought from the council in such cases.

An applicant in receipt of consent under the planning legislation will then proceed to obtain separate titles by completing all the necessary road and drainage works and making any open space payments required. The applicant will obtain two certificates, one from the relevant local council and the other from the new planning commission stating that the manner of dividing the land and the proposed use of the land are approved; the works are completed and all payments have been made. There will be a right of appeal against a refusal to issue a certificate.

The applicant will then present his plan and certificates to the Registrar-General who will issue titles for the new allotments created. The procedure will be similar to that presently used for the issue of strata titles. Many of the present provisions of the Planning and Development Act relating to land subdivision govern the procedures of the Lands Titles Registration Office. The opportunity is being taken to incorporate them in the Real Property Act.

Details of road construction and other works requirements will be contained in regulations made under this part of the Real Property Act. Councils will be able to accept money in lieu of land for open space and the amount of payment will be indexed based on data supplied by the Valuer-General. The basic payment of $300 per allotment is to be increased to $500 and the same payments and system of indexation will apply to the issue of strata titles.

The Bill provides a simple method of amalgamating allotments into a single allotment. At present this has to be done by a complex and expensive procedure. Persons wishing to amalgamate allotments will be free to do so with the minimum of requirements. 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 enables the amendment Act to come into operation on a date to be fixed. Clause 3 is formal. Clause 4 repeals section 101 of the Real Property Act. Clause 5 amends section 220 of the Real Property Act to enable the Registrar-General to exercise his discretion on the correction of errors in certificates on the register.

Clause 6 inserts new part XIXAB into the Real Property Act. New Part XIXAB contains sections to be numbered 223 la through to and including 223 lp in the Real Property Act. 223 la contains definitions necessary for the purposes of new Part XIXAB. 223 lb deals with the unlawful division of land. 223 lc restricts the application of Part XIXAB by excluding Crown transactions from its ambit.

223 ld will enable the registered proprietors of land to apply to the Registrar-General for division of the land and specifies the manner in which the proprietor must do so. It requires him to obtain certificates of approval from the relevant council and the commission. No certificates are

required if the land is in the city of Adelaide. 223 le provides for the deposit and registration of plans of land division in the Lands Titles Registration Office and makes provision for the vesting in councils or the Crown of land shown on such plans as roads or reserves.

223 lf will enable persons who wish to divide land to apply to a council for a certificate of approval as required by 223 ld. Before issuing a certificate the council must be satisfied that a number of requirements relating to the provision of easements, open space, roads and other matters have been met.

223 lg provides that a person who proposes to divide land may apply to the commission for a certificate of approval as required by 223 ld. Before issuing a certificate, the commission must be satisfied that certain requirements relating to water and sewerage easements and provision of water supply and of open space have been met.

223 lh requires a council or the commission to furnish applicants for certificates of approval with a list of requirements that must be met if a certificate is to be issued. 223 li specifies the amount of open space which must be vested in the relevant council and provides for monetary payment to councils in lieu of provision of open space. Moneys paid to a council in this manner are to be applied by the council for the purpose of acquiring and/or developing land as open space.

223 lj requires a council or the commission to give notice to an applicant of refusal of a certificate. 223 lk establishes a right of appeal to the tribunal in respect of the refusal of a certificate. 223 ll deals with the amalgamation of contiguous allotments.

223 lm establishes transitional provisions relating to plans of land division lodged prior to the enactment of new Part XIXAB. 223 ln deals with easements and provides for works to be carried out on land the subject of an easement for the purpose of the easement, viz. sewerage, water supply, electricity supply and drainage purposes. 223 lo contains a prohibition on the increase of the total number of allotments in the hills face zone. 223 lp is a regulation making provision. Clause 7 amends section 223 md of the Real Property Act in relation to the open space provision payable in respect of strata development.

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

VALUATION OF LAND ACT AMENDMENT 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 Valuation of Land Act, 1971-1981, provides that the Valuer-General shall give notice of valuation to the landowner of land valued under the Act, and that any person dissatisfied with that valuation may within sixty days of receipt of the notice object to the valuation. In the past, the Valuer-General has made general valuations of each local government area on a five yearly cycle. For the purposes of water and sewer rating and land tax, equalisation factors are applied to those valuations in the intervening years to maintain equity of valuation bases.

Approximately one-fifth of the State is revalued comprehensively each year, and notices are sent to individual landowners. The direct cost of giving those notices is approximately $28 000 per annum. By the greater use of computer technology and improved procedures and management of the valuation process, the Valuer-General is progressing towards a situation in which he will be able to revalue the whole State more frequently. This increase in the frequency of valuations will greatly increase the annual cost of sending out notices of valuation.

The notices sent to landowners provide them with the opportunity to lodge a statutory objection to the valuation within sixty days of the notice. Most landowners tend to ignore the notices of valuation and only question the valuation when they receive a consequential rate or tax notice. In these circumstances, the Valuer-General has reviewed valuation when they have been queried by the landowner at any time.

Potential savings in cost of $135 000 per annum can be made if the Act is amended to repeal the provision requiring notice of every valuation. The present Bill therefore effects such a repeal, and provides that objection to a valuation may be made at any time.

Clauses 1, 2 and 3 are formal. Clause 4 repeals section 23, which presently requires the Valuer-General to give notice of each valuation. Clause 5 amends section 24 of the principal Act to enable a landowner to object to a valuation at any time.

The Hon. BARBARA WIESE secured the adjournment of the debate.

PARKS COMMUNITY CENTRE BILL

Adjourned debate on second reading.

(Continued from 12 November. Page 1883.)

The Hon. C. W. CREEDON: The introduction of this Bill follows a principle that we adopted in the past, so we have no complaints in that respect. If this Bill encourages genuine responsibility among the users (and, of course, that is among the members of the community), then it is a cause demanding of our support. When this complex was established, through the foresight of a previous Australian Labor Government and a State Labor Government, its purpose was to serve a genuine need in an area that has long been underprivileged. Its need can be gauged, I think, by the number of people using it and for the variety of reasons.

Depending on the time of the year, it can be said that thousands of people pass through or use the centre each week. I only mention a few of the activities, because they are mainly outlined in the second reading explanation, but the activities include swimming, swimming instruction for the members of the community, learn-to-swim classes for children, and health activities, and the Health Commission has a programme under which people who are in need of swimming for health reasons are encouraged to use the swimming pool, and a special club has been established in regard to the swimming pool.

I understand that about 10 schools regularly use this swimming facility, because there is no other swimming facility in the area, other than perhaps at North Adelaide, where charges are much higher than the charges levied at the centre. Dozens of other activities have been outlined in the second reading explanation, and there are others that have not been outlined.

The use of the centre proves it is needed, yet only in the past few weeks the Minister has tried to flog it off—not the centre as a whole, of course, but certainly some of its worthwhile activities that had full and justifiable use. The story was that the activities would still be available, though private enterprise would be the controlling authority, and that would need better than break even profit for private operators to be interested.

Obviously, prices or fees would have to be introduced or increased and that would certainly drive people away from the centre or lessen their use of it, and this is in an area where need is great, as has been proven by the use of the centre since the commencement of its activity. The fact that there is no vandalism to the centre proves it is serving a very useful purpose and is appreciated even by those who are inclined to community destructiveness, although I believe there was some vandalism recently when it became known, because it was published in the papers, that the Government's intention was to sell what any right-thinking person could only describe as community assets. It seems to me that the only vandal in an instance such as this is a Government which seeks to destroy the people's right and amenities in the interest of private profit.

If Governments, which should know right from wrong, are prepared to vandalise the community interests, it will not be long before such wanton example is followed by people who, through no fault of their own, are unoccupied, deprived of a livable unemployment benefit by unreasonable Australian Governments. Now a State Government has threatened to sell out the only amenity that gives them the chance of enjoying activities that enhance their behaviour and treats them as human beings in a society that makes regular attempts to treat certain sections of the community as less than equal.

The area in which this complex is situated has always been treated as a deprived area. Thirty or more years ago, when the Housing Trust built just temporary homes in the area, the foundations were laid for the type of community it would become. People may have lived there but they were poor and unable to spend much on the necessities and pleasures of life, and they were greatly deprived because Governments which had housed them there had made no other provision for their welfare. Why should we be wondering what happened to the place when we know that it was created by Government as a method of relieving pressure on Government with no thought being given to the end result of such action.

I have a number of articles from various papers and also copies of letters to the Editor that I would like to bring to the attention of the Council. The first is written by a group of year 9 students.

The Hon. C. M. Hill: Are you going to mention mine?

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

We are a class of Year 9 English students at the Parks Community Education Centre. We are writing in reply to an article in the *Advertiser* (19.10.81) which stated that parts of our community centre may be sold. We think that there will be vandalising in the centre and people will be hurt if we no longer are in control of our facilities. Local people will go to the cinemas elsewhere and do other things where they are trusted.

We think the area needs the centre for plenty of reasons. If the local community did not have the centre it would have no other entertainment in the area. When the Government cut finance to the sports complex it had to close during the day. This was when some classes, housewives and a host of other people used its pools, stadium, saunas and weight-lifting room.

Also, if the facilities were unavailable, what would we do in our recreation time? If the facilities were sold local people could not afford to use them. The unemployed youth would be bored and on the streets with nothing to do, instead of being able to use our facilities positively.

We hope this letter will draw attention to the needs of our community and that the valuable assets that we are currently appreciating will not be taken from us for the sake of profit.

Signed by all the Year 9 English class and class teacher.

The next letter states:

As a regular user of the Parks Community Centre, I support Mr Bannon's concern over the State Government's move to phase out services there. I have been a resident in the area for more than 25 years and the development of the Parks Community Centre has been the first real attempt to offer the people in our community a more fulfilling existence. I believe our centre is being threatened in many ways.

Before the centre was built we did not have keep-fit classes, legal advice, swimming, further education courses or places for our teenagers to meet—services enjoyed by many people in other suburban areas. These services were not available to us, so we went without. Recently, we discovered there are to be further restrictions on the number of hours the sports centre is to be open due to funding cuts. This will affect use of the sports centre by many people. Similarly, the complex has been without several key staff members for many months and the centre continues to operate without a co-ordinator or theatre manager. These facts hold back progress of the centre.

The centre has been far from a waste of money, but a most vital place and has presented so many individuals, such as myself, with opportunities that otherwise would never have been available to us. It is an area which has been neglected by governments for most of its life. I ask the Government not to cut back but to rethink its position and assist the centre to become fully operational once again, so that we can prove how hard we're prepared to work to ensure the total community benefits from it.

P. Button, Angle Park.

A further letter states:

We wish to record our appreciation to the Parks Community Centre for allowing our children to use the swimming facilities for club and training purposes. The success of the team members, who recently competed in the junior international games for the disabled in England, was due mainly to the availability of the pools at the Parks Community Centre when other pools would not accommodate us.

Hopefully, the Parks Community Centre will always be available in the capacity it has in the past and we would like our association to continue with the people concerned so that other disabled people will benefit as much as we have.

R. M. Carlson, and 11 signatories.

A letter headed 'Keep hands off Parks Centre' states:

I am concerned about turning the Parks Community Centre over to private enterprise in any way.

I have lived in this district for 20 years and use the Parks Centre constantly. My husband and I have nothing but praise and thanks for the dedicated doctors and all the staff at the health centre.

All the staff in all departments have the same dedication. The Parks is used by young and old and not only from this district. All are made welcome over there. I feel I must warn Mr Tonkin and his Government that if they try to take it from us they'll have a damn good fight ahead of them.

We are behind John Bannon for all the help he's given. To you John Bannon a great big thanks. Now Mr Tonkin if you would use the same courage as John Bannon you'd be fighting Mr Fraser and his Government for more money for 'Our State Mate'.

Then you wouldn't be cutting funds for the Parks, kindergartens, etc. So come on young and old alike let your voices be heard. Write to the newspapers and stop the Tonkin Government altering the Parks because as it is now we can get anything at prices the lower income earners can afford. That's the reason the Parks was put in this district.

Irene Jackson, Angle Park

I have some other articles and letters that I will mention in order to keep members up to date with what has been happening in this area. An article that appeared on 10 November states:

Investigations into possible cost cuts at the Parks Community Centre would not proceed, the Minister of Local Government, Mr Hill said yesterday. He said the investigation had not shown any areas for future savings 'at this stage'. Details of the investigation, which began on October 2, were leaked by the Leader of the Opposition, Mr Bannon, on October 18.

He released a letter from the Director of the Department of Local Government, Dr I. R. McPhail to the centre asking for co-operation in an investigation of the centre and a review of the services provided. The letter says the department would assess 'the practicability of phasing out those services by transferring some, or all of them, to the private sector to operate, thereby minimising the impact on State Government assistance'. Statements by the Government have said the Government provides $1 500 000 of the centre's $1 900 000 budget.

A Press release issued by Mr Hill yesterday says: 'Over the past month we have looked at the question of costing at the Parks Community Centre and it would appear that further savings cannot be achieved at this stage. Therefore I am not proceeding further with that particular investigation. I have been very impressed by the dedication of the staff and volunteers at the Parks.

The whole organisation will settle down when legislation is passed to provide a new board for the centre. Cabinet approved the draft Bill to establish this board today and I hope to introduce the legislation into Parliament this week.'

An article in the newspaper of 29 October, under the heading 'Parks centre will not be sold: Hill', stated, in part:

The Parks Community Centre would not be sold and there would not be a decrease in the standard of services, the Minister of Local Government, Mr Hill, said last night. He was speaking to about 250 people attending a meeting at the centre to protest at a State Government suggestion that parts of the centre be run by private enterprise.

The meeting followed an announcement that the Government had asked the general manager of the $16 000 000 centre, Mr Ralph Middenway, to review all services and assess whether some or all could be transfered to private operators to reduce the cost to the Government. The meeting also was attended by the Leader of the Opposition, Mr Bannon, who, with Mr Hill, faced questions from staff and pensioners, parents and children who use the centre.

Mr Hill said the Government had done nothing wrong concerning the centre. 'More and more will be done to help more people have access to the place and this form of promotion ($40 000 this financial year) I have mentioned,' Mr Hill said.

'We have not made a final decision on whether we can make any changes at all.' Mr Bannon said the concept of the centre was vital. There had been no facilities for 30 years before it was built. 'I think the Government should here and now listen to the community,' Mr Bannon said.

The centre was built as a joint venture between the Dunstan and Whitlam State and Federal Labor Governments to combine school and community facilities including a gymnasium, swimming pool, library, legal aid and health centre, arts, craft and technical studios, child care centre, theatre and mini cinema.

Another article stated:

'An exciting $14 000 000 social and community centre for an industrial area once rated bottom in a survey of where Adelaide people wanted to live.' That is the way a national magazine described the Parks Community Centre back in November 1979. The dream had just become reality for the people of Angle Park, Ferryden Park, Mansfield Park and Athol Park.

Now the Premier, Mr Tonkin, is describing the reality as 'one of the most expensive exercises for a long time.' And although he denies the Government is planning to sell parts of the Parks Community Centre to private enterprise, Opposition Leader, John Bannon, claims otherwise. He has released to the media a letter to the centre from the Local Government Department director, Mr I. R. McPhail, seeking co-operation during a review of its services. The letter said the department was assessing phasing out some services or even selling some or all of them to the private sector.

Staff at the centre are tight-lipped about the future, but Mr Peter Bicknell, who chaired the original evaluation committee for the project and who is a former district officer for the Department of Community Welfare in the area, says he has never seen staff members more unified or more indignant. 'And there is the same feeling among the residents—they are remarkably protective towards their centre,' he says. 'It was a hell of a fight to get that centre going. The Parks was born out of schools which existed on different sections of this big block of land—the Angle Park Girls' Technical School and the Angle Park Boys' Technical.

'Then the Department of Community Welfare started to make an assessment of other facilities needed in the area, and the idea of building a community centre, rather than just a community school, was developed.'

The project was funded to the tune of $3 196 000 from the Federal Government, $8 380 000 from the Education Department, $1 200 000 from Department of Community Welfare, $879 000 from the Health Commission, $300 000 from the Housing Trust, $635 000 from the Public Buildings Department, $400 000 from Enfield Council and $50 000 from Adelaide University, which uses the Parks medical centre as a teaching unit.

The Kindergarten Union also helped fund the project with a contribution of $220 000 for the child care centre.

'All these people who put money into the project benefited because they were able to share joint facilities,' Mr Bicknell says. 'Everything that was established within this one centre was needed in the area.' He is specially critical of the Local Government Minister, Mr Murray Hill's attitude to the $1 500 000 annual running costs of the centre. The Minister has described it as 'one of the most wasteful projects in Australia. But he has not deducted from this $1 500 000 the normal costs of cleaning and maintaining a high school, and the welfare and health centres that every community must have anyway,' Mr Bicknell says. 'Or take The Cellar underground youth centre, which caters for 40-50 kids each night. It costs $50 000 per year to staff this particular centre—but it costs $45 000 to keep one boy in a remand home for a year.'

Peter Bicknell says, too, that no part of the centre could be sold off without affecting every other part. 'For example, people using the centre get four hours free child care while they are doing so. The swimming pool is booked out continually by local primary schools, who certainly can't afford pools of their own. And the health centre runs a positive programme very cheaply by using the sports facilities.

'Certainly private enterprise could make more money out of the Parks—but at what cost to the community? And the community is not proving slow at speaking up for itself'. Typical is Mrs H. K. Jasper, of Ferryden Park, who has taken full advantage of the Parks craft classes, legal aid and dental services and says:

'I grew up in this area, I know what it's like to be a kid hanging round the streets because there's nowhere to go, and nothing to do that you can afford. It will be a sad day if someone decides they want to make a profit out of it.'

Another article by Chris Milne stated:

Anxious rumours cloud the future of Angle Park's community complex. The Parks, within its grey cement brick walls, is abuzz. The $16 000 000 community centre at Angle Park is buzzing with anxious rumours about its future and with a myriad of community activities.

Despite assurances given by the Minister of Local Government, Mr Hill, at a recent public meeting, no-one is sure what might happen. State Government Budget cuts have brought a scaling-down of some aspects of the centre's operations this year. Directly through reduced grants, and indirectly through pay rises and other factors, the centre's disposable income is down by $200 000 this year.

It has been unable to appoint a new community co-ordinator—seen by centre staff as a vital position—since the job became vacant in February, nor can it appoint a manager for Focus 2, its multi-purpose theatre and entertainment area. Which is ironic because that is one area where the community centre can turn a profit. It is hired for conventions and company product launchings, for weightlifting championships and wedding receptions.

With a full-time manager, staff believe, it could be promoted widely, and used more. As it is, Focus 2, will help to increase the centre's earnings by a further $100 000 this year, lifting the expected income to $400 000. Not that making money is the prime purpose of the Parks Community Centre.

It was built to serve a region deprived of many community facilities. It combines health, welfare and legal services with a high school and a host of adult education and recreation outlets. And there is plenty of evidence that the people who live around the Parks, in the old South Australian Housing Trust suburbs and beyond, are making good use of their centre now.

On Friday, children from schools in the district descended on the place for a Halloween celebration and barbecue ('entry by costume only'), and on Sunday Indo-Chinese refugees staged a cultural day with dancing and art and food. While the big events were being held, daily activities went on. People used the swimming pool and public library, which is open in the evening and on Sunday afternoons. They attended *Grease*—admission $2—at Theatre II, took part in expanding adult education classes, with an enrolment of about 350 this term, and art and craft classes. And they played sport.

The Parks, with its playing fields shared by the high school and local clubs, has become an important sporting centre in the past year or so. It has its own teams, playing local competition football, cricket, netball and basketball.

The Hon. C. M. Hill: When will you get to my letter?

The Hon. C. W. CREEDON: I have read all about the Hon. Mr Hill. These articles make great mention of him.

The Hon. C. M. Hill: What about the children from the Ridley Grove School who wrote a letter the other day? You haven't got to that one yet.

The Hon. C. W. CREEDON: Not yet.

The Hon. C. J. Sumner: What did it say?

The Hon. C. W. CREEDON: They go there to enjoy it. The article continues:

The Parks teams have helped to establish both an identity and an involvement for local people. The Parks has tennis and squash, gym and golf lessons, swimming and scuba diving, pin-ball and table-tennis championships, yoga and disco dancing, and specialist fitness programmes, too. The Australian interest in sport and the present fitness fad is giving an important boost to the centre's use and growth.

'It's building up well,' says the centre's deputy manager, Tony Stockley. And publicity officer Wendy Highett apologises for 'sounding like a sales pitch' when she describes some of the facilities available and the way local people are making greater use of them.

And the way the centre has acted as a catalyst for local activities. It has prompted a growth in drama, for instance, simply by providing facilities. The high school has such a strong drama department now that several students have gone into semi-professional

theatre and this year four or five have applied for places at the National Institute of Dramatic Art in Sydney.

The Parks has its own amateur drama group, which will stage Brecht's *Happy End* later this month, and the theatres and workshops are used by three or four amateur groups. They also were used during the Australian Drama Festival.

Young people gravitate to the Cellar, a drop-in centre which used to attract some police attention but is now strongly policed by the teenage users who come for coffee and a chat and for the endless rounds of pinball and eight-ball and table tennis championships. 'The atmosphere is much friendlier,' Wendy Highett says. 'The kids have come to look on the place as their own. They have a sense of responsibility, of protection and pride. They've redecorated it, they repair any damage, but there's very little vandalism.'

Even the Cellar has become involved in art and craft activities, regular cooking lessons, and a weekly fitness programme—aimed primarily at the unemployed young. Around these north-western suburbs unemployment is a severe problem. The Parks Community Centre runs PUSH, an apt acronym for a self-help group of Parks Unemployed Student Helpers, who do work such as clearing yards, removing rubbish, mowing lawns and shifting furniture. It is a useful and productive antidote to sitting around watching TV all day. And it is a considerable success.

Sometimes the centre uses unemployed young people on a casual basis for tree planting or weeding and for helping to run the school holiday programme for children. There is no shortage of volunteers. Other projects are aimed at community service. A group of local women operates the centre's cafeteria using the profits to provide a free bus service for elderly residents. Tony Stockley says: 'Part of our philosophy is to get community groups going. We can provide the facilities, and technical or organisational help if its required, but it's their show'.

The social workers call it 'community development'. And at the Parks, it seems to be working well. 'Use is certainly growing', Wendy Highett says. One barometer is the Children's House, a creche where mothers —including the area's disproportionately high number of single parents—can leave their children free for up to four hours a week, while they take part in activities. 'The Children's House is at full stretch', Wendy Highett says. 'It's licensed for about 40 children at a time but the demand is tremendous. We could take another 20 or 30, if we could afford to employ more trained staff. But . . .'

So far the centre's financial cuts have resulted in a reduction in the hours of some activities. Nothing has been withdrawn yet.

The Hon. C. M. Hill: Would you like permission to incorporate the article?

The Hon. C. W. CREEDON: No, I like reading.

The Hon. C. M. Hill: You're getting pretty close to contravening Standing Orders. You're not reading copious notes; you're reading feature articles from the daily press.

Members interjecting:

The Hon. C. W. CREEDON: The article concludes:

But expansion of new services has stopped. Some community demands have to be ignored now. Moves are afoot to make the centre a statutory authority, similar to the Adelaide Festival Centre Trust. That, staff say, should mean greater freedom to decide spending priorities and provide wider services.

But it will need to maintain, and increase, its income. There is no doubt that the staff and local residents are prepared to fight to protect a centre that slowly but surely has become a community focus. 'People feel comfortable here now, they like to be here', Wendy Highett says. 'They feel at home'.

I am sure the Minister will be pleased to know that that concludes all the quotes to which I wish to refer.

Those letters and articles prove the importance of the centre to the community. I believe the Minister has indicated that the Government has no intention of selling any part of the enterprise. One of those articles indicates also that the Minister spoke to 250 people about the future of the centre; but what about the board that is responsible for the government of the place? In his second reading speech the Minister said:

In the preparation of this Bill, officers from my department have consulted at length with the interim board and I have met deputations from the board.

Now I note that the words, 'general agreement has been reached on all clauses of this Bill' have been struck out. I question whether the board ever had any idea of what it was going to be confronted with. So far as I am aware, the board has not yet met to discuss the matter contained in this legislation.

To me, it seems a matter of common courtesy to bring the matter of definite change in policy to the attention of those in responsible positions so that they might at least be made aware of it, and given the opportunity to comment and offer suggestions on how best the changes might be made and how those changes might be most effective. I believe the board was not aware of the contents of this Bill until this week, and as the board does not meet until Thursday of next week I believe it to be grossly unfair and inconsiderate of the Government to pursue this matter any further until the board examines the Bill and passes on its comments. To even think of adding the words 'general agreement has been reached on all clauses of this Bill' is a very questionable practice when it seems that the interim board was not aware even as early as the middle of last week that the Bill existed in its present form.

I now turn to the Bill itself and indicate that the Opposition will be moving an amendment to clause 5, which deals with membership of the board. I will have more to say about this clause in Committee. I draw the Minister's attention to clause 6, parts of which I find to be somewhat confusing. Clause 6 provides:

The board shall establish and maintain a register of the persons who use the centre and are eligible to be placed on the register.

Clause 6 (3) provides:

A person who uses the centre is eligible to be placed on the register if—

(b) he enters his name on the register or causes it to be so entered.

I wonder whether the Minister is being cautious. It seems to me that clauses 6 (1) and 6 (3) *(b)* are almost contradictory of each other. Clause 6 (5) *(f)* provides that the board shall cause the register to be revised from time to time and upon any such revision may remove from the register the name of any person who the board believes has not used the centre for a period of at least three years. What criteria will the board use to determine this matter? Who is to say that the board would not remove from the register someone, or even groups of people, whom it found questioning the board's affairs and decisions? Clause 6 (3) provides:

A person who uses the centre is eligible to be placed on the register if—

(a) he is entitled to vote at elections for the House of Assembly.

That is one of the necessities to be placed on the register. Clause 6 (5) *(c)* provides that the board may remove from the register the name of any person whose name does not appear on a House of Assembly electoral roll. That might be considered a strange addition to a Bill such as this. After all, the board is to oversee the use of a community facility: it is not the government of the country that we are talking about. I wonder whether a stricture like this applies to the business boardrooms that deal with the economic life of the country and to the unions, the sporting clubs, and the social clubs. Why is the Minister requesting that it apply to this organisation, and does he know of any similar organisation where the same strictures apply to voting rights?

I remind the Minister that all our high schools have students represented on the boards, or councils, as most schools call them. I am not even suggesting that the Minister go that far, but a large number of users of the Parks will be under 18 years of age and I believe it only right that someone who is, say, 16 years of age and is interested enough to work for the community should be allowed the opportunity of standing for one of the user positions on the board. Further in relation to the same question, other groups I could mention are the migrant groups whose members

have not taken out citizenship papers, yet who are very active in the community. No-one can convince me that, because they are not legally Australian, they will not be active in the interests of the community. They have been given some limited recognition in regard to local government elections and certainly in other areas where community involvement finds them elected to various councils, boards, executives, and even those boards of business enterprises that are responsible for our economic progress, so I question their not being given consideration on this occasion. I emphasise that that consideration should be given to them not as a separate right, but merely a right as users of the facility.

I find clause 6 (7) a very odd provision in such legislation. That provides that the Electoral Commissioner shall conduct the election of board members by the registered users of the centre. I would imagine that would be a costly (in fact, I would say extravagant) procedure. I wonder what the Minister is expecting. Does he expect some sort of ballot-stacking or rigging? I must say that my experience is that there may be from time to time some dissatisfaction with the way things are being conducted, but generally it is fairly hard to get people to run for positions such as we are talking about. It seems to me that the Minister is being extremely cautious, even a little dramatic, in his approach.

We support the second reading but will be moving amendments in Committee and we feel that we are justified in asking the Minister to leave this Bill in abeyance until after the board meets on Thursday week, when it will have a chance to convey its findings or opinions to the Minister.

The Hon. ANNE LEVY: I will be very brief in speaking to this debate, as the Hon. Mr Creedon has covered the discussion of the Bill extremely well. I just wish to indicate my support for the measure and for the Parks as a complex. It certainly is a most magnificent complex that is catering for a large number of people in a depressed area of Adelaide. I have had the privilege of visiting the Parks, as have many other members, and I realise the tremendous value of the magnificent facilities provided there.

I do not wish to single out any in particular, except to mention the child care centre, which is certainly the most magnificent child care centre that I have ever seen. I think it is the first and only such centre designed as a child care centre and, in consequence, its layout and facilities are such that one cannot imagine anything better. The facilities provided there are a model to be used all around Australia, if not overseas, as an indication of just what a child care centre can be.

Such comments apply not only to the child care centre but to the whole complex. It is a magnificent one, with no peer in this State, or in the Commonwealth as far as I know. The Hon. Mr Creedon has indicated the wide range of facilities available, from the theatres to the schools, the sports complex, the gymnasium, the library, the people's service, the health service, and the other Government departments situated there. One comment that I would like to add is that the centre has been operating for a number of years and I think it highly appropriate to pay a tribute to the dedication of the staff who have made the place work.

The Hon. C. M. Hill: And the voluntary workers.

The Hon. ANNE LEVY: The staff and the voluntary workers, certainly. They realise that they are working within a unique experiment and the dedication, hard work and effort being put into the smooth functioning of the sections for its successful operation are very much to their credit. Their firm belief in what they are doing and their faith in the centre and what it is trying to achieve have resulted in incredible efforts and remarkable application on the part of the whole community, particularly the staff and volunteers who run the centre.

I would not like an occasion like this to pass without making mention of the staff and volunteers of the centre who have contributed so much to its success: long may it continue. One would hope that such a centre is a forerunner for other centres that may develop in the future elsewhere in the State. It would be nice to have a Parks Community Centre in every area of the city and in every part of the State. There would be nothing but benefit to be gained for every South Australian if such facilities were available. Meanwhile, we only have the one such centre, but I hope that its existence and success will encourage the setting up of similar facilities and centres elsewhere in this State.

The Hon. Mr Creedon has criticised portions of the Bill. I will not elaborate on them further, as this will be dealt with during the Committee stage. I support the second reading.

The Hon. C. M. HILL (Minister of Local Government): I thank honourable members opposite for having given this measure their attention.

The Hon. C. J. Sumner: Changed you mind, have you?

The Hon. C. M. HILL: No. Indeed, I was pleased to hear the Hon. Miss Levy commend the staff and volunteers of the organisation. She expressed my own views when she complimented these people upon the service that they provide at the Parks. I now turn to the amendment which the Hon. Mr Creedon has on file and upon which he touched briefly in his speech. Regarding clause 6, he questioned the method by which it was proposed that the three user-members be appointed to the board. If the Hon. Mr Creedon can find a system which is simpler than this one and which still assures Parliament that three genuine users can be appointed to the board, then I will be pleased to look at it. I assure the Hon. Mr Creedon and members opposite that my department spent months wrestling with this particular problem. The Hon. Mr Creedon will agree that it is not an easy matter to try and find a method of appointment for three genuine users. I stress the word 'genuine', because Parliament will want to ensure that in fact the users of the centre who become board members are genuine users of that particular centre.

Regarding the question of waiting for the board meeting, I was at the board meeting last week at the Parks and I touched on the main points in the Bill and had a long discussion with the members of the board. I do not agree that this Council should wait for that next meeting of the board which is to be held on Thursday week. The Chairman of the board has a copy of the Bill (and several copies were sent to the Parks), and if they wanted to hold a special meeting, that meeting could be called before then.

In any case, if they want to make a comment about this Bill, the Bill will not be through Parliament by that day because Parliament is not sitting next week and, therefore, Parliament will still have the opportunity to hear any formal comments that the board cares to make, even if the board waits until its normal meeting, which the Hon. Mr Creedon mentioned as being on Thursday week. Therefore, it is not in fact cutting them off, because amendments can be moved in another place if the Government feels that those amendments are worthy and are a big improvement to the Bill.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—'The board.'

The Hon. C. W. CREEDON: I move:

Page 2, line 20—Leave out 'twelve' and insert 'nine'.

We feel that the board is overloaded with 12 members, especially as eight members are to be appointed by the Governor, of which number seven are appointed by various Ministers and the eighth will be a member nominated by the Enfield council. Four members of the board are to be nominated by the Minister of Local Government, and one each by the Minister of Education, the Minister of Community Welfare and the Minister of Health. This leaves a bit of a nasty taste in the mouth. The Opposition has chosen nine members to make up the board because we believe that to be more workable. At least four of those will be involved in the centre and the other four would be representative of what I have mentioned, being only one member nominated by each of the Ministers of Local Government, Education, Community Welfare and Health, and that there would also be one person nominated by the Enfield Council.

During the Minister's second reading explanation, a clause was mentioned which set out the major functions of the centre, and this clause provided that the centre itself may provide any facility, amenity or service, apart from the Government or local government facilities, amenities or services located at the centre. It is made clear that the centre will not interfere with the way in which any Government or local government facility, amenity or service is run.

This clause tells us that the community itself will generally run its own affairs at the Park. We feel that there should be more community involvement and that the board should not be so overloaded by Government appointees. We feel that a board of 12 could be divided equally, six members against six, and therefore no decisions would be reached. Seven members would not be involved in the usage of the centre and may not even live in the area (and we have no guarantee of that). We believe that this is grossly unfair to the people who are dealing with the centre and are not part of it. If the board of the future is as unfair as the Government, then no wonder the Minister has included the provision for the services of the Electoral Commissioner.

I repeat, that in the interests of decision making and of the community, we should opt for a more workable board with members from the local community having a fair chance to have their views accepted.

The Hon. C. M. HILL: The Government cannot accept this amendment. The proposal in the Bill is for a 12-member board. This may be looked upon as being three groups of four persons, making up that 12-member board. The first four persons are those to be appointed by the Minister. The second four are those nominated by three of the Ministers who have an involvement down there, and the person nominated by the Enfield Council, which has an involvement down there as well. The third group of four are, in effect, local people, three members being users, and one member being a member of the staff. What the amendment is endeavouring to do is leave that second and third group of four on the board and reduce the Minister's nominees from four to one. Thereby, the total number is reduced from 12 to nine. The Hon. Mr Creedon will agree that what I am saying is correct. The reason why the Government objects to reducing its nominees from four to one is that an underlying principle for a board like this to be successful is that one must achieve some objective thinking and discussion on that board.

If one has boards of this kind with people who have a sectional interest to promote, who represent sectional interests in that area, one will not get wise and proper discussion at board level, nor will one get decisions that reflect broad objective thinking. Frankly, that can be calamitous to such a board. The responsibilities of a board of this kind are heavy. The board is administering $1 500 000 of public money annually and it must be able to direct the affairs of this centre with true direction. That direction must be arrived at by decision making which has a blend of local content, with the local input and sectional interest voice being heard at the board but, at the same time, it must be influenced somewhat by men or women of experience who are able to give objective considerations and opinions at board level.

I am hoping to be able to find some proven and successful businessmen who are willing to give their time to this cause, and in some respects it is a welfare cause. It is absolutely essential for people of that kind to have some input at board level.

The Hon. J. R. Cornwall: Should we do that same thing in regard to hospital boards?

The Hon. C. M. HILL: That is a different matter, but I stand by the principle that I am trying to expound. I have had an experience where bad decisions have come from boards because of the difficulty in obtaining objective thinking within board membership. The Government cannot afford to take any risks down there. We want the new statutory body to be successful, and to be guided successfully. We want it to reach all the heights that those people interested in the centre visualise will be reached as a result of this institution having a separate Act of Parliament. Therefore, it must be launched with great care; it must be launched successfully and, for that reason, it is absolutely essential that the composition of the board remains as it is in the Bill.

The Hon. C. W. CREEDON: We have objection to the board being selected in this way so that membership is a foregone conclusion. We are objecting to overloading. We are not asking for more community people to be put on the board. We are asking that the Ministers of Health, Community Welfare and Education have nominees and that the Minister of Local Government be satisfied with one person, the Chairman, who can adjudicate if a decision is not reached. With nine members on the board, the Chairman can make a decision. If there are 12 members on the board and it is evenly divided, the situation is not so clear. No-one wants to see a tied situation. We object to seven Government appointees on the board, and this is the reason for the amendment.

The Hon. C. M. HILL: The honourable member is taking a different tack from the one I was endeavouring to explain. I will approach the Government's viewpoint from a different direction so that the position might be made a little clearer. If the Minister of Local Government can appoint only one person as a Chairman and the Ministers of Education, Health and Community Welfare appoint people to represent their views on the board, and if Enfield council has someone with the limited local government view concerning the council's experience of the centre, and if the three users express the opinions of users (and so they should), and the staff member reflects the view of the staff, from where will come the objectivity that is required when major decisions are needed? That is the problem I am trying to outline.

If the Minister of Local Government has four members who are experienced in board work elsewhere, they will listen intently to those sectional views and put in some other views and the final decision, I submit, will be a far better one than from a board comprised of limited membership.

The Hon. K. L. MILNE: I, too, have had experience on committees even way back in the days of Sir Thomas Playford, who had the habit of appointing committees, boards, commissions and the like where members represented sectional interests, but they seldom worked properly. Probably what was missing were some independent business-trained people thinking objectively for the whole group.

I will leave it there, but I intend to support the Government, because I think it is correct in this instance.

The Hon. C. W. CREEDON: I understand what the Minister is talking about, but I maintain that the Minister of Community Welfare, the Minister of Health and the Minister of Education will appoint people who will follow the Government's line. Those appointments in addition to the appointments of the Minister of Local Government will comprise a total of seven board members—seven Government members. It is no use the Minister saying that the people who are going to represent the various Ministers will be people who have the welfare of the community as their major point, because they will think and do as the Minister tells them.

The Committee divided on the amendment:

Ayes (9)—The Hons Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall, C. W. Creedon (teller), J. E. Dunford, Anne Levy, C. J. Sumner, and Barbara Wiese.

Noes (10)—The Hons J. C. Burdett, M. B. Cameron, J. A. Carnie, M. B. Dawkins, R. C. DeGaris, K. T. Griffin, C. M. Hill (teller), D. H. Laidlaw, K. L. Milne, and R. J. Ritson.

Pair—Aye—The Hon. N. K. Foster. No—The Hon. L. H. Davis.

Majority of 1 for the Noes.

Amendment thus negatived; clause passed.

[Sitting suspended from 6.9 to 7.45 p.m.]

Clause 6—'Election of board members by registered users of the centre.'

The Hon. C. W. CREEDON: Will the Minister explain the contradiction that seems to exist in subclauses (1) and (3) *(b)*?

The Hon. C. M. HILL: I do not believe that there is any contradiction, although I can see that the position may not appear to be clear. The board must establish and maintain a register of users, so that at all times there will be a register of users. Therefore, a user must be defined in the Bill. A user is defined in subclause (3) as a person who is on the House of Assembly electoral roll and, secondly, if he enters his name or causes his name to be entered on the register. I do not think that there is any conflict. Subclause (2) further clarifies the position of a person who uses the centre. In other words, the Government is trying to establish and make clear just who is entitled to have their names on the register.

The Hon. C. W. CREEDON: I understand that the centre will not automatically draw up and keep a register of names. The centre will only keep a register of names if a person causes his name to be entered on the register.

The Hon. C. M. HILL: That is correct. In other words, the initial approach must come from the user.

The Hon. C. W. CREEDON: The clause does not read that way to me. I will have to assume that the Minister is correct.

The Hon. C. M. HILL: That is the correct interpretation. The board will not approach people and ask them to put their names on the register. People using the centre must make the initial approach to have their names entered on the register.

The Hon. C. J. SUMNER: Does that mean that a person will have to establish in some way that he is a user of the centre? If so, how will that be established?

The Hon. C. M. HILL: Yes, a person will place his or her name on the register. At that point it will be assumed that they are using a facility, amenity or service at the centre. The board will then check that those persons are on the House of Assembly electoral roll. From that point on the board will revise the register from time to time, and that is covered in subclause (5). There are various procedures for the removal of names; that is, if a person requests that that be done, or if a person dies. Situations such as that are covered in subclause (5).

The Hon. ANNE LEVY: Will the list of borrowers at the library be sufficient for inclusion on the register? If someone is a registered library borrower at the centre will their name be placed on the register automatically?

The Hon. C. M. HILL: Such persons are covered under subclause (2) *(b)*, because they are availing themselves of a service at the centre.

The Hon. ANNE LEVY: Will library borrowers automatically appear on the register because their names already appear on the library list?

The Hon. C. M. HILL: No, they will have to place their names on the register.

The Hon. ANNE LEVY: There are over 7 000 names on the library list. Will all those people have to take independent action to have their names placed on the register?

The Hon. C. M. HILL: The board is responsible for establishing the register. I suppose the board will publicise within the library and other sections of the centre the fact that people can have their names included on the register.

The Hon. C. W. CREEDON: I refer to subclause (5) *(f)* which states:

> who the board believes has not used the centre for a period of at least three years.

What criteria will the board use to determine who has used the centre for that period?

The Hon. C. M. HILL: The board will make that determination. The register will not only have to be carefully compiled: it will also have to be carefully maintained. The board will be responsible for checking whether a person whose name appears on the register has been using the centre for at least three years. If, in the ordinary review of this register the board believed, as a result of its investigations, that a person or persons had not used the centre for that period, the board would be entitled to remove that person or those persons.

The Hon. K. L. MILNE: I cannot remember being told the purpose of this register. I am sure that the Minister must have explained it, but would he be kind enough to explain it again?

The Hon. C. M. HILL: Certainly. The purpose of the register is the base for the election of three user members to the board. In the first instance, the Minister will appoint those three, because there is not time for a register to be established and there is a need to have the board working, but the first appointees will hold office for only 12 months, and during that period the register will be compiled. The board must have a register, because it is those registered users who will be eligible for election. We have to have a group of persons known before nominations can be sought.

The Hon. K. L. Milne: There must be better ways of doing it.

The Hon. C. M. HILL: There are quicker ways but they can be far more dangerous and unreliable. We could dispense with the register and simply seek nominations from people who claimed they were users, but we want to avoid having people securing this important office who are not genuinely interested in the centre and who may be interested in getting on the board for some personal reason.

The only base we can work from is a base of genuine users, and it was felt proper to establish a register of such users. The board's job is to maintain the register, keep it up to date, remove names if people die, and act in accordance with other provisions. It is possible for the board to have such a list, and those are the people who are eligible to vote for the people who stand for election.

The Hon. G. L. BRUCE: The Minister cut his own argument down when he spoke of users. What if a child is at one of the schools and participates in swimming but the parent is not a user of the centre? Unless parents are users, they cannot get involved, whereas in that case the whole family may be vitally involved.

The Hon. K. L. Milne: They could take a book out of the library every three years.

The Hon. G. L. BRUCE: I suppose they could do that.

The Hon. C. M. HILL: In the case of a parent and child, if the parent is not a user, it is clear from this Bill that the parent would not be eligible. If the parent was a user, he or she would be eligible.

The Hon. FRANK BLEVINS: I think that that is an unduly harsh definition of a user. If I had four children going to school at that complex, I would consider that I was a large user, having entrusted my children to the care of the facility. I do not think that the clause itself precludes that interpretation. It would be wrong for the board to interpret it so that parents who had children at the school and used the complex were not users. I wonder whether the Minister would perhaps give that further consideration and, hopefully, come down on the side of a more liberal and expansive approach so that the board would have guidance from *Hansard* as to what Parliament intended.

The Hon. C. M. HILL: Perhaps I could deal with it from another angle. This matter was discussed with the present board at the most recent board meeting, when I was present. The present user members, or the local residents, as they call themselves, supported this concept. When we talk about being liberal and democratic, that is not a bad base from which to start. The people who have been operating the present board for the past two years, in my view, are satisfied with this approach. For two years we have been wrestling with the Bill, trying to deal with the many opinions put to us, and many of them have come from people who use the Parks, work there, and give voluntary service there. They are exceptionally keen that users have a right to go on the board, and the Government agrees with that.

The next question is how Parliament will work out a plan to introduce such a scheme and yet avoid the dangers that obviously come to mind, even at first flush, when we try to get an election procedure for users. It is possible that, unless we establish a register, we will reach a situation in which a relatively inactive group of users could see to it that three of their own kind secured election.

If we have a registered list of users, we make every endeavour to see that they are genuine users. This register is checked from time to time by the board. I submit that that is the safest and soundest way in which to operate. If Parliament can suggest a better scheme, I am amenable to negotiating in this way, but I will not agree to any arrangement that is likely to finish up with people being elected to this board who are not genuine users.

The Hon. K. L. MILNE: I can see the argument that perhaps there must be a register, but we are talking about people who are users. I think the provision that people must have their names taken off if they have not used the complex for three years means that people can stay on for three years, not having done a thing. I think it would be better if it were six months. Someone could take out a library book, enter on the list, take no interest, and then get excited about something that happens. That person would still be eligible to vote or be elected. I think the three-year period would be difficult for the board to administer.

The Hon. C. M. HILL: If we adopted the course suggested by the Hon. Mr Milne, the board would be doing little else other than checking the list. It is bad enough to have to check it every three years. I think the Hon. Miss Levy mentioned the large number using the library.

The Hon. Anne Levy: There are 7 326.

The Hon. C. M. HILL: If we add the number who use the sports centre, which is huge and which is not used only by the schoolchildren, and if we include the two swimming pools, the welfare centres, the health centre, also the two theatres and so on, we would have well over 10 000 to 15 000 people who were eligible. All these people will not want to register, but nevertheless, with the passing of time and some encouragement by way of publicity at the centre, a lot of them will. Does the Hon. Mr Milne think the expense is justified in reviewing a list like that every six months or 12 months? Once the main election takes place in 12 months time, as I recall from the Bill, these people then have a three-year term.

The Hon. C. W. Creedon: Some of them have 12 months.

The Hon. C. M. HILL: In some cases it is 12 months. The Hon. Mr Milne must agree that the expense and time is not warranted. If we endeavour to check the list after short periods, whether people are genuine users or not, the cost will be quite phenomenal and is not worth it.

The Hon. FRANK BLEVINS: I wish to pursue that point as briefly as possible. Everybody on this side, as indicated by the Hon. Mr Creedon, supports the concept in clause 6. We appreciate the difficulty that the Minister and centre would have in arriving at any kind of equitable base for eligibility to vote. It is a very difficult question. In general, I support completely the proposition embodied in clause 6. I was pleased to hear the Minister say that most of the suggestions have come from people who use the park themselves. I am very pleased about that: that is the way it should be. However, I would like to ask the Minister about the specific point of parents whose children use the school. Has the eligibility of parents to vote or go on the register been raised and discussed specifically with the board? I know that the Minister said that most of the things that were in the Bill had come from suggestions of the Parks people themselves and, as I say, that is good. We have all been on committees and have discussed things and thought that we have covered every possible avenue, but then two days later find out that something has been missed. We are all fallible. Has the board considered the specific point of whether the parents of children, particularly those enrolled at the school, have the right to go on the register? It seems to me that clause 6 allows some freedom, depending on how 'use' is defined.

The Hon. C. M. HILL: I feel sure that the point has been considered by those who have been consulted on this matter over the past two years. As I read the Bill, a parent who does not avail himself or herself of any of the services is—

The Hon. Frank Blevins: They are using the service.

The Hon. C. M. HILL: No, they are not; their children are using the service. If parents want to come in and jump into the swimming pool with their child, then they are using the service. They pay a fee for it; they use the service.

The Hon. Frank Blevins: But I use the Eyre High School to send my children to.

The Hon. C. M. HILL: No, you do not use the school at all; your child uses the school. It is clear that if adults, who are on the House of Assembly roll, avail themselves of any service, then they can be deemed a user and they can ask to be placed on the register of users.

The Hon. K. L. MILNE: I cannot believe that the intention of this provision is that, if one has a swim every three years, takes a book out of the library every three years, or goes to a welfare department with a family problem every three years, one would then be a user under this definition. It is no good going on all night and holding up this Bill. Would the Government consider a better definition of a

user? The situation is ridiculous. What will happen is that people who are regular users of the facilities and who are community minded and join in everything will be wanting certain privileges over the person who says, 'I took out a book two years ago and I am now going to stand for the council.' The Bill should be fair to everybody, but I think that it will cause trouble.

The Hon. G. L. BRUCE: What is the method of getting the user's name listed. If I went to the movies once a fortnight, how do I manage to get my name on the users' list? If I use some facility, say the swimming pool, how does the centre know that I am a user?

The Hon. C. J. SUMNER: I have another topic to raise. The Hon. Mr Creedon quite rightly, in his second reading speech, mentioned an anomaly that I believe exists in clause 6, which is that there may be adults who use the facility but who are not entitled to participate in decisions in terms of elections to the board, because not only must one be a user, but one must also be enrolled to participate in an election of the House of Assembly. This will exclude non-naturalised migrants in the area. Parliament has accepted the fact that non-naturalised migrants can vote in local government elections, provided that they place their name on the local government roll. In other words, the criterion for elections as an elector for local government is not just being on the House of Assembly roll, but an additional roll is kept on which those people who have property in the area become enrolled. Non-naturalised residents of Australia are also entitled to enrolment on that role and then have the right to vote in local government elections. Under this particular clause, those people would be excluded.

That seems to me to be a curious result because people who are entitled to participate in the area and vote for local government cannot participate and vote in an election to elect members to a board for the Parks Community Centre. I am surprised that the Minister of Local Government, who is also the Minister Assisting the Premier in Ethnic Affairs, appears to have completely overlooked this position relating to non-naturalised Australians.

The Hon. Frank Blevins: Or worse, decided against it.

The Hon. C. J. SUMNER: Yes. I find that rather hard to understand. Certainly, there will be people in that area who use the facility and who cannot participate in the election. I believe that the Minister should report progress and prepare an amendment to cover that issue. If he does not, he will not be doing his duty as the Minister Assisting the Premier in Ethnic Affairs.

The Hon. C. M. HILL: The Labor Party is certainly running true to form in playing politics to the very end in regard to the Parks Community Centre. The reason why it is necessary for the people's name to be checked off against the House of Assembly roll is that skullduggery could occur. A person who was already a user could go down and take out a book in a false name, and then simply place that false name on the list of users. That is what one realises when one starts looking at this matter in great detail, as we have been doing in the past two years.

The Hon. Anne Levy: Does that happen in local government elections?

The Hon. C. M. HILL: I am not talking about local government elections.

Members interjecting:

The Hon. C. M. HILL: Let us get back to the Parks. I am telling honourable members why it is necessary to have that provision in the Bill under which the names of users can be checked off against the names of the House of Assembly roll. We had to try to stop improper practice, and all along the line was this very difficult question of trying to find out how to evolve the election of three users. The system is not perfect, and I am the first to admit that. One cannot evolve a perfect system to satisfy the need to put users on the board, unless one goes to tremendous expense and polices the thing in the extreme. The matters that have been raised here tonight are matters that have been raised in committee meetings and with staff in trying to devise a system.

The Hon. C. J. Sumner: Including the problem that I raised?

The Hon. C. M. HILL: Yes.

The Hon. C. J. Sumner: You forgot about that one.

The Hon. C. M. HILL: No, we did not, but that is why it is there: we are trying to stop improper practices. If members opposite do not want to stop improper practices, I would like them to show their colours.

The Hon. Anne Levy: How do you stop the same practices applying to migrants in local government elections?

The Hon. C. M. HILL: I am not talking about local government—I am trying to explain the difficulties that the Government has faced in trying to have users at the Parks at board level; that is what I am trying to explain, and the Government is determined that such people shall be on the board.

The Hon. Frank Blevins: We appreciate the problems.

The Hon. C. M. HILL: I know the honourable member does but he should appreciate some of the difficulties in solving them. It is not a perfect system in the Bill, and some of the difficulties have been highlighted. I refer to the difficulty of interpreting and availing oneself of a service, which has been raised. The Hon. Mr Blevins questioned whether the parent is a user. I go to the Parks myself.

The Hon. J. R. Cornwall: As one of the disadvantaged people of Adelaide?

The Hon. C. M. HILL: I go to the Parks as a parent. My daughter plays on the stage in a company which performs at the Parks. I support my family, and it is a happy and pleasant night. Do I deem myself a user or not? That is a question which would be quite easily posed. Frankly, I do not deem myself a user, but the person sitting alongside me could deem himself a user of the centre because he goes to the theatre at the Parks. Once the board is formed it has got to lay down its interpretation of some of these quite broad issues.

The Hon. Frank Blevins: You're giving the board a hell of a job.

The Hon. C. M. HILL: The board will tackle the task. Initially it will have three users. It will do the job so that the elements of risk are minimised. That is what we are trying to do—to minimise the elements of risk in having people who should not be standing for election and being elected to the board being so elected. It has taken the Government a long time to evolve this system, which is broad and subject to questioning, which I accept, but the board itself is entitled to make its own rules, by-laws and the like in some of the grey areas.

The Hon. C. J. SUMNER: The Minister has completely evaded the issue which I raised, and gone off into a broad general discussion of the issue. The Minister said he had faith in the board. No matter how much enthusiasm the board has for the proposal that I am putting to the Minister, it will not be able to allow non-Australian residents of the area, users of the centre, to participate in elections, because that is not covered by clause 6. The Hon. Mr Burdett screws up his face, but he is a lawyer and can read clause 6 as well as anyone else. He would have to come to the same conclusion as I have come to—that non-Australians but residents of a particular area can vote in local government elections if they put themselves on the roll, but they will not be entitled to put themselves on the roll as users of the Parks because they will not be House of Assembly electors.

The Hon. Mr Hill has responded to what I have said by saying that there is no way of checking whether they are *bona fide*, but people register for local government elections and presumably have to fill out a declaration to the effect that they are resident in a particular area. Indeed, when people apply for registration on the House of Assembly roll, they have to make certain declarations which are not checked particularly by the appropriate returning officer.

I cannot see what the difference is between a non-naturalised person voting for a local government election and providing proof that he is a resident of the area, and the same person applying for the right to vote for the board of the Parks Community Centre as a user of the centre. He would still have to make some kind of declaration that he was a user of the centre. What has happened is that now the Minister is saying that he has considered this issue and has rejected it. In other words, he has rejected allowing residents of that area, users of the Parks who may not be naturalised Australians, from having a right to vote for the board.

The principle was accepted for local government, and I think that the Hon. Mr Hill, under a bit of pressure in this Council at the time, voted for that principle when the Local Government Act Amendment Bill came before the Council three or four years ago. Now he is not willing to accept the same principle here and says that he has considered it but that he is dismissing it. Frankly, I do not see how he can continue to maintain his position as Minister Assisting the Premier in Ethnic Affairs if he is willing to proceed with this legislation, which clearly discriminates against users of the Parks who are not Australian citizens.

The Hon. Mr Creedon raised this matter in his second reading speech, and I think that the Minister thought that in his reply he did not have to make any response to it. Frankly, I do not accept that. The Minister must respond to this and must justify the position that he has taken. The position he has taken is a completely discriminatory one, and it is just not good enough for him to say that the Labor Party is playing politics.

The Hon. C. M. Hill: Of course you are; you know you are.

The Hon. C. J. SUMNER: That is nonsense. Is there not logic in what I am saying? If there is not, tell me how I am wrong. If the principle is good enough for local government, it is good enough for elections to such a board. If they can establish that they are users of the centre, whether they are Australian citizens or not, they ought to be able to apply to be on the register, but the Minister precludes them.

The Hon. C. M. HILL: From the viewpoint of playing politics, the Labor Party has been playing politics on this issue like no other issue at all. Even at the independent public meeting that I attended recently where I argued the point with the local member, I found that the chairman was an endorsed A.L.P. candidate for Semaphore. Yet, members opposite are trying to tell me that there are no politics in the issue. Do not make me laugh! The Hon. Mr Sumner loses sight of the fact that the returning officer from the local government area is not conducting this election. It did not suit his argument so he did not mention it. That officer is not going to conduct these elections.

The Hon. C. J. Sumner: What has that got to do with it?

The Hon. C. M. HILL: It certainly has got something to do with it because it indicates that that was one of the safety measures that the Government deemed necessary to ensure what we are trying to achieve.

The Hon. J. R. Cornwall: Restricted franchise.

The Hon. C. M. HILL: It is not. The Electoral Commissioner conducting the election must have some guidance from his own rolls as to eligibility to vote. That is how that came into it. If the Hon. Mr Sumner is going to try to work on the checking of declarations, the system is not perfect and the Government recognises it. If it does not work satisfactorily and if, in the next 12 months, there is some pressure for change, the Government will be quite receptive to having another look at the matter. However, we had to have a starting point. It is a fact that some users will not be eligible, as the Hon. Mr Sumner says. However, the vast majority of them will be. The vast majority will fall within these guidelines and the vast majority would have to be genuine in their attempt in initiating a move to have their name on the register as a user. It would be from that list that at least three names can be taken. There could well be 10 000 to 15 000 names on the list if everyone went to the extent of putting his or her name on the register.

However, it will not come to that, I am quite sure. Three of those people will be chosen. We want to see to it that three genuine users are involved. Despite all the difficulties and complications in the process and bearing in mind that we are determined to help the users retain their place on the board (as they are on the interim board at the present time) this is the best method that the Government has found to accomplish this.

The Hon. C. J. SUMNER: The Minister has provided no answer or satisfaction at all. What he is saying is that person A, who is living in that area and who is not a naturalised Australian (perhaps because he cannot be naturalised because he has not been in the country long enough) but who uses the library and the facility cannot, in any circumstances, vote for the user representatives on the board. Person A may happen to have children at the school, may be a regular user at the library and the facility, and may play a very active part in the social community life of the Parks. However, person B living right next door, who happens to be a naturalised Australian, who is on the House of Assembly roll because he is entitled to be and who may borrow one book in three years, is entitled to vote. That is completely discriminatory. I thought that this Government went to the people at the last election with a policy of no discrimination between people in the community. It went to the people with a much publicised ethnic affairs policy.

The Hon. C. M. Hill: It has proved to be better than yours.

The Hon. C. J. SUMNER: It has not.

The Hon. C. M. Hill: You didn't even have one.

The Hon. C. J. SUMNER: The Hon. Mr Hill knows very well that in the area of ethnic affairs South Australia had the best policy of any State in Australia during the whole of the decade.

The Hon. C. M. Hill: Where is your document? You carry ours around in your bag.

The Hon. C. J. SUMNER: The Minister asks, 'Where is our document?' His Government passed a Bill which enshrined the sort of things that had been happening in this State for many years. In the area of education there has been quite a deterioration of services to ethnic communities and in multi-cultural education. The Government has ignored that area and has reduced services, despite commitments before the last election. Here we have another clear example of where the Minister is prepared to enshrine discrimination in legislation, despite all his high-sounding thoughts about the role of ethnic minority groups in the community and the multi-cultural society. I will bet that he has not even taken up this Bill with the Chairman of the Ethnic Affairs Commission. I will bet that if he approached the Chairman of the Ethnic Affairs Commission with this Bill and with the comments that I have made today the Chairman would be, to say the least, most unhappy. He would see, as the Ethnic Affairs Commission would see, that there is discrimination inherent in the leg-

islation. But, of course, he has not done that. Quite frankly, I am amazed that the Minister Assisting the Premier in Ethnic Affairs has completely ignored these people and is prepared to deny these people the opportunity to participate in the facility at the Parks.

The Hon. C. M. HILL: If I did take this matter up with the Ethnic Affairs Commissioner, he would say to me, 'That approach in the Bill is totally consistent with the new arrangements between the Commonwealth Government and the States in regard to enrolment and elections.' All the States and the Commonwealth are now in the process of passing legislation so that by the middle of next year enrolment on the State and Federal rolls will be based on citizenship.

The Hon. C. J. Sumner: What about local government?

The Hon. C. M. HILL: The Leader got his little scheme through on local government because he thought they would score a lot of votes. Of the whole of local government in South Australia, fewer than 100 people have gone to the trouble to enrol under the Leader's scheme.

The Hon. Frank Blevins: It's the principle.

The Hon. C. M. HILL: This highly principled Party that sits opposite me! We are going to allow existing privileges to remain but in future the same system as the one in the Bill is going to apply. Again, I comment on the fact that the group for which the Hon. Mr Sumner is trying to carry a banner does not get taken in by his words or his Party's actions, because a minimal number of them have had to worry about local government in South Australia. Since the Labor Government introduced the amendment five years ago fewer than 100 people have gone to the trouble to enrol.

The Hon. Anne Levy: What has that got to do with it?

The Hon. C. M. HILL: I am saying that the system is not perfect. We have done our best, and we have spent a lot of time on this matter. People attending the meeting at the Parks last week agreed with the principle contained in this clause.

The Hon. C. J. SUMNER: It is interesting to note that the Minister is prepared to criticise the fact that non-naturalised Australians have been given the right to vote at local government elections. He said that that exercise was pointless. However many have enrolled to vote at those elections is not the point. The point is whether people living in this area have a right to vote on matters pertaining to affairs conducted in their own locality. Not only do people have to go along and vote at local government elections, and many Australians do not bother to vote at those elections, but they must also ensure that they are on the roll.

It is interesting to note that the Minister is apparently opposed to the notion of non-naturalised Australians voting in local government elections. He is seeking to completely evade the issue. He has said that he has cooked up a scheme with the Federal Government to ensure that people who vote in House of Assembly and Commonwealth elections have Australian citizenship irrespective of whether that person is a British subject or non-British subject.

The Hon. C. M. Hill: Do you agree with that or not?

The Hon. C. J. SUMNER: Yes, that excludes any discrimination. It is a perfectly reasonable situation. The proposition put by the Minister (and it was also put by the Governor in his speech when he opened Parliament) removes any discrimination. In so far as it removes discrimination, it deserves support. The point that I make is that that has nothing to do with this particular issue.

The CHAIRMAN: I do not think it has, either.

The Hon. C. J. SUMNER: Thank you, Mr Chairman. Non-naturalised Australians can participate in local government elections; they can be enrolled, and they can be elected. The Parks is situated in a local government area, and in one sense election to the board is below the hierarchy of local government. However, the Minister is not prepared to allow non-naturalised residents of Australia, who are permitted to participate in local government elections, to participate in elections for appointment to the board of the Parks Community Centre. Quite clearly that is discrimination, and it is not justified. I believe that the Minister should undertake to refer this matter to the Ethnic Affairs Commission and then publicly report the Ethnic Affairs Commission's views on this discrimination.

The Hon. C. M. HILL: I do not believe that the matter should be referred to the Ethnic Affairs Commission. I have fully explained the Electoral Commissioner's involvement in this procedure, as stipulated in the Bill. I have explained that a user is defined as a person who appears on the House of Assembly electoral roll, which is a means of checking that a person is genuinely putting their name forward. I have also explained that they system is not perfect in every respect, because of the great expense that would be incurred by the board if the system was made more perfect.

I have explained that, if after the first 12 months the board feels that some improvement is needed, the Government will be receptive to further changes and amendments to the Bill. I have also explained that local people in this area urgently want to be assured that users can become members of the board. That is a basic plank in their whole approach to the centre. I have explained that as soon as possible the Government wants to establish the board and give the Parks its autonomy through the machinery of a statutory body. Taking all these aspects into account, I think that the Bill should remain in its present form.

The Hon. C. J. SUMNER: I take it that the Minister is not prepared to give any undertaking about the discrimination which is inherent in the system that he is establishing and that he refuses to refer the matter to the Ethnic Affairs Commission.

The Hon. C. M. HILL: I give an undertaking that when the board is established this whole subject will be reviewed very carefully during the first 12 months, which is the crucial period when the register is being compiled. I also remind the Committee that the initial users on the board will be appointed by the Minister, because of time constraints. I give a further undertaking that the board will be consulted from time to time in an endeavour to see whether in the board's opinion this system can be improved. I see no reason to refer this matter to the Ethnic Affairs Commission at present.

Clause passed.

Clauses 7 to 19 passed.

Clause 20—'Financial provisions.'

The CHAIRMAN: I point out to the Committee that clause 20, being a money clause, is in erased type. Standing Order 298 provides that no question shall be put in Committee upon any such clause. The message transmitting the Bill to the House of Assembly is required to indicate that this clause is deemed necessary to the Bill. Debate on the clause is deferred until such time as the Bill is returned by the House of Assembly with the clause inserted.

Remaining clauses (21 to 26) and title passed.

Bill reported without amendment; Committee's report adopted.

LICENSING ACT AMENDMENT BILL

In Committee.
(Continued from 17 November. Page 1930.)

Clause 2 passed.
New clause 2a—'Constitution of Licensing Court.'
The Hon. C. J. SUMNER: I move:

Page 1, after line 8—Insert new clause as follows:
2a. Section 5 of the principal Act is amended by striking out from subsection (4) the passage 'sixty-five' and substituting the word 'seventy'.

The effect of the amendment is to increase the retiring age for the Licensing Court judge from 65 years to 70 years. I explained the reasons for this in the second reading debate. It would place that judge at the same level in terms of retiring age as judges of the Supreme Court and of the Local and District Criminal Court. That does not seem unreasonable as a general principle. However, at present there is a particular reason why it ought to commend itself to the Government, and that is that the present Licensing Court judge is also a judge of the Local and District Criminal Court and will not be retiring when he attains the age of 65 years in a short time but will, for the next five years, be transferred to another court.

It seems a pity that a judge of his experience in this jurisdiction ought to be completely removed from it, when I believe that he has the support of those people in the legal profession who appear before him and the support of the various parties that appear before him. In a sense, the Licensing Court judge is a *quasi* judicial position, in that he has to adjudicate in an area that deals with a particular industry. It is not a matter of being a judge at large, as it were. It is a very specialised jurisdiction, and one would have thought that experience in that specialised jurisdiction and the support of people concerned with that area were important factors in deciding who should be appointed to that court.

The Hon. J. C. Burdett: You never cease to amaze me.

The Hon. C. J. SUMNER: Why?

The Hon. J. C. Burdett: I'll tell you.

The Hon. C. J. SUMNER: I will be interested to hear what the Hon. Mr Burdett says. He has been sitting screwing up his face and he will have an opportunity to speak soon. I have stated the reality of the situation and I would have thought that there was merit in the amendment. In any event, anyone appointed as the Licensing Court judge in future probably would also get an appointment as a Local and District Criminal Court judge because, if he did not get that, there might be periods when he did not have sufficient work to keep him going in the Licensing Court. That was the position with the present appointee, who for some time had an acting appointment in the Local and District Criminal Court and did a considerable amount of work in that jurisdiction. I would have thought, in terms of the efficient running of the various tribunals, that the Licensing Court judge probably would generally have such an appointment.

The Hon. J. C. BURDETT: The Leader of the Opposition does amaze me. I recall that a few weeks ago he complained that an Industrial Court magistrate of 70 years of age was going to sleep. A similar complaint was made again today. It astonishes me that the Leader is trying to increase the age of retirement from 65 years to 70 years. That is contrary to the whole philosophy of the Labor Party. That philosophy always has been the other way.

It is also contrary to the general social concept at present. That concept, because of unemployment and other factors, is to reduce the age of retirement. Here we have the astonishing proposition to increase the age from 65 years to 70 years. The social principle is that the age of retirement should be reduced, not increased, particularly in this area. The Leader does not seem to have addressed himself to this. The task of the judge of the Licensing Court is a young man's job. It is not merely a matter of occasionally going on a view. It is a matter of travelling from Eucla to Innaminka and from Oodnadatta to Port MacDonnell. It is a matter of running up and down stairs, inspecting toilets, and all the rest of it.

It is a very different proposition from that of a Supreme Court judge or a judge of the Local and District Criminal Court. The work requires a great deal of travelling and active participation. The Leader was wrong when he referred to the present incumbent of the office. I have the greatest respect for the present incumbent. He has the respect of Parliament, the unions, and the licensees, the people who appear before him, but that has nothing to do with the proposal to change the system. One does not look at the individual person: one looks at the system. I think a Bill was introduced by the Labor Government to reduce the age to 65 years some time ago and at that time there was no limit on the age of retirement for Supreme Court judges. It is astonishing to try to increase the age to 70 years.

The pattern established by previous Governments and by the previous Labor Government, and which subsequently has been accepted, is that broadly speaking you reduce the ages. This amendment seeks to increase the retiring age. I cannot see any logical reason for that at all. Perhaps the retiring ages of other judges ought to be considered. I cannot understand why the Labor Party, which has always been reducing ages and which did reduce them in the past and fixed the age at 65, should want to increase it to 70. It would be improper to refer to the particular incumbent. As I have said, I have the highest respect for him, but that is nothing to do with it. We are making a law which will stay in force indefinitely. Why should we increase the age? It is a far more active job than that of most other judges. Most of the work done by the Supreme Court judges in the country is carried out by commissioners and they are usually younger practitioners.

The Hon. C. J. Sumner: You people haven't got any money to appoint judges.

The Hon. J. C. BURDETT: The commissioners are paid the same amount, whatever their ages.

The Hon. C. J. Sumner: That is only to get around appointing a full-time judge.

The Hon. J. C. BURDETT: That is a ridiculous statement. There are two main points I am making. First, it is an active job and there is no justification whatever for increasing the age. Secondly, during a period when generally speaking it is acceptable that the retiring age should be reduced and not increased, it astonishes me that the Labor Party is trying to increase the age. The Labor Party reduced the age in the first place and picked the age of 65. Why is it now trying to increase it to 70? To me it is astonishing and without any justification whatever. I oppose the amendment.

The Hon. C. J. SUMNER: I am pleased to see that the Minister has expressed the view that it is in accordance with general social principles that the retiring age of judges should be reduced. Can the Minister say whether the Government supports a reduction in the retiring age of Supreme Court and Local and District Criminal Court judges from the age of 70 to 65?

The Hon. J. C. BURDETT: That is not in issue at the present time. What the Leader of the Opposition is trying to do is increase quite astonishingly the age of retirement of the Licensing Court judge from 65 to 70. I oppose that.

The Hon. C. J. SUMNER: Obviously the Minister does not understand or is being deliberately obtuse about the matter. The Licensing Court judge is also a judge of the Local and District Criminal Court, so he is not retiring.

The Hon. J. C. Burdett: He is retiring as a Licensing Court judge.

The Hon. C. J. SUMNER: What the Minister is saying is that the Licensing Court judge, at the age of 65 years and one day, is perfectly able to be a judge of the Supreme Court or the Local and District Criminal Court and is, in fact, a judge of the Local and District Criminal Court and will at the age of 65 years and one day sit in the Local and District Criminal Court.

The Hon. J. C. Burdett interjecting:

The Hon. C. J. SUMNER: The Minister has just interjected and has found out from the Attorney-General that the Local and District Criminal Court is now called the District Court and he is now going to say that I do not understand what I am talking about. This seems to me to be quite an extraordinary proposition, seeing that the Minister had to find out from the Attorney what the position was himself, so that he could come back with a vicious rebuttal. Presumably, he would do that to try to avoid the question. The fact is that a judge in the Licensing Court at the age of 65 is no longer entitled to be a judge in that court, but at the age of 65 years and one day is entitled to hear cases for another five years in the Local and District Criminal Court. Is that, or is that not, the case? It clearly is the case. If the Minister wants to argue—and this is where my question is quite relevant—that the retiring ages of judges generally should be reduced, that is a debate that we can have by all means. What is the sense in having a retiring age of 65 for a judge who is a judge in another court and who will continue to adjudicate on issues in another jurisdiction, in which issues he does not have the same specialised experience that he had in the Licensing Court? That is what I cannot understand in the Minister's proposition.

I put the proposition, without referring to this particular Licensing Court judge, but in general I suppose the Government would want to appoint the Licensing Court judge to the Local and District Criminal Court as well, so that they could get the best use of judicial time. This means that, if the judge is under-utilised in the Licensing Court, he could be used in the Local and District Criminal Court. That is clearly the situation. What I cannot understand in the Minister's argument is why, at the age of 65 years and one day, a judge is quite capable of judging in the Local and District Criminal Court, but not in the Licensing Court. This is where the Minister's argument almost got to the point of a farce. The Minister says that the job of the Licensing Court judge is a young man's job, because the judge has to climb up and down stairs and apparently fly around the State in aeroplanes, and the Minister says he does not believe that a person between the age of 65 and 70 could do this as adequately as could a younger person.

The Minister also said that the Licensing Court judge has to inspect toilets and things like that and he seemed to think that age was an important criterion in trying to decide whether or not there was 5 feet or 6 feet of stainless steel. What a ridiculous proposition the Minister has put to the Committee. If the Minister wants an argument about the general retiring ages of judges, let us have that argument, but let us not be silly about it and say that in this particular case you can have a retiring age of 65, but that the person is to continue to be a judge until 70 years of age. Why take the judge out of a jurisdiction where he is well known, well accepted and well experienced? There does not seem to me to be any logic in that argument at all.

The Hon. K. L. MILNE: I was going to say that listening to you delightful young children talking about this matter makes me feel as if I should be crippled with arthritis, but you will be pleased to hear that that is not the case. There is a principle in this and the one which weighs with me is not the question of whether one is too young or too old, but that the man has been in a specialised field. When this man reaches 65 years he is going to be transferred into another jurisdiction. I do not think that that is fair to the judge concerned, whoever that person may be. The best argument is whether all judges should retire at 65 or 70 years, but that is not for me to say. I am not in the law and I do not understand it. The last reason given by the Leader of the Opposition is logical and I propose to support the amendment.

The Hon. J. C. BURDETT: The Leader of the Opposition has several times referred to a judge of 65 years and one day. I think that it should be a judge of 64 years and 364 days. One could look at it from that point of view. What I have just said and have said consistently, is that one does not have to have regard to the present incumbent. The present incumbent does happen to be also a judge of the District Court. That may not always be the case, as I have said. We do not have regard to the present incumbent; we have regard to the principle. I believe that the principle is that we are in the business of reducing retiring ages, not increasing them. It is astonishing to me that the Labor Party now seeks to increase the retiring age.

The question of debating the general issue of judges' retiring ages in both the District Court and the Supreme Court is not pertinent to the Bill. I do not intend to do that, but I do take issue when the Leader tries to increase the retiring age.

The question of activity is important. This is a specific job, peculiar to the licensing area, and it does require a person who is capable of standing the strain of travelling throughout the State and making inspections. He must be capable of withstanding more physical strain than is imposed on other judges. As I have said, in the Supreme Court most of the country work is given to commissioners, not judges, and commissioners are usually younger persons. I am completely astonished by the Leader, who complained earlier about a 70-year old magistrate going to sleep, and now seeks to lift the age in regard to the Licensing Court judge, perhaps in order that the Licensing Court judge can also fall asleep. I cannot understand what he is talking about.

The Hon. C. J. SUMNER: The Minister can be astonished, but I am completely amazed at his attitude. I can make my argument without any reference to the present Licensing Court judge. The fact is that the present judge is a judge of the Local and District Criminal Court, and that arrangement makes good use of judicial time. What the Government will end up with is an extra judge, and I would have thought that in terms of the efficient use of judicial time and Government resources that that was something that it might care to look at.

Surely a judge of the Licencing Court will also hold appointment as a judge of the Local and District Criminal Court. Therefore, he will continue as a judge until he is 70, whoever he is. Why should he not continue to remain in the specialist jurisdication? The only argument that the Minister can put up is one that I find astonishing. He claims it is a bit beyond a person 65 to 70 years because he cannot fly in planes or climb stairs to inspect premises.

Honourable members should consider that arguement on its merits: it is patent nonsense. Sometimes a judge is required to undertake inspections, just as a judge of the Supreme Court or the District Criminal Court is required, from time to time, to undertake inspections around the

State. The general principle is that, while you have a judge of the Licensing Court who holds a dual office, what is the point of taking him out of office at age 65 for the final five years of his career? If the Minister wants to talk about reducing retiring ages generally, that is something we can look at.

As for the Minister's referring to my complaint about a 70-year old magistrate, I did not at anytime mention the age of that magistrate: I would have raised the issue whatever the age of the magistrate falling asleep. How the Minister can blame me about that, I do not know. The fact is that that magistrate was appointed to his position in the Industrial Court by the Government, and now it appears that he is not able to carry out his duties adequately. There is no suggestion that that situation pertains as far as the Licensing Court judge is concerned. If that is the position, then all judges' retiring ages should be reduced, and not just that of this one judge.

The Hon. J. C. BURDETT: I am not seeking a reduction in the retiring age. What the Leader is doing is trying to increase the retiring age.

The Hon. C. J. Sumner: Only in the context that he is in the Licensing Court—that is the point that the Minister insists on overlooking.

The Hon. J. C. BURDETT: There are various specific jurisdictions where the retiring age is 65. One is the Licensing Court and another the Industrial Court. There is considerable merit in suggesting that in specific high-pressure areas the retiring age should be 65. It is not competent in this debate to consider the retiring age in the District Court or the Supreme Court. The honourable member is trying to increase the retiring age. There is no question of my trying to reduce it. Of course, I never suggested that, nor did I raise the issue: it was raised by the Leader who wants to increase the retiring age.

At the present time the retiring age in the Industrial Court and the Licensing Court is 65, and the Leader wants to increase the retiring age in the Licensing Court to 70, which is astonishing and contrary to Labor Party principle and general social policy at the present time. Moreover, as I have said, Licensing Court judges are called on to carry out an active physical life.

The Hon. J. R. CORNWALL: I rise on a point of order, Mr Chairman. I refer to the Standing Order which deals with undue prolixity. The Minister has been down this track 19 times already; surely he is out of order.

The CHAIRMAN: I agree, but it is probably only an averaging out of what has already been said.

The Hon. J. C. BURDETT: I have answered 19 times, because it has been put to me 19 times. If it is put to me 20 times, I will answer it 20 times. The Leader is trying to increase the age in a physically active position.

The Committee divided on the new clause:

Ayes (10)—The Hons Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, Anne Levy, K. L. Milne, C. J. Sumner (teller), and Barbara Wiese.

Noes (9)—The Hons J. C. Burdett (teller), M. B. Cameron, J. A. Carnie, M. B. Dawkins, R. C. DeGaris, K. T. Griffin, C. M. Hill, D. H. Laidlaw, and R. J. Ritson.

Pair—Aye—The Hon. N. K. Foster. No—The Hon. L. H. Davis.

Majority of 1 for the Ayes.

New clause thus inserted.

Clause 3—'Licence fees.'

The Hon. G. L. BRUCE: I refer to the difference in the percentage payable in relation to licence fees from 9 per cent down to 2 per cent for low alcohol liquor. Is any penalty proposed and how will it be policed if it is found that somebody is selling low alcohol liquor for the same price as other than low alcohol liquor? There will be a tendency for people to cheat on the supply to the consumer. It has been indicated that there will be a difference of 3c to 4c a glass. I do not doubt that at some sporting functions or other functions where there is a big crowd and a fast turnover some unscrupulous people will sell the low alcohol liquor at the same price as ordinary liquor. What penalty will be prescribed for that? Has the matter been looked at to determine whether the kegs will have any differential marking so that there is a distinctive difference between low alcohol and ordinary alcohol liquors?

The Hon. J. C. BURDETT: The penalty is prescribed in the principal Act for any kind of cheating or any kind of false statement in regard to the particulars that are necessary in licensing. Those provisions remain and do not need to be changed. If any false statements are made in regard to the amount of liquor sold, whether it is normal beer or wine or low alcohol beer or wine or anything else, the penalty is already there. That penalty will remain. I agree with the honourable member that it may be difficult to police, but it will be policed as well as it can be. In regard to the matter of low alcohol or normal beer, because of the possibility of cheating, that aspect will be looked at very carefully.

The Hon. G. L. BRUCE: I am not clear as to how the provisions are there. We are not referring to adulterated beer. Provisions exist to cover the watering down of spirits. However, in this instance we are selling a product of low alcohol strength. A person may be charged at the higher price. The retailer may still be putting in his returns to show that he sold a certain amount of low alcohol liquor and a certain amount of normal liquor, but he could be ripping off the consumer with a 3c to 4c differential per glass. Is there any increased penalty to provide a protection? Somebody could be selling low alcohol beer and charging as though it were normal alcohol beer.

The Hon. J. C. BURDETT: The provisions in the Act apply in regard to the returns at the present time, and that situation will remain. The provisions in the Act already apply to false pretences and to selling something as something which it is not. Those provisions will also remain.

The Hon. G. L. BRUCE: I am not sure whether I am thick or whether the Minister is thick. What penalty is applied to the supplier if he charges a higher price and is detected? The Minister is saying that the provision is there. If we are going to fine a person only $50 or $100 for selling low alcohol beer at a normal alcohol price it may pay him to cheat. What penalty will be needed to stop him deliberately or accidentally selling kegs at a higher price to the consumer? He could still give an honest return on his kegs but he could be getting more in his till. What are we going to do to keep him honest? What penalty is envisaged?

The Hon. J. C. BURDETT: There is no extra penalty. It is simply a penalty which already exists.

The Hon. G. L. Bruce: Which is what?

The Hon. J. C. BURDETT: I cannot tell the honourable member at the moment, but I will let him know.

The Hon. G. L. BRUCE: How does that penalty in the principal Act apply when we have a new provision for low alcohol beer? How does it apply to selling low alcohol beer to the consumer? Is the penalty provided for in the original Act sufficient to deter people from being dishonest in selling low alcohol beer at normal alcohol prices?

The Hon. J. C. BURDETT: I will let the honourable member know what the penalty is. The penalty has been regarded as sufficient in the past in preventing people from cheating. This is not a new situation, although it is a new problem. It do not see any reason why the penalty, which

has been adequate in the past, cannot, in the discretion of the courts, be adequate in the future.

The Hon. G. L. BRUCE: I see it as a new situation. The kegs of beer involved are very similar, with very little difference in the label, yet the price differential could be 3c or 4c a glass. The consumer cannot see the keg.

The Hon. R. C. DeGaris: There's a difference in taste.

The Hon. G. L. BRUCE: I have been led to believe that low alcohol beer is little different in taste and, after one or two glasses, a hardened drinker would not know the difference. The label on the keg is not seen by the consumer. If he gets a drink over the counter from a bottle, at least he has some idea that what he is paying for he is getting. With keg beer he has no idea at all and has to go on good faith. I would like an assurance that the penalty will be sufficiently high so that people who are unscrupulous enough to rip off the consumer and get higher prices on the low alcohol beer that the Government is trying to encourage, will be sufficiently deterred.

The Hon. J. C. BURDETT: Penalties have been adequate in the past and will be adequate in the future. The application of the penalty is up to the court. Legislation prescribes only a maximum penalty. The maximum penalty will be adequate, and the court will take into account whether any questions, such as those raised by the honourable member, apply.

The Hon. C. J. SUMNER: Yesterday I raised a question about the problems that some retailers were having in ascertaining from their suppliers what supplies they received in various categories in the financial year ended 30 June 1981.

I also asked whether there was a component in those sales for sales tax, which must now be taken into account when determining the licensing fee. In his reply to the second reading debate the Minister gave the vague answer that retailers were requested to do the best that they could. How will a licensing fee be calculated if a retailer has difficulty in determining the breakdown of his purchases of low-alcohol beverages and ordinary alcoholic beverages and, therefore, the component for sales tax? What facility will be available to ascertain the appropriate fee if a retailer has this particular difficulty?

The Hon. J. C. BURDETT: The Leader's question yesterday was based upon a letter from the department to licensees, requesting details about previous liquor sales. Those details would be used as a guide. The Leader would know that licensees cannot be prosecuted unless it is shown that they have given a false return. The present fee is fixed each year upon renewal by the Licensing Court. If he so desires, a licensee can appear before the court and state the facts in regard to his sale of low-alcohol and normal beer.

Clause passed.

Remaining clauses (4 to 6) and title passed.

Bill read a third time and passed.

RACING ACT AMENDMENT BILL

In Committee.

(Continued from 17 November. Page 1939.)

Clause 30—'Bets under this Act valid and enforceable.'

The Hon. J. R. CORNWALL: The Opposition opposes this clause, which initiates a change whereby a bookmaker can sue a punter and in turn be sued. I do not intend to canvass the Opposition's objections at any length. I foreshadowed our opposition to this clause in my second reading speech. The Opposition believes that the present system has worked very well for a long time. At the moment the onus is on the bookmaker to ensure that the punter to whom he is extending the facility of nod betting is credit-worthy.

We see no reason to change that at all. We do see dangers that were canvassed by myself and, very eloquently and well, by the Hon. Mr DeGaris at the second reading stage. There is only one further query that I have in this matter. I notice that under clause 30 there is a specific reference to the question of sueing or of a debt being enforceable, not only by bookmakers and authorised racing clubs but also by the Totalizator Agency Board. I am puzzled about that, because I did not think that anybody, credit-worthy though that person might be, could bet on the nod with the T.A.B. at the moment. There is one very exceptional case at Riverton, where somebody, by some means or another, was able to get set for something in the order of $350 000 with a small sub-agency. This is one of the more amazing stories to emerge from the operations of the T.A.B. since its inception. We oppose the clause, but I would like some explanation as to why an effort is being made to include the T.A.B. as an agency that can sue and be sued.

The Hon. K. T. GRIFFIN: I prefer not to deal specifically with the difficulty at Riverton, except to say that the honourable member has at least hinted at some difficulties there with the recovery of moneys which are presently the subject of court action. The only reason why I do not want to canvass the matter is that it is *sub judice*. There are likely to be some difficulties there, so I would hope they were not the subject of any comment from me at this stage.

As the honourable member says, the arguments for and against this clause have been canvassed extensively during the second reading debate. The Government still believes quite strongly that it is fair and reasonable that the clause should remain in the Bill and that bookmakers who provide a service should have the opportunity to recover debts that are incurred by punters. We see no social evil arising as a result of this clause passing. One can speculate on various reasons why people bet or do not bet, but I believe that they are irrelevant to the consideration of the substance of this clause.

The Hon. J. R. CORNWALL: I am absolutely intrigued by this Riverton business.

The Hon. K. T. Griffin: It is *sub judice*.

The Hon. J. R. CORNWALL: There has been a remarkable cloak of secrecy surrounding Riverton. There has been enormous public interest. Although the Attorney has pulled the *sub judice* rule, I have no recollection of the matter having been in court. The Attorney is using the *sub judice* rule at its widest and I suggest an almost improper manner to stifle discussion on this matter. In any case, reference to the board in clause 30 does not have any reference to retrospectivity in it. Is the current position that the T.A.B. cannot sue or be sued? In other words, have we had a position for more than a decade where people could bet on credit with the T.A.B. and not be sued for recovery of that money? If so, that is an intriguing situation.

The Hon. K. T. GRIFFIN: This is probably more appropriately diverted from particular cases. The fact is that the T.A.B. cannot sue to recover any debts.

The Hon. J. R. Cornwall: What an amazing situation!

The Hon. K. T. GRIFFIN: I think it was established by a previous Labor Government.

The Hon. J. R. Cornwall: That may be so, but it is still an amazing situation. I wish I had known about it.

The PRESIDENT: Order!

The Hon. D. H. LAIDLAW: The Attorney has said that he thinks that it is fair and reasonable that bookmakers should be able to sue to recover gambling debts. I add the point that I made in the second reading speech that this is an important matter and that four States recently passed legislation, although they have continued to specify that

gambling contracts generally are void and have made an exemption of contracts made by licenced bookmakers. This is an important matter and it is important to have uniformity. For that reason I support this clause.

With respect to T.A.B. in those four States, as in South Australia, the T.A.B. has no power to sue because it is precluded from doing so under the provision that gambling contracts generally are void.

The Hon. R. C. DeGaris interjecting:

The Hon. D. H. LAIDLAW: I do not think that that is relevant. The fact is that they cannot sue because gambling debts in those other four States—

The Hon. R. C. DeGaris: How do you get to T.A.B.?

The Hon. D. H. LAIDLAW: That is not the point of my argument. My argument is that the other four States have to continue to specify that gambling debts generally are void with the exception of contracts made by bookmakers.

The Hon. J. E. Dunford: Is the T.A.B. allowed to accept credit bets?

The Hon. D. H. LAIDLAW: What has that got to do with my argument? It has nothing to do with it.

The Hon. J. E. Dunford: The position wouldn't arise.

The Hon. D. H. LAIDLAW: There was a dispute at Riverton over a betting transaction. It has nothing to do with whether there is credit or not.

The Hon. J. E. Dunford: You mean that it was a mistake?

The Hon. D. H. LAIDLAW: Yes, there was a mistake or a dispute. If someone came along with a ticket that he had picked up and somebody else had paid for, there can be a dispute. That has nothing to do with credit. At Riverton there was a situation where there was some credit. Someone mentioned $300 000. For the reasons that I have mentioned, I think it important to have uniformity, and I support the Bill.

The Hon. K. L. MILNE: As far as I know, gambling debts have always been treated differently from other debts. The very nature of a gambling debt to me makes this quite logical and desirable. I do not really think that the question of uniformity with the other States intervenes in this case. We either believe or we do not. We either like this amendment or we do not, and I do not.

The risk that bookmakers take in giving credit keeps them in check and in turn they endeavour to keep credit punters in check. It is almost like the Bankcard, but is really a great deal worse, and with excitement and in the circumstances in which people bet, it means that surely some checks should be kept on it. I have yet to find a poor bookmaker. I do not think there is any crime in bookmakers being able to sue. It makes them more careful regarding to whom they give credit. I have never heard of the necessity to change the law; it has been working well for a long time, and I support the amendment.

The Hon. J. R. CORNWALL: I must pursue this intriguing position concerning the T.A.B. I wonder whether the Attorney would like to split the clause. It is quite extraordinary to me to find that he admits to us that the T.A.B. cannot sue for the recovery of debts. I do not give a fig who was responsible for the original legislation: it was never envisaged, obviously, that anybody would be allowed credit on the T.A.B., but the ramifications of this are amazing. It is very difficult to accept the Attorney's word that this matter is *sub judice,* because, as I say, it has not been before any court in this State.

The Hon. K. T. Griffin: Proceedings are contemplated.

The Hon. J. R. CORNWALL: That may be so, but no charge has been laid, and there have been no court proceedings. So how can it be *sub judice*? The fact is that it has been reported and confirmed by the T.A.B. Indeed, when they were telephoned by the reporter who first ran the story, would you believe they had a press release all ready to go; they were waiting for somebody to ring them up. The Attorney-General now tells us that the T.A.B. does not have the power to sue for recovery of debts.

The Hon. D. H. Laidlaw: They haven't got it anywhere in Australia.

The Hon. J. R. CORNWALL: No, presumably because it was never contemplated that anybody would get $350 000 worth of credit. Somebody has established credit and got it on the nod, on the cuff, call it what you will, for what is widely reported to be an amount approaching $350 000, and the Attorney now appears to be confirming that the T.A.B. cannot sue for recovery of that money. I ask him whether that is, in fact, the case.

The Hon. K. T. GRIFFIN: I am not prepared to split the clause. I see no justification for it. The fact that the T.A.B. has not been able to recover gambling debts since its inception might seem incredible to the honourable member, but there may have been a reason for it; I do not know. Of course, that is one of the deficiencies that the Government is now seeking to deal with in this clause.

I think members need to get this in perspective. Bookmaking is legitimised by the State; it is not illegal to bet, and it is not illegal to be a bookmaker. In fact, the State under its laws provides rules for the operation of bookmakers. It requires them to be licensed, and it requires them to be accountable. It legitimises bookmaking as a business. In that context, if you are putting burdens on bookmakers to provide a bond now of $30 000 instead of $10 000, and if you require them to comply with the rules of the board and in other ways regulate their activities, you have legitimised them. If it is good enough to legitimise bookmakers, it is good enough to give them the power to recover debts.

The Hon. J. R. CORNWALL: The Attorney was not listening to the major part of that question and did not answer it at all. I referred to the specific inability of the T.A.B. to sue for the recovery of debts incurred in gambling transactions. It is widely reported that a punter has apparently been allowed credit of about $350 000 with a T.A.B. sub-branch (I will not name the sub-branch if it makes it easier for the Attorney). Is the Attorney saying that the T.A.B. cannot sue for the recovery of $350 000? Is that the position? Can this person walk away owing the T.A.B. $350 000? Clearly, this is not retrospective legislation.

The Hon. J. E. DUNFORD: I spoke on this matter the other day and made my attitude clear. The Attorney, like most solicitors, when he has not got an answer over-simplifies matters. Of course, bookmaking is a legitimate business. The Attorney suggests that it is the same business as a shopper is involved in with a departmental store and obtains credit—the shopper is required to pay his debts. However, it is not exactly the same. The other day I gave a history of my experience with bookmaking.

I believe a person who does not pay his nod bets is a welcher, and he is frowned upon by gamblers and bookmakers alike. However, I have often seen in card games, in two-up and bookmaking people with considerable money who have been blind with drink and encouraged, so that in the excitement of a race meeting or the like they have lost their all. If they have a family and lose, they can lose the family property. Indeed, people who work for them could lose their jobs, yet this situation does not arise in legitimate business, but this could happen to legitimate business if this provision is passed.

Business men could lose their business through being encouraged by bookmakers who can offer fancy odds. Certainly, it is not beyond the realms of possibility to believe that some horses are pulled up: the jockey and the bookmaker know about it but the punter does not know that the horse is just having the run. A tip could go around the course and a mug could come down from the bush with his

money. Anyone who has been associated with gambling as long as I have will know of this.

The Hon. Mr DeGaris knows of the trauma that can be involved for families involved in such a situation. Part of bookmaking is to know to whom one should give credit. That is part of the skill in bookmaking—to know one's clients and know when they have reached their peak. I cannot agree that all bookmakers are rich, as the Hon. Mr Milne suggested. Not all bookmakers are rich but it could be that some of the more wealthy bookmakers are not doing so well but, not having seen their books, I do not know. It could mean that when someone in business starts going broke or does not do well they try new methods to improve their business, their take, and the only way I know that a bookmaker can do that is the method adopted by departmental stores and manufacturers, that is, advertising and false advertising: the only way that a bookmaker can encourage a person to bet more is to offer more lucrative odds or, if the person involved is financial, he can bet more than he ought to because the bookmaker knows that once punters lose their money he can sue for its recovery.

The question has been raised during the course of this debate: what happens if, say, the Hon. Mr Laidlaw's son or daughters lose $50 000 or $60 000 with a bookmaker? A bookmaker would let Mr Laidlaw's children on, because he would come forward with the money if required.

The Hon. D. H. Laidlaw: Like fun!

The Hon. J. E. DUNFORD: I know that this does happen. A bookmaker will let a youth on if he is the son of an important person, who, the bookmaker knows, will settle without having his son dragged through the courts. I believe that there are many good bookmakers, but I also believe that there are many unscrupulous ones, in whose eyes one can only see dollar signs. They hate punters; I have seen them throw money at winning punters. Some of the rudest people are punters and bookmakers—the losers and the winners. It is a bit like a union going for an award: you throw the net as wide as you can to get the most out of a particular situation.

As Mr Milne has said, I believe that the law has been working well in this State. There has been no evidence presented here of any bookmaker having lost his business or his home because he has let on a punter who has not met his obligations to the bookmaker. If such evidence of a bookmaker losing his home or his business because of defaulting punters was presented to this Council, I would support the proposition.

I believe that the provisions of this Bill should not give the bookmaker the right to sue; however, I support the Hon. Dr Cornwall's comment that the Government ought to look at the proposition of the Totalizator Agency Board being in a position to sue. I gained the impression from the Attorney-General's reply that the T.A.B. cannot sue for anything, whether it be credit, or whatever it may be. I do not think the Attorney has done his homework. I have never known that one could get credit with the T.A.B. I have had an account with the T.A.B. since its inception in South Australia and when my account runs dry, as it often does, I do not seek credit, because one is pulled up if one puts on bets amounting to more than one has in the credit account.

Therefore, what happened at Riverton, I think, has nothing to do with the bookmaker's right to sue. I certainly agree that the T.A.B. should have statutory authority to protect people's money. I think that is very important. Bookmakers are able to protect themselves against the punter, and they ought to be able to use their judgment. I oppose clause 30 of the Bill.

The Hon. R. C. DeGARIS: I spoke at length during the second reading debate on this matter, so I will not enlarge very much on the question, except to point out one or two things, which I think may be of interest to members. Under common law a person can sue and be sued for a gambling debt legally contracted. However, it was pointed out by the Hon. Mr Laidlaw that an old English Statute provided differently. Of course, no action can be taken to recover a gambling debt illegally undertaken. In South Australia many years ago we adopted the old English Statute law, with little or no disabilities that one can notice in South Australia. I think that since 1875 we have taken the view, as the old English Statute did, that in this State one cannot sue for a gambling debt, even if legally contracted. The reason for this approach is understandable, because our legislators did not wish to encourage betting, and that was the reason for the Statute.

If a bookmaker accepts a bet on credit he knows that he runs the risk of collection. It has been claimed that the amendment should be agreed to because it will provide uniformity with other States. I point out that one can sue under Statute law in Queensland, New South Wales, Victoria and Tasmania but not in South Australia, Western Australia or the Northern Territory.

The position in South Australia is still somewhat difficult because of the operation in this State of the Betting Control Board. For example, in Queensland no bonds are required for bookmakers by any Government department, statutory authority or, indeed, even the Queensland Turf Club. The bond system and the powers of the Betting Control Board make it impossible to make absolute comparisons between South Australia and the Eastern states.

I raised the question in the second reading debate of the attitude that may be adopted if a casino were established in South Australia. I was chided gently by the Attorney-General for introducing that subject. Yet, I submit that the point is relevant. As I pointed out, if a casino does establish it should be able to sue for gambling debts at that casino, if this philosophy is carried through. I suggest that it would be a very dangerous thing if that casino had the right to encourage people to gamble by the advancing of credit, and I would not be in favour of such a move. The point that puzzles me is why, in the clause, we are including both racing clubs and the T.A.B. This is not the position in any other State, as I understand it.

I was interested in the comments made by the Hon. John Cornwall. One of the positions we must recognise is that, if a bet is illegally made, that is, if the T.A.B. advances credit to a person by mistake, by design, or by fraud, it may not be able to be recovered even if this amendment is passed. It is possible that that could be classified as an illegal bet. As far as the T.A.B. is concerned, its Statute is quite clear; no-one can get credit from the T.A.B. If credit is advanced by the T.A.B. it must fall into the area of being an illegal transaction. I believe that fairly presents my view to the Committee.

My opposition to the clause is that it will make betting on credit easier. That is the basis of my main opposition. It will allow bookmakers to encourage people to bet beyond their immediately available sources and will allow practices to develop that cannot develop at the present time or are satisfactorily restrained. I see no community advantage in the clause being passed. If the Act is changed to allow bookmakers to sue and be sued, we must examine certain other matters as well. I do not wish to detail those other matters. However, I would like to give one instance. For example, a licensed bookmaker must take a cash bet up to certain limits but he does not have to take a nod bet, a bet on credit. We have a position, if we allow bookmakers to sue, of their being in the very strong position of allowing nod bets when they want to allow nod betting but not being forced to take nod bets if they do not want to.

The Hon. J. E. Dunford: The one who fancies a horse and wants to bet on credit.

The Hon. R. C. DeGARIS: That is right. If it is a cash bet he is forced to take it under our Betting Control Board rules. Other matters involved in this question must be examined before we allow this clause to pass.

The Hon. K. T. Griffin: We cannot examine the rules, because we have the Statute.

The Hon. R. C. DeGARIS: Maybe not. We are making this move without fully understanding the ramifications of it. There is a serious disadvantage there to the punter. Other Betting Control Board rules need to be examined if this amendment to the principal Act is to be passed.

Finally, the racing inquiry made its report on the evidence given to it. Most organisations associated with racing would have given evidence to that inquiry. This industry relies for its existence on the punter. Without him, there would be no industry. I would like to pose the following question: who is prepared to give evidence on the punter's behalf in relation to any racing inquiry? Some think that, because the bookmaker has to furnish a bond, the punter is guaranteed to a certain extent, and the bookmaker should also have the same protection; that is to sue for gambling debts. The advantage still lies with the bookmaker and his intelligence organisation, and his advantage that he need not accept a credit bet. A bookmaker knows when he is in financial trouble and he can write his own winning betting tickets to ensure that part of his bond is distributed back to him. I do not wish to pursue that point, but I am certain that some members know how that can occur.

There are arguments in favour of the proposed amendment. The increase in the size of bets will mean that large sums of money are carried on the course. It would be reasonable in some circumstances to encourage a form of betting that would reduce the amount of cash actually carried on the course. In assessing all of the factors involved, I still hold to the view at this stage that the accepted principles that have been followed for over 100 years should be retained. It has been claimed that Queensland, New South Wales, Victoria, and Tasmania have legislation that allows bookmakers to sue and to be sued, and that is quite correct. Both Queensland and New South Wales are reviewing the procedures that apply in those States at present. A bookmakers revision committee is considering this question in New South Wales. Whether these States retain the present system remains to be seen. On the research that I have undertaken, I have come to the conclusion at this stage that the clause should be opposed.

The Hon. G. L. BRUCE: Ignoring the fact that the T.A.B has experienced a bit of a problem in regard to gambling debts at Riverton, will the Minister say whether it has experienced gambling debts prior to that time since its inception that it has not been able to recover? The T.A.B. is mentioned in this clause. Is there any rationale behind that reference, to the extent that the T.A.B. has had nod betting and has not been able to get its money back in the past?

The Hon. K. T. GRIFFIN: I do not know. I will endeavour to obtain the information for the honourable member and bring back a reply.

The Hon. J. E. DUNFORD: I know that the Attorney-General has a great knowledge of the racing game. New section 149a refers to a bet lawfully made with and accepted by a bookmaker, an authorised racing club, or the Totalizator Agency Board. How do racing clubs accept bets?

The Hon. R. C. DeGaris: There are on-course totes.

The Hon. K. T. GRIFFIN: As the honourable member says, on-course totes are run by racing clubs. If the T.A.B. is given cover, the racing clubs should be, too.

The Hon. J. R. CORNWALL: I have been trying to ascertain for half an hour whether the T.A.B. can sue for the recovery of a large debt. Will the Minister make that information public?

The Hon. K. T. GRIFFIN: I am not prepared to answer that question because of the current inquiry.

The Hon. J. R. CORNWALL: That is really stretching the facts. The matter is not *sub judice* at all.

The Hon. J. A. Carnie: He didn't say that. He said it was because of the inquiry.

The Hon. J. R. CORNWALL: I am aware of that. On several occasions the Minister has used the expression '*sub judice*'.

The Hon. K. L. Milne: It is not relevant to this clause.

The Hon. J. R. CORNWALL: I know that the honourable member is very patrician about this matter. He has been in the place for only five minutes. This is relevant to this clause, which refers to the T.A.B. There is reference to this matter in line 23 of clause 30. All of a sudden, we have a situation where the Government has seen fit, while the Racing Act is open, to insert a clause that provides that a bet that is lawfully made with and accepted by the T.A.B. pursuant to the Act shall be valid and enforceable as a contract. That is not restospective, but it would seem that for some reason the Attorney will not tell us about it.

The Hon. Frank Blevins: We are entitled to know.

The Hon. J. R. CORNWALL: Suddenly they have decided that this should go in. I think the Committee is entitled to know; I think the Parliament is entitled to know; I think the people of South Australia are entitled to know. As the Hon. Mr DeGaris said, it was never envisaged in the original Act that anybody should get credit from the T.A.B.—

The Hon. J. E. Dunford: Nor should they.

The Hon. J. R. CORNWALL: Nor should they, indeed. We have a situation of extreme public interest, a matter involving some $350 000, and this amendment suddenly appears. I want to know. I am asking yet again, and I refute this business of *sub judice*. It is not *sub judice* at all. Can the T.A.B., or the Government, or any other agency sue for the recovery of money bet with the T.A.B. on credit, or can they not?

The Hon. K. T. GRIFFIN: I have previously indicated to the Council that the T.A.B. does not have power to sue for gambling debts. I have answered it already, but I am not prepared to speculate upon whether or not the $300 000, or whatever amount is involved, is recoverable in the Riverton case. The matter is subject to inquiry. I think it is quite wrong to speculate on that matter, which is subject to inquiry, and in which proceedings may subsequently be issued.

The Hon. G. L. BRUCE: If it is subject to inquiry, who is doing the inquiring?

The CHAIRMAN: In this debate, a number of questions have been asked which perhaps were necessary, but much of the discussion, especially concerning the situation at Riverton, has very little to do with this clause. I think some of the questioning is irrelevant at this time.

The Hon. J. R. CORNWALL: With respect, it has got a hell of a lot to do with this clause.

The Hon. Frank Blevins: That is what it is all about.

The Hon. J. R. CORNWALL: Suddenly, the Government is attempting to give the T.A.B. the ability to sue and be sued for gambling debts. I cannot imagine the situation arising where anyone would sue the T.A.B. Perhaps that is possible, but it is extraordinary that this has suddenly appeared. It was never envisaged in the original legislation that anyone would have credit at the T.A.B., nor do I imagine it is envisaged for the future that anyone would have credit with the T.A.B. Certainly, the Minister of

Recreation and Sport has not made any announcement that credit facilities are going to be made available to the T.A.B. There is a matter of extraordinary public interest in the question of a large sum of money apparently owed to the T.A.B. We now learn, it seems, that the T.A.B. cannot sue for the recovery of that money, yet the Attorney refuses to comment on it. It is extraordinary.

The CHAIRMAN: I am not denying that the subject is relevant to the situation. I am saying that some of the questioning is not relevant.

The Hon. K. T. GRIFFIN: The Government takes the view that if a bookmaker has taken bets lawfully made he would be entitled to recover such debts. Then, of course, for the sake of consistency, the T.A.B. and authorised racing clubs ought to be in the same position. It is a question of consistency because they all accept bets lawfully. The question of Riverton is irrelevant and, even if it were relevant, I would still decline to answer those questions because the matter is subject to inquiry.

The Hon. J. R. Cornwall: By whom?

The Hon. K. T. GRIFFIN: That is irrelevant.

The Hon. G. L. BRUCE: Is it possible to obtain credit from the T.A.B. for gambling purposes?

The Hon. K. T. GRIFFIN: No.

The Hon. J. R. CORNWALL: How did someone get on the cuff at Riverton for $350 000?

The Hon. K. T. GRIFFIN: That is irrelevant.

The Hon. G. L. BRUCE: If it is not possible to obtain credit from the T.A.B., why is it necessary to put this provision in the Bill?

The Committee divided on the clause:

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

Noes (11)—The Hons Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall (teller), C. W. Creedon, R. C. DeGaris, J. E. Dunford, Anne Levy, K. L. Milne, C. J. Sumner, and Barbara Wiese.

Pair—Aye—The Hon. L. H. Davis. No—The Hon. N. K. Foster.

Majority of 3 for the Noes.

Clause thus negatived.

Title passed.

Bill recommitted.

Clause 19—'Application of funds of the Board'—reconsidered.

The Hon. J. R. CORNWALL: I move:

Page 4, lines 16 and 17—Leave out 'by striking out subsection (5) and substituting the following subsection:' and insert:

'—

(a) by inserting after subsection (2) the following subsection:

(2a) Notwithstanding the provisions of subsection (2), the controlling authority for horse racing shall be paid in respect of each quarter an amount that is not more than seventy-two per centum nor less than sixty-five per centum of the amount referred to in paragraph *(b)* of that subsection, and, where such a maximum or minimum amount is payable to that controlling authority by virtue of this subsection, the balance of the amount referred to in that paragraph shall be divided between the other two controlling authorities in the proportions that the amounts bet with the Board in relation to each of those two forms of racing (whether within or outside Australia) bears to the total amount bet with the Board in relation to both of those forms of racing (whether within or outside Australia) during the quarter; and

(b) by striking out subsection (5) and substituting the following subsection:'

As Rex Mossop might well say, 'There is a certain sense of *deja vu,*' or, 'Have we seen it all before?' because members will see that it is phrased in precisely the same terms as an amendment moved by the Hon. Mr DeGaris that we debated at some length yesterday.

The Hon. R. C. DeGaris: I might change my mind.

The Hon. J. R. CORNWALL: I have not changed my mind at all. It shows what great work we can do in this Chamber. I am starting to enter into the spirit of this place, having been here for almost seven years. The amendment originally moved by the Hon. Mr DeGaris, as I said several times in Committee yesterday, had substantial merit. The thing that concerned me about it at that time (and again, I said this on several occasions) was that it might take away some of the flexibility that I believe the Government and the Minister of Recreation and Sport needed to deal with the various codes.

Since that time I have investigated the matter further. You, Sir, will recall that my real worry at the time was that the night codes would be disadvantaged. There is considerable evidence to prove that, indeed, they will be so disadvantaged. I consistently sought an assurance from the Attorney and further asked him to consult with the Minister of Recreation and Sport about this matter to see whether we could have a guarantee that during the first 12 months suitable action would be taken to ensure that trotting and greyhound racing were not disadvantaged. Despite those repeated requests, those assurances were not forthcoming.

Being a person of inquiring mind and high intelligence, I decided that I should pursue that matter further, so I made considerable inquiries about it. It transpires that the Government and the Minister clearly have in mind to give the S.A.J.C. a totally unfair advantage.

The Hon. Frank Blevins: Pork barrelling.

The Hon. J. R. CORNWALL: I referred to it as 'pork barrelling' yesterday. I was worried about that, and, in fact, my suspicions have been confirmed. There was never any intention other than to disadvantage the trotting clubs and the greyhound racing clubs over the 12-month period.

The Hon. M. B. Cameron: Nonsense.

The Hon. J. R. CORNWALL: It is not nonsense. The honourable member knows nothing about this subject, but, if he shuts up and listens, he may learn something. The fact is that the trotting club is in severe financial difficulties. Everyone knows that the jockey club—

The Hon. M. B. Cameron: How much do you know? You opposed it.

The CHAIRMAN: Order!

The Hon. J. R. CORNWALL: Everyone knows that the jockey club is in severe financial difficulty. The club fancied itself, after its original grandstand was burnt down, not as the Mt Isa or the Athens of the south, but as the Flemington of the west (just as great an illusion as the other two).

The Hon. K. T. Griffin: That is right, the Athens of the south—an illusion.

The Hon. J. R. CORNWALL: And the Mt Isa of the south—an illusion, a mirage in the desert.

Members interjecting:

The CHAIRMAN: Order! The Hon. Dr Cornwall has the floor.

The Hon. J. R. CORNWALL: Thank you, Mr Chairman, I appreciate that. Although the S.A.J.C. elected to try to be the Flemington of the west, it has not worked, because, like so many people, corporations and businesses in the community, it has been overwhelmed by interest rates.

It is in severe difficulties at the moment because of the enormous escalations in interest rates that have occurred in this country during the past 12 or 18 months. Therefore, a deal was done with the Minister, about which no-one was honest enough to tell us, that is, to help them over that 12-month period at the expense of the other codes. There is no way that we can cop that.

The Minister clearly has an obligation and responsibility to assist the S.A.J.C. It is absolutely unthinkable for us to contemplate the S.A.J.C. going out of business. We are

talking about one of the very big industries in this State. The Government has a responsibility to assist the S.A.J.C. After all, the grandstand was built on the recommendation of the S.A.D.C. I am sorry that the Hon. Mr Laidlaw is not present in the Chamber, as this matter was discussed, I understand, at great length. Although I was not privy to the discussions, I believe that it went before the Industries Development Committee, was approved and a very large loan guaranteed.

The jockey club, largely through no fault of its own, has been overwhelmed by escalating interest rates. In fairness, I do not think that the S.A.J.C. committee, over a large number of years, has been a good manager. It has been my personal view for a long time—and I stress that it is my personal view and certainly not the view of my Party—that serious consideration should ultimately have to be given to having racing in this State run by a racing commission. I say that because I believe that for many years the committee of the S.A.J.C. has been long on social status and very short on administrative ability.

I was a member of the S.A.J.C. for several years, and once a year I was invited to a free lunch. It was a bun fight, and the ladies used to roll up their sleeves, take off their gloves and really go to the smorgasbord. I did not go often, even though I was a member of the S.A.J.C. However, at the one time of the year that it might have been of considerable advantage to go along and enjoy the members' facilities, every Tom, Dick and Harry, every mate, third cousin, in-law or relative of the committee was there wearing a free flag. There were more non-members in the members' reserve on Cup day than there were members of the club. This is a most extraordinary way to run things.

The Hon. K. T. Griffin: Can't you rub shoulders with the common man?

The Hon. J. R. CORNWALL: I assure the Attorney that I have been rubbing shoulders with the common man for a long time. The S.A.J.C. spends $60 000 or $70 000 a year on lunches alone; that is the way in which it operates. I am pleased to say that my more recent inquiries have revealed—

The Hon. Anne Levy: What, $60 000 for a lunch for members?

The Hon. J. R. CORNWALL: Yes, and friends. With all the flags up there on Cup day one really had to be there to see it.

The CHAIRMAN: Order! I ask the honourable member to get on with the explanation of the clause.

The Hon. J. R. CORNWALL: I am pleased to say that my inquiries have revealed that the S.A.J.C. is now lifting its game. Quite recently it was announced that it would run a major carnival in February with very substantial stakes and good sponsorship. Therefore, things show some prospect of improving.

On the other hand, it is significant to consider that recently the South Australian Derby was run with prize money of $50 000, the race was won by Brewery Boy. Subsequently that horse went on to win the Victorian Derby, the premier three-year-old racing classic in Australia. That was the class of the field. Although Her Majesty the Queen was present (and this was a magnificent drawcard), the best they could do was to get a crowd of only 14 000. So, there is still a long way to go. I understand that now they are very much on the ball and are working on it. Therefore, the prospects, as I am sure the Hon. Mr Laidlaw hopes, are brighter than they were. However, I cannot believe and certainly cannot support a proposition that the S.A.J.C. should be helped out of its present difficulties at the expense of the other codes because that is what this is all about.

You cannot get out of it on the cheap. This is a swifty that they tried to put in this Bill, and that is what this amendment aims to correct. It says that the amount to be paid shall not be more than 72 per cent. It also says 'not less than 65 per cent'. I have no objection to paying to the S.A.J.C. 72 per cent, which would be 4 per cent more than the amount paid in the past financial year. So, there is still a lift. I do not accept that it should go above 72 per cent at the inevitable expense of the night codes, which must be disadvantaged by after-race pay-outs. We have accepted after-race pay-outs. We have supported them enthusiastically, but we will not see the other codes placed at a disadvantage to bail the S.A.J.C. out. Goodness knows, there are other codes in severe difficulties. Trotting, as you know, Mr Chairman, has been in great difficulties in this State for years. I understand the situation is worse now than it was two or three years ago or five years ago, when I last had any active interest in the sport.

It is significant to note that when trotting was held at Wayville in 1965 (pre-decimal currency days) they were racing for £1 000. These days they are going around Globe Derby Park for $800. That is quite extraordinary. If you allow for the inflation effect and you look at the sort of money that they are racing for and if you match the stakes they used to race for at Wayville, they would have to be racing out there for a minimum of $6 000 or $7 000. Trotting is in very severe difficulties.

We are in the situation where the S.A.J.C. will be given additional money (because of some imagined drop in racecourse attendances, which I do not believe for one minute will happen) at the expense of the other two codes. For that reason I ask members to support this amendment.

The Hon. K. T. GRIFFIN: The one thing I find incredible about this is that, when the honourable member raised this yesterday, he wanted to ensure the Government had flexibility. Here he is doing an 'about face' by moving this amendment. That is an incredible 'about face' for someone who has demonstrated how elitist he is and who is not wanting to rub shoulders with the common man at the S.A.J.C. Yet he professes to be a member of a Party which he says represents the working man. What nonsense! This has been demonstrated by his comments this evening. The S.A.J.C. is not being helped at the expense of small codes; there is nothing underhanded about the whole proposal. Why would the S.A.J.C. plead to members of Parliament not to introduce after-race pay-outs? The balance of the honourable member's comments are not worthy of a response.

The Hon. R. C. DeGARIS: I agree it is a remarkable turnaround. The A.L.P. has now decided to pick up an amendment that I moved yesterday. I am sorry I have to support the amendment with the speech made by the Hon. Dr Cornwall because it was not the motive I had in moving that particular amendment. I want to say here that I do not believe that the original clause had anything to do with pork-barrelling the S.A.J.C. at all. The point is that we have always used the proportion of the codes' turnover on T.A.B. for the purpose of the distribution. As I pointed out yesterday, because of the after-race pay-outs there is no question in my mind that there is going to be an increase in turnover in the racing codes because there will be after-race pay-outs from the T.A.B. on racing codes but not after-race pay-outs on trotting or greyhounds. Therefore, there is going to be an increase in the percentage going to the racing industry from the T.A.B.

Also, there will be a decline through the fact that it is going to cost more to do it. In two ways the actual share going to trotting and greyhound racing will decline. I have chosen 72 per cent as the ceiling and, as the Hon. Dr Cornwall said, it is about 4 per cent higher than the amount

they got last year. I believe this will be acceptable to the S.A.J.C., and I think it gives the greyhound and trotting industries some encouragement.

The Government has said that it will review the position in 12 months. That will have to be done irrespective. Really, all this amendment does is show to the greyhound and trotting people that they are not going to be taken to the cleaners as they fear they will be in regard to the T.A.B. share that they are going to get. This follows the practice in other States, particularly in New South Wales, where the practice is identical. In all other States there is a fixed percentage that goes to the two small codes.

The selection of a 72 per cent ceiling and a 65 per cent floor is a reasonable position, and I hope that another place may see its way clear to accept this amendment. I would also say that, if the Government does not accept it, then it may regret that it has not accepted it. If another place says that in no way will it accept the amendment, then I indicate to the Committee that I do not intend to insist on it. What I have tried to do is to be fair to all concerned, including the S.A.J.C.

The Hon. K. L. MILNE: I am at a loss to understand why all this has come up again, because nothing has changed.

The Hon. J. R. Cornwall: You are still at a loss, which you often are.

The Hon. K. L. MILNE: That was not very good. If the S.A.J.C. is doing what the Hon. Dr Cornwall claims, why does he not let it get on with it? Why is he going to put a limit on the amount of recovery it can have when it needs it? The Hon. Mr DeGaris is so excited about the amount that will come from after-race pay-outs, but I do not think that this will happen, and I will tell the Committee why.

The Hon. J. E. Dunford: You've been well briefed.

The Hon. K. L. MILNE: I would not be any better briefed than the Hon. Mr DeGaris or the Hon. Dr Cornwall, and in this case I would think the honourable member has not been briefed at all. The S.A.J.C. is dead against after-race pay-outs. It does not believe there will be a bonanza here, because South Australia is different. It is different to this extent: that many people using the T.A.B. who one would expect would want after-race pay-outs put their money on at the T.A.B. at the beginning of the afternoon. They place it on one race or several races and then go to other sporting events—football, golf, swimming, tennis, or the like—and are not the sort of people who hang around and make the T.A.B. the equivalent of a betting shop, because they just want the fun of that while they are getting on with something else. It is not going to be any good for them, and they will not put on any more money than they are presently putting. Often they put money on each race now, so a pay-out after the first or second race is not going to encourage them to put on any more, at least I hope not.

Western Australia is not a good example of the effect of after-race pay-outs, because the T.A.B. begins for the Melbourne and Sydney races at 9 o'clock in the morning, because of the 2½ or 3 hour time lag.

The Hon. J. E. Dunford: Who told you that?

The Hon. K. L. MILNE: You ought to know that.

The Hon. J. E. Dunford: Who told you that?

The Hon. K. L. MILNE: I am simply explaining what everyone probably knows but has temporarily forgotten in the heat of the argument. The punters of Perth, having been betting since 9 o'clock in the morning, at about midday go to the races. So, the Perth racing clubs get gate money and everything else.

The Hon. J. R. Cornwall: And then a quick tea and off to the trots—a big day.

The Hon. K. L. MILNE: Yes. New South Wales has always had after-race pay-outs, so there is no example that we can take from that. Melbourne does not have it and does not want it. Those examples are all different and they do not help us one little bit. I ask the Hon. Mr DeGaris to consider the fact that the type of people who live in South Australia and who are punters are different from those in other States.

A percentage system precludes all codes from doing their best. If there is a limited percentage, who has to try? Only those who think they will get more than their minimum. The S.A.J.C. is quite open about it; it is prepared to be judged on what it can earn from the T.A.B., what it can attract from the course and what it can earn from racing generally, but it does not want to be pre-judged. It does not want to be told that it is not allowed to earn more than a certain amount.

The Hon. J. E. Dunford: A fair thing.

The Hon. K. L. MILNE: Fair thing, my foot! What is the good of that? What is the good of preventing it from having an entitlement that the others may think they can get?

The Hon. J. R. Cornwall: It is something which at present belongs to the other codes. You do not understand what is happening with the other codes.

The Hon. K. L. MILNE: There must be a division; it might turn out that that is a better thing, but it is being done too early. If after a year it is found that the thing is not working and that too much is going to the S.A.J.C., then it could be reallocated so that at least the three codes are protected together with the enormous industry in which they are combined.

The Hon. R. C. DeGaris: I would have no complaint at all if after-race pay-outs are available on all meetings.

The Hon. K. L. MILNE: Why do they not do that? As a matter of fact, I think they can do that, and the T.A.B. could close down some of the other minor race services and leave room to do something like that. The experiences of the other States are different, and the S.A.J.C. does not believe that any increase in T.A.B. pay-out time will compensate for the loss of gate money, the loss of catering, loss of parking fees and loss of sale of race books, etc. I also believe that the Government is trying to regulate far too much, in far too much detail. It has done it in other instances; shopping hours is probably one example, and I think there is a limit to what one can expect after regulating people's activities, yet still expecting them to do their best.

The Hon. R. J. Ritson: Surely things are far more liberal now than they were years ago?

The Hon. K. L. MILNE: I cannot condone it. Why not let this market regulate itself, as occurs in every other market?

The Hon. R. J. Ritson: Anyone can make a book.

The Hon. K. L. MILNE: Some people are worried about the T.A.B. not paying out at night: let us see what the effect of paying out during the day is, and then talk about paying out at night. I am saying: why not let the market take its course, as the Bill intended in the first place, as is the Government's philosophy? Now there seems to be some hitch. I oppose the amendment because I think nothing has changed since the argument was heard yesterday.

The Hon. J. R. CORNWALL: It is obvious that we are getting close to Christmas because Santa is with us again. What the Hon. Mr Milne completely fails to understand is that, with after-race pay-outs, it is estimated (it is only an estimate but it is based on the experience in other places and is as near as we can get to the mark) that there will be an increased turnover of about 5 per cent. I will explain that to the Hon. Mr Milne very simply and I hope very logically, so that he will understand it.

I refer to the ordinary battling punters who use the T.A.B. I suggest that members on this side probably know

more about them than does the Hon. Mr Milne because we knock about with the ordinary battling working-class people. Let us take the Osborne Hotel as an example and say that Jim Dunford and I have gone there an a Saturday afternoon and have backed an early winner. We may have only $10 on us as that is all that our wives will let us have, as well as a small amount of drinking money. If we win on the early race, we collect the money and reinvest it. Our total investment, if we crack a winner or two during the course of the afternoon, may be $100.

The Hon. K. L. Milne: And you have been there all afternoon?

The Hon. J. R. CORNWALL: Being sociable. We may have invested $100 to lose our $10. However, without after-race payouts, whether or not we backed a winner in the first or second race, we could not go on because we would not have access to our winnings. I am not talking about the punter who has his fourtrellas, trifectas and so on, and then goes to the golf club or the football. I am talking about the ordinary battling punter, the sort of bloke who now very often bets with an S.P. bookmaker. He will be reinvesting, because he will go to the T.A.B. across the road, collect his winnings and reinvest.

There will be an increased turnover estimated at about 5 per cent. All of that and maybe a little more will obviously go to the galloping codes. Not only will we have that small but significantly increased turnover but also we will have a position whereby, at the end of the day, due to the additional business done, the winnings may well have gone back.

There is less money to invest, as well as the fact that the lucky shops—the poor man's stock exchanges—will be closing at 8 p.m. anyway. After-race pay-outs cannot do anything for the night codes except disadvantage them. We do not think it is fair that they should be placed in this position of significant disadvantage for 12 months when they are already battling. Whether they were open or not, equity and justice would demand that they be not placed in this position of disadvantage. That is precisely what the Government was proposing. It was said and reiterated not only in the House of Assembly but also on half a dozen occasions in this Chamber yesterday.

That is why I moved the amendment. The Hon. Mr Milne stated that, if the S.A.J.C. could boost the return and if the return for the T.A.B. increased from 68 per cent to 78 per cent, so be it. He stated that that would be a great thing for the S.A.J.C., and so it would, but at the direct expense of trotting and greyhound racing. We are not prepared to cop that, and that is why we have moved the amendment.

The Committee divided on the amendment:

Ayes (10)—The Hons Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall (teller), C. W. Creedon, R. C. DeGaris, J. E. Dunford, Anne Levy, C. J. Sumner, and Barbara Wiese.

Noes (9)—The Hons J. C. Burdett, M. B. Cameron, J. A. Carnie, M. B. Dawkins, K. T. Griffin (teller), C. M. Hill, D. H. Laidlaw, K. L. Milne, and R. J. Ritson.

Pair—Aye—The Hon. N. K. Foster. No—The Hon. L. H. Davis.

Majority of 1 for the Ayes.

Amendment thus carried; clause as amended passed.

Bill read a third time and passed.

STATUTES AMENDMENT (JURISDICTION OF COURTS) BILL

Adjourned debate on second reading.

(Continued from 12 November. Page 1882).

The Hon. C. J. SUMNER (Leader of the Opposition): The Opposition is prepared to support this Bill, which is a minor tidying up Bill which alters some jurisdictional limits in the civil jurisdiction of the local court. It also deals with offences which may be dealt with by the Supreme Court, the District Court and the Magistrates Court. I will deal first with the question of jurisdictional limits in the civil jurisdiction, and in particular the civil jurisdiction of the Local Court. It is interesting to note that in November 1978 Parliament passed legislation amending the jurisdictional limits in the Local Court. It is somewhat ironic that the Attorney-General's second reading explanation contains the following passage:

> The implementation of changes to jurisdictional limits is regarded by the Government as a pressing necessity.

It must have been very pressing, because in the two years that the Government has been in office it has not made any move in this area; neither has it made any move to proclaim the Act which was passed three years ago in November 1978.

The Hon. FRANK BLEVINS: Mr Acting President, I draw your attention to the state of the Council.

A quorum having been formed:

The Hon. C. J. SUMNER: The Government could have amended jurisdictional limits shortly after it came to office by proclaiming the Act which this Parliament approved in November 1978. However, it has taken the Government two years to do anything about it. The Government now says that it regards the change in jurisdictional limits as a matter of pressing urgency. The legislation introduced in 1978 made the following amendments: the upper limit in the small claims jurisdiction was increased from $500 to $1 250; in the limited jurisdiction of the Local Court it was increased from $2 500 to $10 000; and in the full jurisdiction of the Local Court it was increased from $20 000 to $30 000. This Bill also makes certain alterations to the decision made by Parliament in November 1978, and that Bill remains unproclaimed. This Bill places the upper limit for small claims at $1 000; for limited jurisdiction at $7 500; and for full jurisdiction at $40 000 in ordinary cases and $60 000 for motor vehicle claims.

The amendments to the amending Bill of 1978 involve the small claims court and limited jurisdiction claims and reduced the upper limits approved by the Parliament in 1978. In the full jurisdiction area it has increased the limits by some $10 000. It seems to me to be curious that this Government has not accepted the jurisdictional limits that were approved by the Parliament in November 1978 and approved by Liberal members at that time. Liberal members now seem to have gone back on the proposition that they put at that time. I think that, in the small claims area, the amount of $1 250 decided on in 1978 was quite reasonable and that reducing that amount to $1 000 is a retrograde step. I believe that an appropriate level would be $1 500, which would take into account inflation since November 1978, and I will be moving an amendment to that effect.

Information I have been able to ascertain from other States is that in Western Australia the limit is $1 000; in New South Wales, $3 000; in Queensland, $1 000; and in Victoria, $1 500. Therefore, $1 500 would not be out of kilter with the major States, New South Wales and Victoria. Quite frankly, the Government has offered absolutely no explanation for these changes to jurisdictional limits and has offered no explanation for any change which has occurred since November 1978, when the Liberals approved the limits then introduced by the Labor Government.

The Hon. K. T. Griffin: We moved lower limits.

The Hon. C. J. SUMNER: Possibly you did, but the Bill went through with your approval, as the Attorney well

knows, and after investigation by a Select Committee. The then Opposition moved that the matter be referred to a Select Committee. Evidence was taken over several months and, eventually, amendments to the Bill were introduced, and the Opposition voted for the jurisdictional limits which are now in the legislation and which were not proclaimed. The Attorney has a cheek saying that amendments to jurisdictional limits are a matter of pressing urgency when he has had on the Statute Books for two years a Bill that he could have proclaimed, but has not done so.

The only change that has occurred since November 1978 is that there has been inflation and, if anything, there should be increases in the jurisdictional limits, not decreases as there are in this Bill for the small claims court and the local court of limited jurisdiction. I think that the limited jurisdiction ought to be set at $10 000. However, we support the overall Bill. I will be moving an amendment about the small claims court, to increase the amount to $1 500, and we will consider moving an amendment to retain the limited jurisdiction limit at $10 000, which was agreed to by this Parliament in November 1978. This Bill is characteristic of this Government, it has little to offer except minor legislative changes tidying up the legislation. This is not a Government that has any real interest in law reform in a general sense, or in any major initiatives.

The Hon. D. H. Laidlaw: That is poppycock.

The Hon. C. J. SUMNER: It is not poppycock. Basically, the Government tries to keep Parliament busy with tidying up legislation, such as this Bill. It has, as the second reading explanation recognises, completely disbanded the proposal for the debts repayment legislation which was passed in 1978 by this Parliament, with the support of the Liberal members after examination by a Select Committee.

This Bill amends those aspects of the debts repayment legislation that were inconsistent with the Government's present intentions and, in effect, proclaims the end of the debts repayment legislation and the accompanying amendments to the Local and District Criminal Courts Act and the Enforcement of Judgments Act. At present, with unemployment as it is and with high interest rates, there is an even greater need for assistance to be provided to people to deal with their debt problems. In particular, the enforcement of judgments legislation of 1978 did away with the quite unsatisfactory system of enforcing debts through the unsatisfied judgment summons system in the Local Court. All the major reform introduced by the Labor Government in 1978 has been discarded.

The attitude of the Government on this debts repayment legislation has, to say the least, been less than frank. In 1980 I raised the question of the intention of the Government regarding it and the Minister of Consumer Affairs responded by saying that he was considering some changes to Federal law. About two or three months ago, I again asked him what was the attitude of the Government to this State legislation and he said that the Government did not intend to proceed with it. The fact is that there was no Federal legislation.

The Hon. K. T. Griffin: There is.

The Hon. C. J. SUMNER: There was no Federal legislation dealing with the small debt situation. There was an Australian Law Reform Commission Report, but there certainly was no proposal for legislation emanating from Federal Government. What the Minister of Consumer Affairs said in 1980 was a smokescreen for the fact that this Government was not proceeding with the debts repayment legislation. Eventually, the Minister of Consumer Affairs quite bluntly refused to tell the Chamber the reasons for the Government's not proceeding with the scheme. He said that it was none of our business, which to my mind was quite an extraordinary claim. That was the way the Minister behaved. As I said, he was less than frank about the attitude of the Government to this legislation.

I then placed questions on notice regarding the attitude of the Government and eventually we got the truth, which is that the Government cannot afford to establish this scheme. We here have another example of where financial bungling and mismanagement by the Government have meant that important social reforms, which have been approved by Parliament—

The Hon. K. T. Griffin: Why didn't you proclaim it? You had 10 months.

The Hon. C. J. SUMNER: You know why it was not proclaimed.

The Hon. K. T. Griffin: You tell me.

The Hon. C. J. SUMNER: You know it was not proclaimed because administrative procedures had to be established to enable the Bills to be proclaimed. A report had to be prepared on the administrative arrangements that were necessary and a copy of the report was given to the then shadow Minister of Consumer Affairs, the Hon. Mr Burdett, shortly before the 1979 election. One of the problems was that the Hon. Mr Burdett and Liberal members insisted that the Bill should be administered through the Department of Consumer Affairs when clearly already there was a budget advisory service in the Department for Community Welfare and it would have been much cheaper to do it through the Department of Community Welfare.

The Hon. K. T. Griffin: It was also a matter of costs.

The Hon. C. J. SUMNER: It would have been much cheaper.

The Hon. K. T. Griffin: You delayed it because it was a matter of—

The Hon. C. J. SUMNER: There was no delay.

The Hon. K. T. Griffin: You tell the Council how much it would have cost.

The Hon. C. J. SUMNER: There was no delay because of cost. The delay was because administrative arrangements had to be set up and because Liberal members of the Council were so stupid that they wanted to impose further costs on the State in relation to this legislation by insisting that it be administered through the Department of Consumer Affairs instead of the Department of Community Welfare, which was the more appropriate department.

There was no delay because a report was prepared on the administrative arrangements that were necessary. The report was given to the shadow Minister of Consumer Affairs, I think in the last week of the Parliamentary sitting before the 1979 election. Action would have been taken following the obtaining of his attitude to the report.

That is what happened, and members know that that is what happened. Of course, it would have cost some money to establish that. That is not denied. I do not have the report as to the precise cost, but the fact is that the Government is in such a parlous financial state at the moment because of the mess it has made of its financial and budgetary position, that it simply cannot afford to do it. It has abandoned an important social reform that would have provided financial assistance to people who got themselves into debt, those people who are less well off in the community.

This is typical of this Government's position, which is, to let the burdens, whatever they are in the community, fall equally on everyone in the community irrespective of their means and their ability to pay. There is nothing new about this; it is characteristic of the Government. It does not want anything to do with any major social reforms; its legislation, like this legislation, is tinkering, and tidying-up legislation,

and it is generally that which is placed before the Parliament.

There are one or two matters that I do find a little curious in this Bill. The Government in a Bill before the House at the moment, has suggested the increase in penalties, particularly for crimes of violence. In the case of malicious wounding in section 23 of the Criminal Law Consolidation Act, it has increased the maximum penalty from three years to five years and, indeed, to eight years if the person wounded is under 12. It has increased the penalties for assault occasioning actual bodily harm from three years to five years and, again, to eight years if the person assaulted was under 12. That is in the amendments, which are on the Notice Paper, to the Criminal Law Consolidation Act.

and for common assault, the Government is providing that these offences can be dealt with by a magistrate under this legislation being debated at the moment. That seems to me to be inconsistent because, on the one hand, the Government is trying to say that these offenders are serious, more important, and do require heavier penalties, but at the same time it is saying that they can be adequately dealt with by a lower court. Quite frankly, that is inconsistent. Similarly, in the situation of common assault, the Government has increased the penalty from one year (which means that it is justiciable by a magistrate's court) at the present time to three years, which takes it out of the magistrate's justiciability and would normally place it in the district court arena, but the Government is saying that trial for common assault can be dealt with at the magistrates court level.

We have the position where, in relation to malicious wounding, assault occasioning actual bodily harm and common assault, all these matters can now be tried in the magistrates court but, if the magistrate feels that there has to be a penalty over two years (which will still be the limit of a magistrate's jurisdiction), he will have to refer those matters to the district court for sentence.

Rather than a simplification of the law, it seems to be making a greater hotch-potch of the law. I have not any specific amendments at this stage, but I am considering this. There is no logic or rationality in the changes, particularly to these offences. If they are serious enough to require an increased penalty—an increase of two years which has been suggested in one Bill—surely they are serious enough to require that they be tried before a jury in the District Court.

But that is not the scheme of the legislation. We can have a hotch-potch where a magistrate can hear a case with a potential of eight years.

The Hon. K. T. Griffin: He will hear it, anyway, as a committal.

The Hon. C. J. SUMNER: What an inane interjection. The Attorney knows that a committal is just that, and the actual trial goes before a jury subsequently. No penalty can be imposed at the end of a committal. We have the silly case where a magistrate can try a case which, at the end, can have a sentence of eight years imprisonment as the penalty, and he can try that case and find that person guilty, and then he has to think whether he will give that person more than two years or less than two years—his jurisdictional limit is two years, and it could be that he would limit it to two years—in which case the Attorney's Bill increasing penalties will have been defeated.

The other option is that he will refer the matter to a higher court, which to me seems to be unnessarily bureaucratic. If a magistrate has heard a case and is fully appraised of all the facts of a case, should he then have to refer the case to another court for sentence? While this Bill purports to be a simplification of the law and a simplification of procedure (it does have some aspects of that in it), in this particular respect it is making the system much more complicated.

I believe the Attorney-General is doing it in a way that is inconsistent with the approach and general philosophy that he has espoused in the amendments to the Criminal Law Consolidation Act Amendment Bill which is on the Notice Paper. In that debate I raised the question of common assault; if the amendments were carried increasing the penalties for common law assault from one year to three years, it would be taken out of the ambit of the magistrates court, so that in my argument every common assault, whether it involved physical contact or not, could go to the District Court to be tried. That seemed to be a bit pointless.

Now the Attorney will respond and say that this Bill overcomes this problem because the magistrate can try a common assault matter but, if he wants to give more than two years, he would have to refer the matter to the district court for a penalty from two years to three years. That just seems to me to be unnecessarily bureaucratic. It does not streamline the law one bit. In the case of common assault, an adequate penalty is two years. If the assault occasions actual bodily harm, there is the higher poenalty of what will be five years or eight years if the person is under 12 years of age.

I believe that a more reasonable rationalisation for this aspect of the Bill would be for common assault to have a maximum penalty of two years, which would keept it in the Magistrates Court if the defendant wanted that, and for assault occasioning actual bodily harm and unlawful wounding to be offences which are tried by the District Court, because they do potentially have a penalty of up to eight years. To my mind, the Bill is a mess in that respect. It does nothing to rationalise the law and will lead to bureaucratic inconvenience; certainly I do not believe it will lead to any increase in justice.

The second reading explanation is inadequate in some respects in that there is no proper explanation of why the provisions relating to change of forum are necessary, or how they will work. The Bill provides that the Supreme Court may refer a matter to the District Court for trial and that the District Court may refer a matter to the Supreme Court for trial. That may be desirable; I do not know. Certainly, there is no statement in the second reading speech as to whose idea this was, where the pressure for it is coming from, or what difficulties there have been up to the present time that would lead the Government to introduce this change. Again, I think it could produce administrative difficulties, where a defendant, for instance, gets a case prepared, fronts up to the Supreme Court, where he is told 'Sorry, we do not want to hear this today; you can go down to the District Court a month later', or, vice versa, a matter could get into the District Court, it could get started, but then the District Court could say 'Sorry, this looks a bit too serious', or 'It is a bit difficult for me', or 'I want to go to the races', or something, and it could be put off and sent to the Supreme Court.

Again, there has been no convincing explanation or no explanation at all by the Attorney as to how this will assist in the administration of justice. It has the potential again for there to be administrative confusion and difficulties in deciding in which court a case ought to be heard. That could operate to the detriment of defendants, and particularly it could inconvenience defendants who had prepared their cases, and it may not be much help to the prosecution, either.

Some other matters need commenting on. Clauses 10, 32 and 33 deal with the question of appeals and cases stated from decisions in the small claims court, and restrict the capacity for there to be appeals and cases stated from the small claims court. I am not sure that I will be moving any

amendments, but it does provide a system of justice and appeals which is available to general litigants, but not available to those litigants in the small claims court. There is a distinction drawn between the small claims litigants and litigants in other cases. While that distinction is fully justified in terms of informality of hearings and the preclusion of lawyers from being involved in the small claims court, I am not sure that the fact that someone must go into the small claims court because of the size of the claim should mean that that person should lose their right, as they do to some extent under clauses 10, 32 and 33 lose their rights of appeal from any decision.

The final point to which I wish to refer deals with the question of appointment to judicial office in the District Court. The Attorney-General seems to have found a loophole. I am not sure whether it really is a loophole, but I assume he argues that a person could become a magistrate without any legal training.

The Hon. K. T. Griffin: It has happened. There were two cases during the previous Government.

The Hon. C. J. SUMNER: Which cases?

The Hon. K. T. Griffin: The licensing magistrate.

The Hon. C. J. SUMNER: They have not become judges.

The Hon. K. T. Griffin: But they have become magistrates.

The Hon. C. J. SUMNER: There has been no suggestion that unqualified people will become judges of the District Court. There has been no suggestion of that under this Government or under the previous Government. The Attorney-General has said that the previous Government appointed unqualified people as magistrates. It depends on what he means by 'unqualified'. If he means that they are without formal legal qualifications or that they are not practitioners of the Supreme Court, that is true, I think, in one or two cases: one in the Industrial Court that I recall, and there many have been one in the Licensing Court, although I am not sure to whom the Attorney is referring in that case.

It may be appropriate, in some circumstances, where a person has had experience in a jurisdiction such as the Industrial Court, for the appointment of a non legally qualified person to be made. It is not a practice that I would suggest ought to be a common practice, but there may be some situations where that could happen. To then suggest that that person would or could become a judge of the District Court, although theoretically possible, in practice is in the world of fantasy.

The Attorney-General, with his penchant to tidy up legislation, has found something else to keep us here at 11.30 at night. This is another example of that. The Bill could preclude certain legally-qualified magistrates from being appointed to the District Court. It is interesting to note that the Attorney-General, in his second reading explanation, stated that he did not endorse any general principle of judicial promotion. I am not endorsing any general principle of judicial promotion either. What I am saying and what he is saying (although he is keeping his options open) is that there may be magistrates who are appropriate for appointment to the District Court. The Attorney-General shakes his head.

The Hon. K. T. Griffin: I am saying that they should be given credit for an accrued entitlement.

The Hon. C. J. SUMNER: The Attorney-General is saying that they can be appointed. Is he saying that, if a person was a practitioner for five years before becoming a magistrate, that would forever preclude him from appointment to the District Court? Is that what the Bill does? Does a magistrate have to have been in practice for seven years before he can be appointed as a magistrate to entitle him to appointment to a higher court—a court which requires seven years? Does it mean that, if he has two or three years actively practising as a legal practitioner, becomes a magistrate, and retains his practising certificate whilst he is still a magistrate, he is then entitled to appointment? The Attorney-General nods that that is the case. If it is the case, I would like to be assured that that is clarified in the Bill.

The Hon. K. T. Griffin: It is clear in the drafting. Have a look at it.

The Hon. C. J. SUMNER: I will certainly look at the matter. The Attorney-General has clarified it by interjection across the floor and I will certainly check it. He is not denying that certain magistrates may be appropriate for appointment from the Magistrates Court to a higher court. Indeed, one of the present members of the Supreme Court began as a magistrate. I do not believe that anyone would complain about his appointment to the Supreme Court bench.

Without saying that judicial promotion should be universally applied, at the same time I do not believe that magistrates or Local Court judges should be denied the opportunity of some kind of promotion. They should be considered with all the other aspirants to higher judicial office. Indeed, the policy of judicial promotion is sometimes criticised. It is interesting to note that it was applied recently in the Federal sphere in the most recent appointment to the High Court. So, it is not possible to lay down hard and fast rules on this question, and it appears that the Government also takes that position. Although it seems to have found a potential loophole in the law, I do not believe that it is of any great practical significance. If it makes the Attorney-General and the Government happy to feel that they have kept the Parliament busy for a bit longer, I will not oppose the clause. I will further consider the Bill and some of the matters to which I have referred and, in the light of the Attorney's response, I may move amendments in Committee.

The Hon. ANNE LEVY: I support the second reading of the Bill. I do not wish to debate it in great detail, although I should like to explain the amendment that is on file in my name. The Attorney-General in the second reading explanation indicated an increase in the values of quite a number of sums that are provided in the Local and District Criminal Courts Act, the Justices Act, the Criminal Law Consolidation Act, and the Companies Act. For instance, as has been stated in great detail, and without my entering into an argument, the amount of small claims is to be increased from $500 to $1 000. Clause 19 amends section 168 of the Principal Act relating to the value of wearing apparel that is protected, and the value of such items is increased from $60 to $100.

Clause 25 increases from $60 to $100 the amount of compensation that may be awarded by a court. Another example is clause 27, which amends section 216 of the principal Act, which deals with recovery of premises by a landlord. Premises in respect of which proceedings may be brought in the Local Court are to be those for which an annual rent of up to $6 000 is payable. I understand that the present level is $3 000. Clause 31 amends section 279 of the principal Act, increasing from $90 to $200 the amount of compensation that may be awarded to a person who is vexatiously arrested under the provisions for the arrest of absconding debtors.

I mention these figures to show that this Bill contains quite a number of amendments to sums mentioned in the Act, raising them presumably in line with inflation. With the decreasing value of money, these sums need to be amended periodically to make them relate realistically to the current money values. The Opposition has no quarrel with that approach at all. However, section 81 of the

Justices Act is not mentioned in the Bill. I believe that exactly the same arguments apply in relation to that section as it does to the examples that I have read out. While the Justices Act is being opened up by this Bill, it seems appropriate to amend this section.

Section 81 of the Justices Act deals with the term of imprisonment that must be served where a fine has been imposed by a court but the person on whom the fine is imposed defaults on payment. The term of imprisonment is determined by an equation: each $10 of a fine being equivalent to one day of imprisonment. The term of imprisonment is then calculated accordingly. Section 81 of the Justices Act, which was enacted in 1972, replaced an earlier section, first enacted, I think, in 1936. The earlier section had a varying scale: if the fine that was defaulted did not exceed one pound, the period of imprisonment was to be not more than seven days; where the fine exceeded one pound but did not exceed 10 pounds, the period of imprisonment was to be not less than three days nor more than 14 days, and so on. As I have said, that section was amended in 1972, and an equation was set up where the default of a fine was to be paid off at the rate of $10 per day in gaol.

There has been considerable inflation since 1972, and $10 today is not worth anything like what it was in 1972. In fact, according to the Parliamentary Library, the cost of living has risen by a multiplier of 2.56 since 1972. In other words, the value of money has depreciated two and a half times since 1972. If in consequence a day has not changed in value in relation to people's freedom, the sum referred to in section 81 of the Justices Act should be amended to take account of the decreasing value of money. In view of the inflation that has occurred since 1972 the appropriate correction to that $10 would be to change the equation of $10 equalling one day to $25 equalling one day.

In summary, I raise this matter hoping that the Attorney will consider it. It does seem appropriate to make such an amendment, as there has been no correction to this figure for nine years and as there have been considerable changes in monetary values which are being made to this Act at the present time. I support the second reading.

The Hon. K. T. GRIFFIN (Attorney-General): There are a number of matters which were referred to by the Leader and which can be more appropriately dealt with during the Committee stages. I would be prepared to deal with them at that point. However, there are several matters that do need special reference at this stage. Could I first respond to a point which the Hon. Anne Levy raised and say that it is a matter which has already been under consideration by the Government and from memory is to be the subject of a Justices Act Amendment Bill which is to be introduced into this Parliament before the end of the year? That Bill deals with a miscellany of amendments which are unrelated to the jurisdictional questions of the courts. It was deemed appropriate that they should be the subject of a separate Bill rather than clouding the issue in this particular Bill. Notwithstanding that, now that the honourable member has raised the matter in the context of this Bill, I would be prepared to give some further consideration to the matter in the light of the comments which she has made.

The Leader dealt with the 1979 jurisdictional limits in some detail, and with the scheme of legislation which resulted from a Select Committee of this Council and then, from memory, a conference of managers in devising a scheme which dealt with the enforcement of judgments, repayment of debts and jurisdictional changes to the Local Court and the Supreme Court. Although the honourable member says that the then Opposition ultimately supported the Bill, I think he misses the point that some of the jurisdictional changes and other proposals in that package of Bills were agreed to by way of compromise and were agreed to because the then Opposition did not want to see the whole scheme fall as a result of disagreements on certain issues.

The small claims jurisdiction, if the honourable member remembers, was originally proposed by the then Government to be, I think, $1 500. The then Opposition preferred to have the amount kept at $1 000 because even in those days (and presently) a $1 000 claim, to many people, was a large amount of money. We were concerned then, as we are now, that the small claims jurisdiction ought to be kept to a reasonable amount and should not be excessive to the point where the rights of persons to litigate for a substantial amount are prejudiced by the fact that the rules of evidence do not necessarily apply in the small claims jurisdiction; nor do the parties have access to appropriate advice. We were very sensitive to the fact that to many people $1 000 is still a large amount of money and that their rights before a small claims jurisdiction to representation, and to the way in which they deal with a matter, can be limited, and that their rights of appeal for that jurisdiction are likewise limited.

Therefore, the opportunity to redress any injustice that may occur in the small claims jurisdiction is limited. The Government has taken the view that $1 000 is appropriate to that jurisdiction. Without wanting to confuse the issue, one should refer to criticism made by the Hon. Frank Blevins today about a small claims hearing, about which I have undertaken to make further inquiries. If the allegation is true, I am not suggesting that it occurs in all small claims cases.

The Council has to recognise that those sorts of difficulties could occur in the small claims jurisdiction, whether the amount is $200, $1 000 or $1 500. If it is dealt with in that way, if those facts are correct, then it is a matter of considerable concern, and rights of appeal are limited. That is the reason why the Government is concerned to keep the small claims jurisdiction to a limit of $1 000, which we assess in these circumstances to be reasonable.

The Leader of the Opposition has referred to the limited jurisdiction of the local court and indicated that he will give some consideration to the possibility of amendments, although he has not made up his mind on that particular point. I am pleased to hear that the honourable member still has an open mind on the limit of $7 500. The Government takes the view that the limit for limited jurisdiction to be heard by magistrates in an appropriate limit. Again, $7 500 is a lot of money to many people, and to increase the limit from $2 500 to $7 500 for magistrates is a substantial jump in jurisdiction.

The Leader has also made some reference to the 1978 legislation. I do not want to embark upon a detailed examination of the reasons why the previous Government (of which he was a member) did not implement it, or why the present Government has not seen fit to proclaim it. I do not need to say that the cost of implementing the legislation in 1979 would have been $400 000 for the Department for Community Welfare and $800 000 for the Department of Public and Consumer Affairs. That is a relevant consideration, along with other related reasons, for the Government's concern about that scheme for legislation. Another reason is that in the Sheriffs Office, the proclamation would have required, from memory, some five extra staff, and there would be no better service than that given at the present time.

I turn now to the criminal jurisdiction, to which the honourable member again referred, suggesting that the decision of the Government embraced by this Bill is rather curious. I suggest that the honourable member has missed the point of the amendments contained in this Bill. Pres-

ently, magistrates hear cases that are in the nature of committal proceedings. When the prosecution case is completed, the defendant is informed of his rights and he can say whether or not he wants to be tried summarily or by a jury. If he elects to be tried summarily, he can then present his own case and the matter can be dealt with, if the magistrate is satisfied that it is a proper case to be dealt with summarily. If he decides that it is a matter on which there is a case to answer and which should more appropriately be dealt with in the District Court or the Supreme Court, then the magistrate will commit it for trail by jury, although if the defendant wants to plead guilty the magistrate again may commit for sentence in the District Court or the Supreme Court. The procedure we are expanding within this Bill is no different from that.

In the case of common assault, on the information available to the Government we are satisfied that there needs to be a broader range of penalties available to the sentencing court because there are more serious cases of common assault than in past years. A penalty of one year is just inadequate for some of the more serious cases of common assault. Of course, it is still possible that some common assault cases will not even attract a period of imprisonment, but there are other more serious cases that may attract a penalty of something in excess of two years. In that case, the magistrate will follow the procedure which has been followed in the past for other crimes for which penalties of more than two years can be imposed: having heard the committal procedings, if there is a case to answer, he may commit for trial if the defendant either reserves his defence or pleads not guilty or, if the defendant wants to have the matter disposed of summarily in the Magistrates Court, that can be done. If he wanted to plead guilty in the Magistrates Court he could do that. If it is a serious case and the magistrate believes that a penalty greater than two years ought to be imposed, he can refer it to the District Court for sentencing. That position applies to the other areas to which the Leader has referred.

The Hon. C. J. Sumner: You'll end up getting a situation in which the magistrate makes a decision and the defendant gives evidence, and the magistrate might have to refer it for sentencing to the District Court. That seems to me to be pointless.

The Hon. K. T. GRIFFIN: It is not pointless; it will create no difficulties at all. It will give to the defendant an opportunity to have his case disposed of quickly, if it is in the relatively less serious category of a particular crime for which he is charged, rather than having to go to the District Court or the Supreme Court either for sentence or for trial by jury. I think that is an advantage not only for the defendant, but an advantage also for the prosecution and for the administration of justice generally, because many cases presently before the courts which can be disposed of summarily and ought to be so disposed of but which presently have to be committed to the District Court or the Supreme Court for sentence or for trial.

So, rather than creating a problem as the Leader suggests, it will facilitate quicker decisions in those cases where some penalty less than two years is appropriate. The Leader has referred to other matters but, as I have indicated, I think they can be more appropriately dealt with during the Committee stage.

Bill read a second time.

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

That Standing Orders be so far suspended as to enable me to move a motion without notice with respect to an instruction.

I desire to suspend Standing Orders because of an amendment which has been circulated and put on file and which relates to court fees. Some changes are required to the schedule and the means by which fees under the Local and District Criminal Courts Act are fixed. As it is a new matter, we will need an instruction, which I intend to move when Standing Orders are suspended.

Motion carried.

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

That it be an instruction to the Committee of the whole Council on the Bill that it be empowered to consider a new clause to be numbered 33a, with respect to court fees.

Motion carried.

The Hon. ANNE LEVY: I move:

That Standing Orders be so far suspended as to enable me to move an instruction without notice.

Motion carried.

The Hon. ANNE LEVY: I move:

That it be an instruction to the Committee of the whole Council on the Bill that it have power to consider the insertion of a new clause to be numbered 42a on the term of imprisonment in default of payment of a fine.

Motion carried.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

ADMINISTRATION AND PROBATE ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

CORONERS ACT AMENDMENT BILL

Returned from the House of Assembly with amendments.

ADJOURNMENT

At 11.55 p.m. the Council adjourned until Thursday 19 November at 2.15 p.m.