LEGISLATIVE COUNCIL

Wednesday 2 December 1981

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

MINISTERIAL STATEMENT: RIVERLAND CANNERY

The Hon. J. C. BURDETT (Minister of Community Welfare): I seek leave to make a statement.

Leave granted.

The Hon. J. C. BURDETT: It is appropriate that I inform the Council and growers in the Riverland of the present position with respect to the Riverland cannery, in the light of the imminent fruit season. Members will have read of the disastrous situation in which the canned fruit industry in Australia now finds itself, and that the Federal Minister for Primary Industry two weeks ago informed the Conference of the Australian Canning Fruitgrowers Association that an Industries Assistance Commission inquiry into the industry would be commissioned forthwith. It was disturbing, however, that the Federal Minister should inform the conference that there was nothing the Federal Government could do directly to help growers and others in the industry until it had considered the I.A.C. report.

Considering that an interim report on the nature and extent of short-term assistance for the 1982 season would not be available before 31 March 1982 and a final report indicating whether assistance should be provided to growers and processors for the 1983 and subsequent seasons would not be brought down before 31 August 1982, the industry will face an extremely difficult time in the interim.

In June 1981 the receivers endeavoured to obtain information from the Australian Canned Fruits Corporation to enable them to undertake forward planning, but appropriate information was sadly lacking. However, on the information which the receivers could glean, they assessed that the quota of the cannery for 1981-82 could be about 7 100 tonnes. At the time, some people in the industry felt that this estimate was pessimistic. As it turns out, it was extremely optimistic and in fact the expected quota will be little more than 3 000 tonnes, which is 25 per cent of anticipated total production available for canning. The receivers are most concerned about this low quota and the long time being taken by the corporation to reach conclusions on quotas.

Processing of fruit in excess of anticipated quotas would be contrary to the objectives of the Australian Canned Fruits Corporation for the orderly marketing of deciduous canned fruits. The receivers have advised that they will be processing no more than 500 tonnes of apricots this season and are notifying growers of their individual entitlements.

Because of the seriousness of the position of growers and the Riverland community generally as a result of the depression in the industry, the Premier has made a strong case to the Prime Minister (and the Minister of Agriculture has followed this up with the Federal Minister for Primary Industry) for urgent assistance through the State Government to alleviate the most pressing and urgent difficulties in the industry.

The Premier has made the following requests of the Commonwealth Government:

(a) for funds to enable growers to be paid at F.I.S.C.C. prices up to a limit of 7 100 tonnes (taking into account the direct payment by the cannery for the fruit processed);

(b) for carry-on finance of up to $1 000 000 to assist cash flow needs. The State Government has agreed to make $500 000 available for this purpose on a matching $1 for $1 basis. This will assist growers in dealing with the surplus of product over 7 100 tonnes.

In addition, the Premier has signalled to the Federal Government that an approach is likely to be made for finance of between $5 000 000 and $6 000 000 to enable the cannery to process the 1981-82 fruit crop or pending the interim findings of the I.A.C. inquiry into the industry.

Although the Government is prepared to provide financial assistance to growers through the Rural Industries Assistance Branch of the Department of Agriculture, growers will need to make their own arrangements for disposal of fruit surplus to the tonnage to be processed in 1981-82. The Department of Agriculture will be available to advise growers on the various management options available to them to maintain orchard hygiene. The Government is anxious that growers do not embark on a premature tree-pull scheme before the Industries Assistance Commission report is made.

MINISTERIAL STATEMENT: INDUSTRIAL COURT MAGISTRATE

The Hon. K. T. GRIFFIN (Attorney-General): I seek leave to make a statement.

Leave granted.

The Hon. K. T. GRIFFIN: The performance of an Industrial Court magistrate was questioned by the Hon. C. J. Sumner in this place on 18 November this year, when allegations were made and were subsequently publicised that the magistrate had gone to sleep during some proceedings of the Industrial Court. In my reply, I agreed to refer this matter to the Minister of Industrial Affairs, and he has now received a full report from the President of the Industrial Court, Mr Justice Olsson. It reads as follows:

Following my discussion with you with regard to a question asked by the Hon. C. J. Sumner in the Legislative Council on 18 November last, I have caused a detailed investigation to be carried out with regard to suggestions that, during the hearing of the case of *Myles v A.P.I. Traders,* an industrial magistrate appeared to be asleep on the Bench. The case in question was a re-employment application made pursuant to section 15 (1) (E) of the Industrial Conciliation and Arbitration Act. It came on for hearing before an industrial magistrate on 20 and 21 July and 4 August last. The applicant conducted her own case in person, whilst the respondent was represented by Mr J. Sulan as counsel. The whole of the proceedings were recorded on tape.

As I understand the question raised in the Council, it is suggested that the applicant in the above case, during cross-examination, refused to answer a question until the magistrate woke up. I have caused all tapes of the proceedings to be played back and there is no record consistent with any such incident having occurred. On the contrary, the proceedings appear to have gone forward in the normal course. Moreover, the magistrate in question categorically denies that he was, at any time, inattentive or that any incident remotely of the nature referred to took place. All court staff and the recording staff on duty in the court on the days in question have been questioned on this subject and all of them verify the accuracy of what is said by the magistrate.

By way of independent cross-check, I have had the matter discussed with Mr Sulan who also verifies that no incident occurred as alleged by Mr Sumner; and that he had no complaint whatsoever as to the manner in which the case was dealt with by the magistrate, who appeared to be alert throughout the case. In the above circumstances, it would appear to me that there is no substance whatsoever in the allegation made. Apart from the independent verification which has been possible from a number of sources, I would have thought that the continuous taperecording would have been quite conclusive of the matter. If an incident occurred as alleged then I would have expected that it would have been recorded. In the circumstances I have no alternative but to conclude that the present complaint, which appears to have been made

by the Working Women's Centre, is nothing short of mischievous and grossly unfair to the magistrate in question.

As to the earlier case of Dr Coulter, which dates back as long ago as the latter part of 1980, I have already earlier reported to you and have nothing further to add with regard to it. In conclusion, I would merely wish to add that the magistrate in question has worked extremely hard over a long period of time. Without his assistance it would have been impossible for me to arrange for the due discharge of court business in the magisterial area, due to the absence on leave and secondment of other magistrates.

QUESTIONS

INDUSTRIAL COURT MAGISTRATE

The Hon. C. J. SUMNER: My question relates to the Ministerial statement that the Attorney-General has just made. Why was the information provided to the Council by way of a Ministerial statement, and why was the question that had been asked previously not answered in the normal way?

The Hon. K. T. GRIFFIN: Obviously, it was a matter of some significance, when a question that reflects on the integrity of the Judiciary was asked in this Council. In the light of the report received from the President of the Industrial Court by the Minister of Industrial Affairs, it was deemed appropriate, because of the seriousness of the allegation, to relate the answer by way of a Ministerial statement.

RIVERLAND CANNERY

The Hon. B. A. CHATTERTON: I seek leave to make a short statement before asking the Minister of Community Welfare, representing the Minister of Agriculture, a question regarding the Ministerial statement that has been made this afternoon in relation to the Riverland cannery.

Leave granted.

The Hon. B. A. CHATTERTON: I think that all honourable members would be very concerned about the situation relating to the Riverland cannery, it being estimated now that only 25 per cent of the anticipated total production of canned fruits will be processed by the cannery. What disturbed me in addition to that part of the Ministerial statement was the following paragraph:

> In addition, the Premier has signalled to the Federal Government that an approach is likely to be made for finance of between $5 000 000 and $6 000 000 to enable the cannery to process the 1981-82 fruit crop or pending the interim findings of the I.A.C. inquiry into the industry.

Are funds then not available to process even the 25 per cent of the crop that has been given to the cannery in the form of a quota by the Canned Fruit Corporation, or does that processing depend on the $5 000 000 to $6 000 000 being available from the Commonwealth Government?

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

GOVERNMENT PHOTOCOPIER CONTRACTS

The Hon. C. J. SUMNER: I seek leave to make a statement before asking the Attorney-General, representing the Premier, a question regarding Government contracts for photocopiers.

Leave granted.

The Hon. C. J. SUMNER: The Ombudsman should launch an immediate inquiry into the activities of the Supply and Tender Board and its Minister, Mr Goldsworthy, in relation to Government contracts for office equipment. Yesterday, I raised the issue of the phoney tendering process which was used to award a contract for word processors and v.d.u. units to Raytheon. There is also something quite fishy in the granting of the contract for photocopying machines to Oce Reprographics Ltd (that is, the Minolta distributor) earlier this year.

A number of questions arise in relation to this contract. First, the Oce Reprographics Ltd (Minolta) quote was not the lowest. Secondly, the tender was called for low and medium volume, that is, 6 000 copies per month in one category, and 6 000 to 12 000 copies per month for another category, yet, when the contract was let, it was indicated that 20 000 copies per month would be available from the Minolta E.P.520 machine. Had the other competitors known that a decision was going to be made on the basis of 20 000 copies per month, this higher volume would have lowered their quotes.

Thirdly, there is doubt whether the Minolta E.P.520 machine can cope with 20 000 copies per month, yet departments have been advised that it can. In the June edition of *Modern Office,* an Oce Reprographics Ltd (the Minolta distributor) feature showed a volume of only 12 000 for the Minolta 520. Why then is this machine now being recommended by the Government as being suitable for 20 000 copies? Obviously, overuse of the machine will produce maintenance and service difficulties and shorten the life of the machines.

Fourthly, why was the tender called only for A4 copiers and the contract let on the basis that the E.P.520 Minolta machine was capable of copying on A3 paper, in addition to A4? Had this requirement of A3 paper been known to other competitors it would have affected their quotes.

Fifthly, the tender was for supply of photocopiers, that is, either rental or purchase. Some tenderers submitted for rental, others for purchase. The Minolta tender was for purchase and the contract concluded on that basis. Yet now, Minolta is being allowed to offer deferred purchase/rental agreements when rental was specifically excluded from the contract which was granted. Sixthly, Minolta's tender contained false statements, particularly in relation to full service. It has been suggested that the contract should be declared null and void because of this.

The false statements related to the service agents available in country areas. The Oce Reprographics Ltd tender for Minolta referred to 'approved centres' in South Australia; for instance, Exchange Printers were named as Minolta's service agents in Mt Gambier, while they were in fact the Nashua agents in that city. Of course, Nashua was in direct competition with Minolta for this contract. W. & H. Agencies at Whyalla, which was named as an Oce Reprograhics Ltd (Minolta) service agent, was in fact the Canon agent in that city. Walkley Office Suppliers at Berri, which was named by Oce Reprographics Ltd (Minolta) as service agent, is in fact only a sales agent, and does not service anything whatsoever. In other words, the contract was granted on the basis of misleading information from Oce Reprographics Ltd (Minolta), and information that was inadequately investigated by the Supply and Tender Board.

Subsequently, Oce Reprographics Ltd (Minolta) had to obtain new service agents in the country. There is concern whether these new agents have properly trained service people. Nashua and Canon were competitors of Oce Reprographics Ltd, that is the Minolta distributors, for the photocopying contract and obviously are dissatisfied that Oce Reprographics Ltd (Minolta) quite wrongly nominated their service agents in country areas, and provided the competitors' service agents as evidence that it could provide a full service throughout the State of South Australia, when that

was not in fact the situation. Will the Premier ask the Ombudsman to investigate these allegations as a matter of urgency?

The Hon. K. T. GRIFFIN: I will refer the allegations to the Premier. I have no doubt that he will thoroughly investigate the matter, and I will then bring back a reply.

PARLIAMENTARY STAFF

The Hon. N. K. FOSTER: I seek leave to make a brief explanation before directing a question to you, Mr President, regarding a matter I raised yesterday about the organisation and staffing review of Parliamentary services.

Leave granted.

The Hon. N. K. FOSTER: With respect, I do not as yet expect a reply about the matter I raised yesterday. Today I was shocked to find a newsletter circulating throughout Parliament House headed 'Organisation and Staffing Review of Parliamentry Services'. The newsletter states:

This is a further newsletter designed to assist in keeping staff informed of progress with the organisation and staffing review outlined in the recent circular from the Presiding Officers.

The review team is then announced and, as far as I can recall, some of these names were not included in the first letter. This newsletter continues:

The team will comprise the following officers from the Public Service Board:

Don Faulkner (Co-ordinator)
Graham Boxhall
Des Hughes
Tony Lock
Mary Cirillo (Secretary)

It is intended that the team will work from Parliament House initially on Tuesdays, Wednesdays and Fridays commencing on 1 December 1981, and be located in the Legislative Council Conference Room (extension 335).

It is bad luck if we want to use that room for a while. The newsletter continues:

At other times they may be contacted at the Public Service Board, 10th Floor, Reserve Bank Building—telephone 227 0277 for all members except Tony Lock.

Another number is given for him. The newsletter continues:

As you have previously been advised, the first phase of the review will involve interviewing staff to obtain factual information on the organisation and operation of the various support services and to seek views on what problems, if any, exist at the moment. Any suggestions on how to improve such situations will be welcomed.

A similar circular was sent to teachers before the cuts were made to the teaching area by that particular department. The newsletter further states:

The team is at present preparing a schedule of interviews to enable discussions to commence soon after a short period of orientation and planning—

great garbage—

the main concerns that will be addressed at this stage are those outlined in the Presiding Officers' circular.

It would be very helpful if those with whom interviews are arranged could give some prior thought to these particular issues, and any other matters you may wish to raise. This will give us more time to tap your opinions and ideas. Any documents which would assist us to understand the functions performed would also be useful. Sufficient notice of intending interviews will be given for this purpose.

The team wants to look at documents, files and other paper work if necessary. Under the heading 'Written submissions', the newsletter states:

Written submissions are also welcome from individuals or from groups who would like to put forward a collective viewpoint. It would assist if these could be submitted as early as possible to the Review Team (and preferably by Friday 18 December) to enable them to be followed up and receive full consideration during the course of the review.

The final paragraph is headed 'Progress', but we, as elected members of Parliament, will be ignorant of the situation. The newsletter states:

Following the fact-finding interviews and consideration of written submissions—

they will not be made available to us as elected members of this State Parliament—

the review team will report progress to the steering committee—

comprised of faceless men as far as elected members of this Council are concerned—

which is responsible for overseeing the conduct of the review.

I am amazed that this newsletter should appear less than 24 hours after my question was asked yesterday in this Chamber. In common with all honourable members, I would like to know just what sort of exercise is involved. First, I ask that you, Mr President, urgently request that the review team, as set out in newsletter No. 1, cease its activities immediately. Secondly, will you, Mr President, advise all officers and staff that they could incriminate their positions if they accept such interrogation as set out in the circular? Thirdly, will you, Mr President, further advise all staff that any observed spying or examination of files, etc., be reported to the Joint House Committee or an appropriate Parliamentary authority such as the Library Committtee? Despite your very burdensome duties, Mr President, I ask that you give this matter your utmost and earliest consideration.

The PRESIDENT: I have been asked whether I will intervene at this stage and stop the review, and whether I will proceed to alert staff members of the duties of this review—

The Hon. N. K. FOSTER: The second was that you, Mr President, advise all officers and staff that they should not incriminate their positions if they accept such interrogation as set out in the newsletter and, further, that you, Mr President, advise all staff that any observed spying or examination of papers, files, etc., be reported at once to you and also to the appropriate committee, for example, the Library Committee. Further, I intend to raise this matter sharply at the Joint House Committee meeting tomorrow, when the committee is scheduled to meet.

The PRESIDENT: As far as the staff are concerned, I believe that they have all been alerted to the fact that the review committee is taking evidence. It is really not for me to tell individuals what information they want to give. I hope they give due thought to any information that they wish to give to the team. That is not for me to influence in any way, in regard to what they wish to tell the review team.

In regard to my intervening with the process of the review team, I do not intend to do that, because it has just commenced its work. I certainly would intervene if I thought that it was at any stage prejudicial to members or staff, but I have not seen anything of its working. In fact, you may be as well informed of its working—

The Hon. N. K. Foster: We're not informed—that's the problem.

The PRESIDENT: You are informed by virtue of the invitation to contact the review team. I suggest that that is what the honourable member does, that he visits the team first hand and determines what are its processes and procedures. This would be far better than dealing with the matter second-hand. Perhaps it would be better for the honourable member to contact the commission himself.

The Hon. FRANK BLEVINS: By way of supplementary question, at whose instigation was this review committee commenced?

The PRESIDENT: That is another question. I am not too sure whether I can answer that question.

The Hon. FRANK BLEVINS: As a further supplementary question, in view of your lack of knowledge as to who instigated this committee, do you, Mr President, consider it proper that, as the guardian of the rights and privileges of the Legislative Council, as a matter of urgency, you should find out who instigated this committee, what its intention is and what members and staff can do (as you, Mr President, apparently will not) to protect their position within this place? A committee has been instigated which appears to be from the Public Service Board and with which the overwhelming majority of people who work here have no contact whatsoever. What has it got to do with the Public Service Board?

The PRESIDENT: I cannot tell the honourable member what it is has got to do with the Public Service Board. Apparently that was the group invited to make some inquiries. With regard to the protection of rights, I sincerely hope that it is not a matter of protecting them. I hope that this review will not have any overtones of prejudice and will not in any way inhibit members' or the staff's rights or privileges.

The Hon. Frank Blevins: What is its purpose?

The PRESIDENT: I am not too sure.

The Hon. FRANK BLEVINS: I seek leave to make a brief explanation before asking the Attorney-General, as Leader of the Government in this place, a question on the review committee.

Leave granted.

The Hon. FRANK BLEVINS: The Attorney-General has just heard the last two questions and answers. Would he advise the Council of all information he has on the matter? Did he instigate the committee and if not, who did? Will he explain the connection between an investigation by officers of the Public Service Board into the conditions of the staff and into the conditions under which members work? Does he not consider that members primarily should have the responsibility, through the President and the Speaker, for ensuring that the staff is appropriate for the Parliament? Does he not agree that members of Parliament have some responsibility here; not just some responsibility, but the ultimate responsibility and that it should not be hived off to officers of the Public Service Board who have nothing whatever to do with members of Parliament and their conditions or indeed with the majority of the members of the staff? Will the Government come clean and let us know what is going on?

The Hon. K. T. GRIFFIN: It is not a Government committee.

Members interjecting:

The PRESIDENT: Order!

The Hon. K. T. GRIFFIN: If members will listen I will give the answer. As I understand it, the responsibility for what goes on within the precincts of Parliament lies with the President and the Speaker. The committee, to which reference is made in the newsletter and which was the subject of a question by the Hon. Mr Foster yesterday, is directly under the responsibility of the President and the Speaker. I am aware of the committee because I am a member of the steering committee, as is the Leader of the Opposition in another place or his nominee. As I understand it, it was important for the work of that committee to ensure that it was directly responsible to the President and the Speaker and under the general and specific oversight of those two Presiding Officers in whom responsibility for the operation of Parliament rests. It is important, nevertheless, to involve a member of the Government and a member of the Opposition in the steering committee to ensure—

The Hon. Frank Blevins: Has the Leader of the Opposition accepted that position?

The Hon. K. T. GRIFFIN: I understand that the Leader of the Opposition has accepted involvement by either himself or his nominee on the steering committee.

The Hon. N. K. Foster: That's wrong.

The Hon. Anne Levy: The steering committee has not met.

The PRESIDENT: Order!

The Hon. Frank Blevins: Who instigated it?

The PRESIDENT: Order! A question has been asked and the answer is being given.

The Hon. K. T. GRIFFIN: As I understand it, officers of the Public Service Board are not involved as officers of the board to do a job for the Public Service.

The Hon. N. K. Foster: What are they then?

The Hon. K. T. GRIFFIN: They are involved at the invitation of the President and the Speaker to bring their expertise to bear on the operations of the Parliament. I understand that the steering committee and the review team are looking at ways in which services can be better provided to the Parliament.

The Hon. N. K. Foster: That is bull!

The Hon. K. T. GRIFFIN: If the Hon. Mr Foster does not believe that, that is his prerogative. The Hon. Mr Blevins asked me a question, and I am giving him an answer, as I know it.

The Hon. C. M. Hill: The Leader of the Opposition cannot be talking to members opposite any more.

The Hon. Anne Levy: The steering committee has not met.

The Hon. M. B. Cameron: Just like a parrot!

The PRESIDENT: Order!

The Hon. C. M. Hill: Go and see your Leader.

The Hon. K. T. GRIFFIN: As the Minister of Local Government has interjected, it would be much better if members of the Opposition went to speak to their Leader in another place to gain information about this matter, rather than raising questions in what appears to be ignorance of the position. I have put quite clearly and firmly that the affairs of this Parliament are the responsibility of Parliament, and the Government has no role in it, except through the Appropriation Bills to provide funding for the operation of the Parliament. What happens within this building is principally the responsibility of the Presiding Officers.

The PRESIDENT: I would like to make known that in no way do I intend to hand over any of my powers whatsoever to investigating or review committees, or to anyone else. Let us get that very clear. I hope that the committee will keep members informed of the days on which it will take evidence and that those members who wish to go before that committee can be heard. Perhaps some of their ideas will bear fruit. I do not know who instigated the inquiry, and that seems to be the basis of the questions. What is more, it is of no great consequence, because eventually I agreed to such a review taking place. That is as far as I am concerned. It is not my affair who instigated this action. The inquiry will be conducted in the best manner possible.

The Hon. N. K. FOSTER: I wish to ask a supplementary question. I want to dispute what the Attorney said about the Leader of the Opposition being on the steering committee because he received a letter from the Speaker in respect of this matter. It is not true. The Leader of the Opposition is in receipt of a letter. Will the Attorney-General say under what form and section of the constitution of this Parliament and the Joint House Committee are powers given by the Chairman of the Joint House Committee (namely, the Speaker of the House of Assembly) to an outside body to investigate the rights of staff and members of this place? I do not have a copy of the constitution

with me at present: I only wish I had. However, my memory serves me pretty well. The Attorney-General must admit that he is ignorant of the constitution. Will the Attorney-General procure a copy of the constitution before the end of Question Time and advise the Council accordingly?

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

The Hon. G. L. BRUCE: I wish to ask a supplementary question. According to the answer given by the Attorney-General, it would appear that the committee has been set up to investigate services or the lack of services for members. Will you, Mr President, in conjunction with the Speaker, advise how many complaints have been received from members about the services of this Parliament?

The PRESIDENT: I could not give an indication of what complaints have been made to the Speaker, because I have nothing to do with those functions over which the Speaker presides. We have had very few complaints. From time to time we have had requests that matters be dealt with, but I would have to go back through my files to find out the exact number and nature of these requests. I can do so if the honourable member so wishes.

The Hon. K. L. MILNE: I have been listening intently since I have been here, and this is indeed a very serious matter. I seek leave to make a brief explanation before asking the President a question about the investigating committee.

Leave granted.

The Hon. K. L. MILNE: The only instance I have heard of (and there may be others) when this was suggested was when a President told the Public Service representative to get out and stay out. That can be done. The old boy who did that did the same to me, with respect. From my professional experience and coming from the real world of business, I cannot understand why we have been kept short of money and staff. I notice that this was occurring in the Senate. I have a copy of the recommendations of the Senate Select Committee that reported on this very matter. The Senate decided to take over its own affairs, and I suggest that we do the same. People are sick of this nonsense and of being told what to do by those who do not understand our problems. We do not understand the problems experienced elsewhere and we do not interfere. People involved elsewhere do not understand the pressures that apply here.

The Hon. N. K. Foster: There is more talent here than there is there by a mile.

The Hon. K. L. MILNE: I am not sure of that.

The PRESIDENT: Order!

The Hon. K. L. MILNE: The Senate Select Committee has now reported its recommendations. First, the Select Committee recommended that the Senate establish a Standing Committee to be known as the Senate Appropriations and Staffing Committee. The recommendations then State:

> 2. The Select Committee recommends that the appropriations for the Parliament be removed from the Bill for the ordinary annual services of the Government and included in a separate Parliamentary Appropriation Bill.

I could not agree more. The report continues:

> 3. The Select Committee also recommends that all items of expenditure administered by the Executive departments on behalf of the Parliament be brought together in the Parliamentary Appropriation Bill and that provision be made for an advance to the President of the Senate—

in our case, the President of the Legislative Council—

> on the same basis as the advance to the Minister for Finance.
>
> 4. The Select Committee recommends that the President arranges for discussions to be held with the appropriate Executive departments to review those functions which are currently administered by them, and subsequently to plan the transfer of functions suitable for administration by the Senate.

By the Senate, not by someone else—not the Public Service, not the Public Service Board, and not the Speaker, but by the Senate; in our case by you, Mr President. Recommendation 5 is as follows:

> The Select Committee recommends that section 9 of the Public Service Act 1922 be amended to vest in the Presiding Officers, separately or jointly as the case may be, the power of appointment, promotion, creation, abolition and reclassification of offices, and the determination of rates of pay and conditions of service.

This has been coming for some time and I suspect that this Council has been moving in that direction also. However, I have not been here long enough to speak with authority. It is obvious that when a series of Select Committees are held and we are told by the Government that we cannot have another one because there is insufficient staff and no money, that must be wrong. That is outrageous, and it should have been exposed. Members of the Government knew that it was wrong. We should not put up with that situation again.

If there is work to be done, the staff and the money must be found to do it. It is in the public interest. I remind the Government of what it has said about the public interest, the economy of the State, and so on. I have never heard such nonsense as the suggestion that the Legislative Council is insolvent and cannot afford to do what it is supposed to do. I suggest that all members obtain a copy of this report and read it. Mr President, will you consider the recommendations of the Senate committee seriously? Will you also find out who instituted this inquiry and what part you, Mr President, and members of the Legislative Council will play in it?

The PRESIDENT: The honourable member's first question has been answered. As I understand it, the recommendations of that Select Committee have been put in train and the Senate is now able to handle its own monetary affairs. I understand that that measure has been passed by Federal Parliament. I will certainly look at the second part of the honourable member's question and provide him with a reply.

The Hon. N. K. FOSTER: I desire to ask a supplementary question. I have before me the Joint House Committee Act, which was assented to on 20 November 1941. Section 3 (2) states:

> The committee shall have perpetual succession and a common seal and shall be capable of holding and dealing with property of all kinds.

Section 10 states:

> The committee may appoint sub-committees to deal with any matters or class of matters and may delegate to any sub-committee any of the powers of the committee.

Section 11 (2) states:

> The committee shall appoint an officer of the staff of one of the Houses of Parliament to be the secretary to the committee. The secretary shall carry out such duties as are allotted to him by the Chairman.

The important point is contained in section 13, because the Government is currently investigating an area that is outside the constitution of the committee appointed by this Council. Section 13 states:

> The committee shall have the control and management of the following parts of the buildings and premises of Parliament, namely, the entrances, corridors, lobbies, dining, refreshment and recreation rooms, lounges and garages.

I do not know whether any garages still exist. I note that the Attorney-General is looking a bit sheepish or monkeyish. Did members know that these provisions existed? Section 14 provides:

> The committee shall have the control, direction and supervision of the members of the catering staff of Parliament.

I could continue to quote the responsibilities of this committee. As members of this committee you, Mr President, and I can be sued by members of the Parliament House staff in respect to certain matters under this Act.

I was shocked recently to find, in a matter involving workers compensation, that an employee, who comes under the control of this committee, had his case opposed more or less by the intervention of the department under the control of the Minister of Industrial Affairs, Mr Brown. Is this steering committee not outside the constitutional rights of members of this Chamber and therefore should not its immediate abortion be directed and ordered by the Speaker of the House of Assembly?

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

HAMPSTEAD CENTRE

The Hon. J. R. CORNWALL: I seek leave to make a short statement before asking the Minister of Community Welfare, representing the Minister of Health, a question about an incident at the Hampstead Centre at Northfield.

Leave granted.

The Hon. J. R. CORNWALL: Recently, I received a letter from a patient at the Hampstead Centre. The letter is dated 27 November and by way of explanation of my question I could do no better than to read excerpts, as follows:

Dear Dr Cornwall,

As you see by the above address I am an inmate of the nursing complex here and am disturbed at some happenings here of late. I am not alone in this as it does concern many of us here. Just recently one of the patients here went on a bit of a rampage and as 90 per cent of us are not too well equipped to look after ourselves one of the patients literally had his eye gouged out. It was hanging out and dangling down his cheek. This patient is unable to speak, unable to defend himself at all, in fact quite helpless, possibly does not even know where he is. This incident has come and gone and no-one seems to be perturbed about it whatsoever. The person was rushed into the Royal Adelaide Hospital but has naturally lost the eye. Now the person's wife has decided not to take the matter any further, possibly through pressure from the administration.

We are disturbed as to the lack of concern by anyone and as I have stated very few of us including myself can in any way at all defend ourselves. We are disturbed that could and will happen again as it is not the first time it has happened. The lack of concern is deplorable. I am a quadraplegic and would be unable to get in to see you, but if you had the time I would like to see you. I am a bit frightened of repercussions so would like my name kept out of things.

Will the Minister have this incident investigated as a matter of great urgency and report the details to this Parliament?

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

COMPUTER LISTINGS

The Hon. C. J. SUMNER: I seek leave to make a brief explanation before asking the Attorney-General a question about the Government sale of computer listings.

Leave granted.

The Hon. C. J. SUMNER: The Victorian Ombudsman, Mr Geschke, has been investigating complaints that the Department of Labour and Industry in that State has been selling computer listings of the names and phone numbers of businesses to private companies. Apparently, listings were given to a firm selling German wines in Victoria. This is obviously an invasion of privacy. If one provides confidential information to a Government department, then that information should remain within the Department. The question is now raised as to what is the practice in South Australia. Are computer listings from South Australian Government Departments sold or otherwise made available to non-government sources? If so, in what circumstances does this occur? What measures are taken to protect such listings from unauthorised disclosure?

The Hon. K. T. GRIFFIN: I am not aware that such computer listings are sold or otherwise made available in the circumstances to which the Leader has referred. However, I will have some inquiries made and bring back a reply.

TRACEY PODGER

The Hon. C. J. SUMNER: Has the Attorney-General a reply to the question that I asked on 21 October regarding the death of Tracey Podger?

The Hon. K. T. GRIFFIN: In reply to the specific questions asked about the death of Tracey Podger, namely—'Will I order a full inquiry into the circumstances of this case and will I request the Coroner to conduct and complete the coronial inquest as a matter of urgency,' my answers are 'No' and 'No'. Regarding the honourable member's request that an independent inquiry is needed in this case, I offer the following comments:

(i) Hewitt was committed for trial on a charge of murder. That trial was to have commenced on Monday 13 April 1981. Prior to the morning of that day, there had been no indication by the Crown, by the defence or by the court that a plea to manslaughter would be appropriate. However, counsel were asked by the Chief Justice to enter his chambers immediately prior to the commencement of the trial. His Honour told counsel that whilst the committal for trial on the charge of murder was proper and that a jury might convict, in his opinion if Hewitt were to be found guilty of murder it would be an unsafe and unsatisfactory conviction. His Honour said that Hewitt's driving, on the evidence in the depositions, was sufficiently serious to justify a verdict of manslaughter, for which the appropriate sentence would have to be assessed.

In my opinion and that of my advisers, the decision made to accept a plea to manslaughter was a correct and proper one. No doubt the Crown could have pressed on with the murder charge despite the Chief Justice's view of the case but, given that he was the trial judge, it seemed to the Crown Prosecutor and to me then, and still does, a proper decision to accept the plea to manslaughter. Furthermore, the Chief Justice said the following in open court immediately after Hewitt's arraignment:

> Shane Clement Hewitt, you have been found guilty on your own confession of the crime of manslaughter. You were charged with murder, but the evidence did not support that most serious of charges, and the prosecuting authorities acted properly and wisely in accepting a plea of guilty to manslaughter.

In addition, when sentencing Hewitt three days later, His Honour said the following:

> This is a case which must have given very serious concern I appreciate to all who were involved in it, both those responsible for the prosecution and counsel for the defence. A young girl has lost her life in very tragic and terrible circumstances, and a young man faces a charge of the most serious crime which is known to the criminal law.
>
> I have read these depositions very carefully, and I would like to express the view publicly that a conviction for manslaughter in my judgment is the proper and just result of these proceedings, and I express the view that the prosecuting authorities have acted properly and wisely in accepting the plea of guilty to the crime of manslaughter.

(ii) Following the incident, Hewitt was admitted to the Port Broughton Hospital, but no blood sample was taken from him. Blood samples are taken compulsorily from people involved in motor vehicle collisions who are admitted to hospitals proclaimed under regulations under the Road Traffic Act. The Port Broughton Hospital is not such a hospital, so no authority existed for hospital staff to take a blood sample for the purpose of a blood alcohol analysis.

Police attended the hospital at about 12.45 a.m. and saw Hewitt. However, they did not have immediate access to a breath-analysis machine or a qualified breath-analysis operator. To arrange the attendance of both would have taken considerable time and, as it was, the statutory time limit of two hours in which breath analysis must be taken had almost expired (the incident that led to Tracey Podger's death ocurred at about 11 p.m.)

(iii) *(a)* A submission was made by Hewitt's counsel that Hewitt was involved in the running of his family's farm, and this was supported by the evidence of his mother. Neither the police nor the Crown was in possession of any evidence to the contrary.

On the matter of Hewitt's relationship with another girl, I am informed that the information with which the Crown was armed at the time of Hewitt's plea did not seem inconsistent with Hewitt's claims of remorse or that he and Tracey Podger were to be engaged.

(iii) *(b)* During submissions on penalty, Crown counsel drew the court's attention to the fact that Hewitt had uttered a threat that he would run over the victim. It was on this basis and on other bases, namely, first, a lack of evidence that Hewitt had braked prior to impact; secondly, that Tracey Podger would have been clearly visible to Hewitt as she was walking in the centre of the road; and, thirdly, Hewitt's speed, that Crown counsel submitted that there was evidence upon which the court could find beyond reasonable doubt that Hewitt's intention was to scare the girl. The Chief Justice rejected this view of the facts and also rejected the view that Hewitt had intended to injure Podger. However, it cannot be said that the facts as put forward by the defence, namely, that Hewitt had no intention to scare the girl, went uncontested.

(iii) *(c)* It is inappropriate for the Crown to submit evidence of the effect that a person's death has on that person's family. It goes without saying that courts, in sentencing defendants, should bear steadily in mind the fact that a person's death has had an adverse effect on that person's family, but such a fact is implicit in any matter before a court involving someone's death. No evidence needs to be called about it. The Chief Justice said, when sentencing Hewitt:

> The crime must be regarded as serious. Your driving was seriously blameworthy and it has resulted in death to the victim, and, undoubtedly, grief and sorrow to her parents, relatives and friends. I am very mindful of the depth of sorrow which must be experienced by the girl's parents. Of course, nothing that a court of law can do can restore their daughter to them, or soften their grief, or diminish their sense of loss.

(iv) The Coroner cannot conduct a coronial inquest (because Hewitt was charged with an offence) unless directed by me to do so. I have no intention of giving such a direction; nor do I see any need for any other form of inquiry into this matter.

COUNCIL HOUSES

The Hon. FRANK BLEVINS: Has the Minister of Local Government a reply to the question that I asked on 26 August regarding council houses?

The Hon. C. M. HILL: I have written to the City of Whyalla seeking full details of the rentals paid on the staff houses provided by the Whyalla City Council. In their reply to me, the council has declined to reveal the names, salaries and rentals paid by particular officers on the basis that this material is confidential information between the council and its employees and, consequently, that the public revelation of this information could well be detrimental to the officers concerned.

The Whyalla City Council has appointed a committee to review rentals of council cottages and to make some recommendation to council in terms of policy by the end of January 1982. I intend to await the result of this review before considering a further request to the council for detailed information.

EQUAL OPPORTUNITIES

The Hon. ANNE LEVY: Has the Attorney-General a reply to the question that I asked regarding equal opportunities? No date has been mentioned in the Attorney's advice of the availability of the reply. However, I asked questions, under the heading that *Hansard* has given this question, on 21 October, 22 October and 27 October.

The Hon. K. T. GRIFFIN: In reply to the question that was asked by the honourable member on 21 October, I inform her that the change that occurred at the clerical officers level in 1979-80 was an exception to the general trend. In that year, an increasing proportion of officers employed in promotional level clerical positions were female. For every clerical grade other than grade 5, the proportion of female officers increased and the proportion of male officers decreased. The overall change for all promotional clerical grades in 1979-80 was an increase of 43 females and a decrease of 10 males.

This trend continued during 1980-81. At the clerical officer Grade 5 level, 373 males and 27 females were employed, representing an increase of 10 females and a decrease of 10 males. The overall change for all promotional clerical grades in 1980-81 was an increase of 24 females and a decrease of 36 males.

The Government is aware of the historical disadvantage that women officers have suffered in past years and has continued to support staff development programmes specifically for women. A total of 387 women attended Women in Organisations Courses in 1979-80, and supervisors have been encouraged to involve women in general staff development. It is of interest to note that, of 11 officers selected for the Public Service Board's Executive Development Programme in 1981, six were women. A series of seminars entitled 'The Impact of Technological Change' was held by women of the Curriculum Directorate of the Education Department.

The Equal Opportunities Unit, Public Service Board quarterly, *Equity,* publicises current information regarding equal opportunities programmes and practices relevant to female officers. Also, the Equal Opportunities Unit of the Public Service Board receives and acts upon individual

inquiries and complaints made be female officers on such matters as promotion, training and leave entitlements.

The 1980-81 Budget provides staff funding of $140 000 and contingency funding of $15 500. The staff funding includes salaries for 5.5 positions in the Equal Opportunities Unit which comprises one Administrative Officer Grade 3, one Administrative Officer Grade 1, one Clerical Officer Grade 5, two Clerical Officers Grade 1 and one Publicity and Promotions Officer Grade 1 (half-time), and provides $43 000 for the vocational training programme for the disabled. It is intended that staffing and contingency funding will be maintained at the current level.

REAL PROPERTY ACT AMENDMENT BILL

The Hon. B. A. CHATTERTON obtained leave and introduced a Bill for an Act to amend the Real Property Act, 1886-1980. Read a first time.

The Hon. B. A. CHATTERTON: I move:

That this Bill be now read a second time.

Cluster titles are a rural form of strata title. The owner of a cluster title has exclusive title to a relatively small area to build his house on and is the joint owner of a much larger area with the owner of the other cluster titles in the development. In relation to the strata title, the flat or apartment becomes the home block and the common stairways and parking area of the strata become the common pasture or scrub of the cluster title.

The intention of the cluster title is neither to encourage rural subdivision nor to discourage it. Just as the building of flats is dependent on zoning regulations, not on the existence of strata titles, the establishment of a cluster titles development would have to comply with existing regulations concerning rural subdivision. The only difference would be the arrangement of housing over the land to be developed. Under normal subdivision the area is subdivided into individual blocks and a house is built on each. Under cluster title subdivision, the houses are grouped together and the remainder of the land is used by the owners of the cluster titles jointly.

The normal method of rural subdivision involves the division of the land into individual holdings of perhaps 10 to 20 hectares. These are serviced with roads and power lines. The combined effect of the housing, farm buildings, roads and power lines is to completely destroy the visual landscape not only for the people involved in the development but also for the wider community who use the area for recreational use. Cluster housing development would reduce very substantially this visual blight.

The grouping of houses together in a cluster development would substantially reduce the cost of providing services. While some of these are paid for by the individual, others, such as rubbish collection and fire protection, are not individually contracted but are paid for by the local community. Grouping would reduce the cost and improve the quality of these services.

With rising fuel prices, rural transport is becoming increasingly costly and difficult. People who live on rural subdivisions are finding themselves increasingly isolated. The cluster title concept where five to 10 houses may be grouped together makes feasible such alternatives to private cars as shared taxis or mini buses.

The subdivision of rural land into small holdings creates some problems for the local community because some of the small holders are not aware of their responsibilities to control weeds, prevent erosion and reduce the fire risk. Of course, the same applies to the traditional farmers, but because of the much larger number of small holders the cost to the community of enforcing the provisions of the relevant acts is very considerable. With cluster titles, the major land area would be under one management which would reduce the cost to local Pest Plant Boards, Soil Conservation Boards and C.F.S. units.

Besides these advantages to the community, there are a number of advantages for the individual. Probably the major advantage to the individual owner of a cluster title is the much larger scale of his rural activities. Admittedly this has to be offset against the fact that this larger area is shared with a small group of people, but in most cases this is a small price to pay.

In some cases, the development of a cluster title concept is the only way to provide the amenities being sought by the rural retreaters. If scrub is being developed for rural living, yet the owners wish to retain the natural flora and the fauna, this can be done in an area of 100 hectares attached to a cluster development of 10 houses but is completely impossible if the 100 hectares is slashed with roads and easements for power lines, telephone and water supply.

Again, a 100-hectare area of pasture provides scope for proper rotation for a group of horse owners. Some areas can be closed for hay, exercise areas are moved regularly, so they do not become excessively muddy, and overall the level of management possible is much higher than with numerous small individual blocks. Individuals, as well as the community, will benefit from the reduced cost and improved quality of services. I seek leave to have the explanation of clauses inserted into *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal. Clause 3 enacts new Part XIXC of the principal Act dealing with the division of rural land by cluster plans. New section 224a contains definitions required for the purposes of the new Part. It should be noted that a 'cluster plan' means a plan dividing land into three or more units and providing for a common property of not less than two hectares in area. 'Rural land' is defined as land that lies outside the boundaries of a municipality.

New section 224b provides that the new part applies only in relation to rural land. New section 224c establishes the right to divide rural land by a deposited cluster plan. New section 224d sets out various formal requirements with which a cluster plan must apply. New section 224e provides for lodgement of a cluster plan with the Registrar-General. The plan must be accompanied by a development scheme including plans and specifications of the buildings and structures to be erected on the land and a statement of the uses to which the common property is to be put. It must be accompanied by a certificate of the council's approval of the cluster plan and the development scheme.

New section 224f provides for the deposit by the Registrar-General of a cluster plan in the Lands Titles Registration Office. New section 224g provides for the issuing of new certificates of title upon deposit of the cluster plan. New section 224h limits the right to erect buildings and structures upon land comprised in a deposited cluster plan unless the development takes place in accordance with plans and specifications contained in the development scheme, or plans and specifications approved by the relevant council in substitution for or as an addition to, those plans and specifications.

New section 224i controls the use of land subject to a deposited cluster plan. The land must be used in accordance with proposals included in the development scheme, or in accordance with a proposal subsequently approved by the

council in substitution for, or as an addition to, those proposals. New section 224j provides for the incorporation of the cluster corporation. New section 224k sets out the powers of the corporation. New section 224l establishes a committee of management for the corporation and deals with the conduct of its affairs.

New section 224m provides for general meetings of the members of the cluster corporation. New section 224n deals with voting rights at meetings of the corporation. New section 224o provides that the corporation is to hold the common property in trust for the unit holders. New section 224p provides for the granting of easements over the common property. New section 224q deals with the constitution and the articles of the cluster corporation. New section 224r deals with the terms and conditions upon which a certificate of approval is to be obtained from the council in respect of a cluster plan or a related development scheme. New section 224s limits the rights of the proprietor of a unit to deal with a unit subsidiary or his equitable interest in the common property that attaches to his unit.

New section 224t enables a council to delegate any power or discretion that it has under the new Part. New section 224u provides for vesting of roads, streets and reserves shown on a cluster plan in the council for the area in which the land is situated. New section 224v deals with service of documents. New section 224w enables the Registrar-General to deal with the form of applications, notices and other documents to be made or given or lodged under the new Part. New section 224x is a regulation-making power.

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

MEMBERS OF PARLIAMENT (DISCLOSURE OF INTERESTS) BILL

Adjourned debate on second reading.
(Continued from 18 November. Page 1995)

The Hon. J. A. CARNIE: I will be brief in speaking to this Bill. I could save the time of the Chamber further by referring members to page 2532 of *Hansard* of 13 Feburary 1979, when I made a speech totally opposing the principle behind a similar Bill introduced by the then Government. Nothing has happened during the intervening three years to cause me to change my view. I could almost deliver the same speech now as I delivered then.

The two members who have already spoken from this side of the Chamber, while they have spoken against certain aspects of this particular Bill, nevertheless have spoken in support of the disclosure of interests in another form. For several reasons I cannot agree with them. First, as I said in 1979, I thought that the first Bill in 1977 and the second Bill in 1978 were a purely cynical political exercise, and the way in which they were treated at that time bore me out. Again, nothing has occurred to cause me to change my mind in connection with the particular Bill before us. Apart from the fact that I consider it to be an unwarranted intrusion of privacy (surely even members of Parliament are entitled to some privacy), to select only members of Parliament to disclose their interests is ludicrous.

I think that the Leader, in giving his second reading explanation, referred to the recent referendum or poll in New South Wales which showed that an overwhelming number of the general public were in favour of disclosure. I certainly understand why that is so. They believe that, if members of Parliament are making decisions which affect the State or the country, it should be seen that each particular member will not be financially advantaged by that decision. That raises another point, because this Bill deals with the disclosure of financial interests, but it is not only financial interests that could possibly affect a vote.

I am not convinced that anything of that nature would affect the average member's vote; I do not have such a low opinion of members of Parliament as the Leader of the Opposition has. Recently, members may have seen that about 30 streets were to be removed from the Road Widening Act. One of those streets is the street in which I live, and naturally it is in my interests that that Bill, when it comes before us, is passed because, not only will it remove the possibility of my losing seven feet of my front garden, but it could possibly improve the value of my own home. Obviously, there are many similar situations which could occur, but equally obviously it would not be possible for them to be covered by this or any other Bill.

To get back to the matter contained in this Bill, if such a measure is considered necessary, then it does not go far enough. There are people who have far more influence and who make far more important decisions than do back-bench members of Parliament. I think it was the Hon. Frank Blevins in 1979 who commented that back-benchers run nothing, decide nothing and usually know nothing worth paying for. Statements like that do nothing for one's ego.

I refer to a group of people who have far more influence in the day-to-day running of Government, and in making decisions in relation to spending large amounts of money, than do back-benchers. They are the heads of departments and senior public servants, as well as the chiefs of statutory authorities, such as the Electricity Trust and the Housing Trust. If members should have to disclose their interests, so should such officers. This point brings out again that this Bill is just a political exercise.

The Hon. C. J. Sumner: Was it a political exercise in Victoria when a Liberal Government introduced such a measure?

The Hon. J. A. CARNIE: I am not concerned about what was done there, but to some extent it was. The point is that the Leader must admit that, if members of Parliament should disclose their interests, so should heads of departments and senior members of the Public Service, yet the Leader has done nothing about that.

The Hon. C. J. Sumner: You can move an amendment.

The Hon. J. A. CARNIE: I do not want to move an amendment: I do not like any part of this Bill. Why did the Leader not include that? This Bill deals only with members of Parliament and, what is even worse, it also brings candidates for political office into the net. This is quite ridiculous as I said, if back-bench members have less say than many people imagine in the day-to-day decision-making of Parliament, then candidates have none at all. Usually, three or four times more candidates stand for election than are elected, so that at any election in South Australia 100 to 150 people who will not become members of Parliament will have to disclose their business interests, if the Bill passes. I do not see any advantage whatever in bringing that in.

Another matter which is not covered by this Bill and which should be covered, if the Leader is serious, is that, if assets and sources of income should be disclosed, then so should liabilities. Often a person would go further to protect a debt than he would to protect assets and an income.

The Hon. R. C. DeGaris interjecting:

The Hon. J. A. CARNIE: I am speaking of serious debts. Certainly, if the Leader is serious he should require a full profit and loss statement. I believe the whole matter is covered adequately in the Constitution Act and under the Standing Orders of this Council. Section 49 of the Constitution Act deals with members having contracts with the

Public Service. It is expressly forbidden to have such contracts because of a possible conflict of interests.

Section 50 states that, in the case of a member accepting or holding certain contracts, his seat shall become void. We then have Standing Order 225, which provides:

> No member shall be entitled to vote upon any question in which he has a direct pecuniary interest not held in common with the rest of the subjects of the Crown, and the vote of any member so interested may, on motion, be disallowed by the Council; but this order shall not apply to motions or public Bills which involve questions of State policy.

Briefly, I believe that this whole matter is adequately covered. It was the Hon. Mr Dawkins who said that there has never been any question of corruption in the State Government. I do not believe that there is any need for such a measure and, as I have said, I believe it is a purely political—

The Hon. C. J. Sumner: Why did the Liberal Government find it necessary to introduce such a Bill in Victoria?

The Hon. J. A. CARNIE: The Leader keeps harping about Victoria. Can he name other Parliaments that have introduced it? Parliaments that have introduced it are in the minority.

The Hon. C. J. Sumner: The people of New South Wales have approved it by eight to one.

The Hon. J. A. CARNIE: I have already referred to that referendum. It is an emotional issue on which I believe the general public has not been fully informed. Certainly, the Leader cannot point to many Parliaments which have introduced it. I believe that Westminster and Victoria have it. Canada has examined it.

The Hon. C. J. Sumner: New South Wales.

The Hon. J. A. CARNIE: New South Wales has done nothing about it. True, New South Wales has had a referendum about it, but it has done nothing else. It may do something, but that is no reson why we should do anything. I have no doubt that, if this Bill is defeated, the Leader will accuse members of this side of the Council of having something to hide.

The Hon. C. J. Sumner: You're dead right.

The Hon. J. A. CARNIE: That is exactly why the Bill was introduced, and I thank the Leader for saying that. I do not believe in that. I do not see why I should open my private affairs to the gaze of the curious, and is that what would happen because any member of the public would be able to walk in off the street and demand a copy of any member's interests.

The Hon. C. J. Sumner: What about your holding in Western Mining?

The Hon. J. A. CARNIE: I have declared that. For all sorts of reasons people want to know.

The Hon. C. J. Sumner: They want to make sure that you are doing the right thing.

The Hon. J. A. CARNIE: The Leader has admitted that that is what will happen if the legislation passes—the information will be used for political reasons.

The Hon. C. J. Sumner: I didn't say that at all.

The Hon. J. A. CARNIE: You did. While I am opposed to the disclosure and do not see its necessity, members who have spoken on this side both now and in 1979 have referred to the keeping of a register of interests of members by a Parliamentary officer so that you, Mr President, or Mr Speaker can decide if a member has a pecuniary interest in any particular Bill. I would probably accept that proposition more than this one, although I do not like it, but I am totally opposed to the principle of public exposure. I do not see that the matter should be public. This Council is capable of managing its own affairs and, if such a thing is necessary, it should be in the hands of Parliament. I oppose the second reading.

The Hon. D. H. LAIDLAW secured the adjournment of the debate.

ADMINISTRATIVE DECISIONS (DISCLOSURE OF REASONS) BILL

Adjourned debate on second reading.

(Continued from 11 November. Page 1808.)

The Hon. C. J. SUMNER (Leader of the Opposition): In closing the debate, I believe that the attitude of the Attorney-General and Government members to this Bill indicates their general bloodymindedness about any proposal which emerges from the Opposition and any proposal which produces much needed reforms in law and practice in this State. Generally when the Opposition puts forward a proposition such as this most Government members, if not all, adopt the attitude that, if it comes from the Opposition, it ought to be defeated. There is never any attempt to look at the merits of the Bill.

I am afraid that the Government's general attitude is exemplified in the debate on this Bill. There has been one speaker from the Government front bench (the Attorney-General) who came up with a number of very superficial objections to the Bill and not one other member of the Government benches has bothered to enter the debate. Make no mistake, this is a significant reform measure concerned with the rights of citizens *vis-a-vis* the Government in our society. I would have thought that natural justice would demand that, where an administrative tribunal or administrator made a decision which affected the rights of a citizen, the reasons for that decision should be given, whatever avenues are open for the review of the decision. That is the proposition which this Bill contains. It is simple but it is important. It provides that, if a tribunal in the Government or a Government public servant makes a decision which affects a citizen's rights and that citizen wants reasons for the decision, the person making the decision should be compelled to give those reasons. To me that is a matter of simple natural justice. Apparently honourable members opposite could not care less about it. The Bill is simple but it is significant. It would provide a much needed reform in the Government administration but it is opposed by the Government.

In his attempt to dredge up reasons for opposing the Bill the Attorney-General has grossly distorted and misrepresented the Bill. The first point that the Attorney-General made was that this Bill does not do anything about the administrative remedies that are available. He says that it does not do anything about the procedures that citizens can use to challenge decisions of an administrative tribunal or a public servant. Of course it does not—it was not intended to do that. The arguments by the Attorney-General are totally irrelevant—a complete red herring. The Bill was not designed to deal with an all-embracing review of administrative law and procedures whereby administrative decisions can be challenged.

I mentioned in my second reading explanation that a simpler and broader method of review of administrative decisions is needed, perhaps along the lines that currently exist at the Federal Government level. This Bill does not purport to deal with those general problems. It deals with one simple issue; that is, whether or not reasons should be given for administrative decisions. Apparently the Government does not believe that that should be the case. This Bill would overcome one problem and one problem only in the disadvantages that a citizen has when confronted with the decision-making processes of the Government. Even though the Bill is simple and not of broad parameters it is

significant, first, for the reasons of natural justice which I have mentioned and, secondly, for the fact that administrators and people sitting on tribunals may be called upon to give reasons, and this might make them more careful about the decisions they make. That of itself would be a considerable gain.

So, in the general question of reform of the procedures for review of administrative decisions, the very fact that an administrator would be required to give reasons for a decision would of itself be of benefit to the citizen affected by it, because the administrator would think more carefully about the decision before giving it, knowing that it could be subject to reasons being given and subsequently challenged.

There are other reasons why it is important that the Bill be passed. There are other advantages as far as the citizen is concerned even within the existing system of administrative review of decisions. It would make the reasons part of the record of any decision and therefore the prerogative writs, which are the major method used now for reviewing any administrative decisions, could be used to look at the reasons for which a decision has been made. So, in purely technical terms the fact that reasons have to be given and the fact that those reasons are part of the record of the decision, will make the procedure of prerogative writs more attractive and more readily available to the individual citizen, because there will be some reasons to use as a basis.

The next quite specious argument which the Attorney-General used was that the Bill is too broad. He said that it is too wide ranging and could cover all manner of administrative decisions. He said, in apparently disagreeing with it, that it could cover decisions of local government and that it could cover the refusal of the Attorney-General to agree to entering a *nolle prosequi* in a criminal matter.

Those comments from the Attorney-General further indicate that he has not read the Bill. He has not considered the Bill seriously: he has not studied it and his opposition is purely a reflex rejection of the Bill based on the fact that he, because he is the Attorney-General, and the Government cannot have anything to do with Opposition legislation. If the Attorney had read the Bill, he would have seen that under the Bill the Government can decide what administrative decisions will be covered. The Bill has been drafted in similar terms to the Federal legislation, at least in regard to the requirement to give reasons. The Bill is similar to the Commonwealth Administrative Appeals Tribunal Act, 1975, and the Administrative Decisions Review (Judicial) Act, 1977.

That was done for a very good purpose. A body of case law has developed at the Federal level in the Administrative Appeals Tribunal and the Federal Court in regard to the meaning of the various definitions and the procedures. This Bill follows the definitions in those Acts, so that the same body of case law that has been developed in the Federal Court and the Administrative Appeals Tribunal would be available to the courts in this State when they deal with this legislation. Apparently, the Attorney-General has completely ignored that aspect and has stated that the Bill should be struck down because it does not specify sufficiently what administrative decisions are covered. The Federal legislation and this Bill give Governments the power to determine what administrative decisions are to be covered. If the Attorney-General had bothered to read the Bill, he would have seen that clause 4 provides:

(1) Subject to this section, a person who has made a decision to which this Act applies shall, if requested by notice in writing given to him within a reasonable time after he made the decision by a person aggrieved by the decision, furnish to that person, as soon as practicable after his receipt of that request, a statement in writing setting out the findings on material questions of fact, referring to the evidence or other material on which those findings were based and giving the reasons for the decision.

(2) Subsection (1) does not apply—

(a) to a decision by the Governor;

(b) to a decision of a class declared by regulation to be a class of decisions to which subsection (1) does not apply;

Clause 4 (2) *(b)* clearly gives the power to the Government by regulation to exclude certain decisions from the purview of the Bill. That is the situation that obtains at the Federal level. It is quite absurd for the Attorney-General to say that the Bill is too broad, covers all manner of administrative decisions, and does not give the Government any say. The Bill should be broad, and I am glad that it is drafted in broad terms, but if there are certain categories of administrative decision for which it is considered inappropriate that reasons be given, they can be excluded by the Government under clause 4 (2) *(b)*.

The Attorney-General just has not studied the Bill. He decided that he would oppose it and then gave the reasons that I have indicated, reasons that are completely spurious. If the Council votes against the Bill, and it appears that the Government will vote against it, it will be voting against a significant reform and against the basic tenets of natural justice, which should conclude that a person who is affected by an administrative decision should be able to know the reasons for that decision from the tribunal or from the individual who has made the decision.

I am not surprised that the Government opposes this significant reform. This Government is not a reform Government: it is a patch-up Government. Over the past few months we in this Council have seen the sort of legislation that supports what I have said about the Government. It is not interested in significant reforms: it is interested in patching up and keeping the Parliament sitting for the sake of appearances rather than doing anything significant for the State of South Australia. I am sure that that impression is getting through to the average citizen.

The Hon. C. M. Hill: We will not reform ourselves out of government as your Government did.

The Hon. C. J. SUMNER: Leaving aside the objections of the Minister of Local Government, I believe that this Bill should be passed. The fact that the Government is opposed to it is a reflex action to the Bill's being introduced by the Opposition. The Government is opposing the Bill because it is not interested in reform and, quite frankly, in this case it is not interested in the basic natural justice that this Bill will provide for citizens who are confronted with administrative decisions. I can only ask the Council and honourable members opposite who may not have contributed to the debate for some reason to give consideration to the Bill and to secure its passage through the second reading.

The Council divided on the second reading:

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

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

Pair—Aye—The Hon. C. W. Creedon. No—The Hon. L. H. Davis.

Majority of 1 for the Ayes.

Second reading thus carried.

Bill taken through Committee without amendment. Committee's report adopted.

EVIDENCE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 18 November. Page 1997.)

The Hon. C. J. SUMNER (Leader of the Opposition): As honourable members will recall, this Bill is the result of recommendations of the Select Committee on the Unsworn Statement and Related Matters, which was established by this Council last year. The committee deliberated over a period of 12 months and produced its report about six weeks ago. In producing its report the committee also recommended the Bill now before us, which was attached to the Select Committee report that was tabled in this Council.

Government members opposite have commented on the Select Committee report and the Bill which accompanied it. The Attorney-General said that he thought the report was weak and disappointing. I think I said in relation to the Administrative Decisions (Disclosure of Reasons) Bill that it was clear that the Attorney-General had not read it. In view of the conclusions that the Attorney-General has reached on the Select Committee report on the unsworn statement, I believe the Attorney-General has not studied this report either. The Hon. Mr DeGaris and the Hon. Mr Carnie, although disagreeing with the report, rightly acknowledged that a considerable amount of research had gone into the issue. They also believed that the report was well thought out.

The Attorney-General's response to the Bill and the report itself was inadequate. He really did not come to grips with the issues contained in the report but, instead, tried to score cheap points. I am not putting the Hon. Mr DeGaris or the Hon. Mr Carnie in that category. I think that they both studied the report, and they both acknowledged that it was a good report. They said that they did not agree with the report and they expounded their reasons for disagreement. However, they did not stoop to the cheap and nasty approach adopted by the Attorney-General of trying to score a cheap point by saying that the report was disappointing and weak. Of course, he had to say that because he did not agree with its conclusions. However, I do not believe that anyone who has read the report would come to the conclusion reached by the Attorney-General. Anyone who has read the report would have to conclude that a lot of work had been done and that it was a good report, irrespective of whether or not one agreed with its final recommendation.

The failure of Liberal members to participate in this report once again deserves the condemnation of this Council. It has been a long and drawn out process to achieve reform in relation to the unsworn statement. The fact is that Government members have completely closed their minds to this issue. They parrot off the phrase that it is the Government's policy and therefore they will not even participate in a Select Committee. I can recall when the Liberal Party was in Opposition and the Labor Government put up matters which were clearly Government policy. The Liberal Party had no compunction at all in setting up Select Committees to review those policy matters. I refer to the debts repayment legislation, which was recently mentioned in this Council. That was a matter of Government policy, which had been discussed at election time. When that legislation came before this Council the Hon. Mr Burdett set up a Select Committee. When that Select Committee on debts repayments was established Government members and Ministers participated. We did not boycott it. However, when the boot is on the other foot, when the Council decides that a Select Committee should look at a Liberal Government proposal, members of the Government start to squeal. All they can say is that it is a matter of Government policy.

I believe that the Government deserves to be completely condemned for its failure to participate on the Select Committee on the unsworn statement. Government members have closed their minds to this issue and refuse to look at any sensible reform. The Attorney-General sought to attack the report on a number of grounds, and he used cheap debating points to attack it. I thought the lowest point of the Attorney-General's contribution was when he attacked the report because it referred to a statement made by Dr J. J. Bray, a former Chief Justice, to the Mitchell Committee.

That statement by Dr Bray is contained in full in the Select Committee's report. What did the Attorney-General say? He said, 'No-one can suggest whether Dr Bray now favours or does not favour abolition.' He further said that Dr Bray's statement was not a statement to the Select Committee. That was the cheapest point that the Attorney-General could make. He was trying to say, in effect, that Dr Bray changed his mind on the matter.

I assure you, Sir, the Attorney-General and other members that I spoke to Dr Bray this morning, and he said that he can see no reason to change the views that he put to the Mitchell Committee and the statements contained in the Select Committee's report. Of course, members of the Select Committee know that shortly before the Select Committee reported Dr Bray had spoken publicly at a forum, where he advocated the retention of the unsworn statement. So, let us dispose of that first cheap point made by the Attorney-General.

When looking at the question of retention of the unsworn statement, the statement made by Dr Bray is certainly worthy of examination. I should like to refer particularly to one aspect of the statement, as follows:

> The defendant who chooses to make an unsworn statement incurs a handicap. All I urge is that he should retain the right to incur that handicap if he wants to.

Dr Bray made those statements, I imagine, without having had any specific statistical material in front of him. However, there is no doubt that the statistical material that the committee was able to collect about the rates of conviction and acquittal, depending on whether the unsworn statement or sworn evidence was used, goes to confirm the statement made by Dr Bray.

I reiterate the figures to the Council. This is in response to the argument that guilty people are getting off charges by an unfair use of the unsworn statement. I think that the committee's conclusions are quite categorical in this respect: that that allegation must be refuted and that the situation is as Dr Bray indicated, namely, that the defendant who chooses to make an unsworn statement incurs a handicap.

The first point I make is that there has been a considerable reduction in the use of the unsworn statement since the Mitchell Committee reported in 1973, when the statistics were available. Since then, there has been a considerable reduction in the use of the unsworn statement. However, in paragraph 7 *(e)* of the Select Committee's report, it is indicated that, in 1980, 81 per cent of those defendants who chose to use the unsworn statement were found guilty, whereas only 61 per cent of those who gave sworn evidence were found guilty. That pattern is followed in sexual cases, which are referred to in paragraph 7 *(g)*, where 78 per cent of those defendants who gave unsworn statements were found guilty, whereas only 48 per cent of those who gave sworn evidence were found guilty.

So, the fact is that the unsworn statement is a considerable handicap to a defendant. On the basis of those statistics, if it is looking at getting convictions, perhaps the Government should be talking about abolishing sworn evi-

dence and allowing all defendants to give an unsworn statement. Of course, that is a facetious argument, but the Government cannot maintain seriously that, as a result of persons using unsworn statements, most persons who ought to be convicted, are, in fact, getting off.

The situation is quite the opposite, as Dr Bray indicated and as has now been clearly demonstrated by the statistics collected by the Select Committee. The fact that in sexual cases (one of the areas where the most complaints have been made about the unsworn statement) the figures show that 78 per cent of persons using an unsworn statement were found guilty and that 48 per cent of those giving sworn evidence were found guilty. This indicates that the alleged unfairness or injustice in the use of the unsworn statement in sexual cases is not as great as has been thought in the past.

The argument is then put that it is not just a matter of obtaining convictions. It is a matter of equity and fairness and that all witnesses who give evidence ought to be treated in the same way. There is no doubt (and this was recognised by the committee) that there were problems with the unsworn statement that needed to be examined. It was admitted that in sexual cases there were difficulties with the unsworn statement, even though that unsworn statement put the defendants who used it at a disadvantage in terms of whether or not they would be convicted. There was a difficulty with the unsworn statement, and I believe that on occasions its use was abused.

However, the important thing about this Bill and about the Select Committee's report on which the Bill is based is that those problems that existed with the unsworn statement, particularly in relation to sexual cases, have now been corrected. So, the report recommends that the unsworn statement should not contain irrelevant material or gratuitous and unnecessary insults or comments about other witnesses. Rather, it should be confined to the matters admissible in evidence under oath and to section 34i of the Evidence Act relating to the prior sexual history of a defendant.

In other words, the basic thrust of the argument in this report is that the unsworn statement should be placed in all respects on the same basis as sworn evidence, except for one fact. The only difference should be that in one case one is subjected to cross-examination and gives sworn evidence. In the other case, the defendant is able to give his statement from the dock as he sees fit, but is still subject to the normal rules of evidence relating to irrelevancy, hearsay and the like.

So, regarding the question of equity and fairness, I believe that the Select Committee on this Bill directly came to grips with that situation and corrected any inequity or unfairness that might have existed with the unsworn statement before the committee made its report. If this Bill is passed, for equity and fairness there will then be a reasonable parity between the defendant and other witnesses. As Dr Bray points out, the consequence for a defendant of botching his evidence, if you like, is much more serious than is the case for other witnesses in a trial. It is the defendant who may have to sustain a long gaol sentence at the end of a trial, and within the normal tenet of our system that conviction should be based on propositions of truth beyond reasonable doubt, and there should not be any hint that there has been a miscarriage of justice.

It is on that basis that the unsworn statement is supported. Dr Bray says that if a person is forced into the witness box, 'Too much, it seems to me, would then turn on his appearance, his composure, his demeanour and his powers of self-expression. The plausible, the suave, the glib, the well-spoken and the intelligent would be unduly favoured as compared with the unprepossessing, the nervous, the uncouth, the halting, the illiterate and the stupid.' This report and accompanying Bill provide a sensible, fair and equitable basis for continuing the unsworn statement, but with the reforms that I have mentioned. The Attorney-General has said that the unsworn statement has been abolished in most jurisdictions, and that there is really no argument about it, and that we, on this side of the Chamber, are being a dog in the manger in our attitude. That is blatantly incorrect.

There have been reports in the United Kingdom about the unsworn statement, but it has not been abolished in that jurisdiction. The New South Wales report of last year on the unsworn statement did not come to any firm conclusions one way or the other; the issue was split right down the middle. Admittedly, in Western Australia and Queensland the statement has been abolished. In other jurisdictions in Australia it has not been abolished, although the Northern Territory has indicated that it will abolish it. In Victoria, a report by the Victorian Law Reform Commissioner, Sir John Minogue, came to virtually the same conclusion as the Select Committee of this Council. Therefore, there are different points of view.

It cannot be said, as the Government has tried to assert on many occasions, that there is virtual unanimity about abolition; there is not. It is still a controversial issue and there are very respectable bodies of opinion, namely, the Victorian Law Reform Commissioner and the Select Committee of this Council, that say that the statement should be retained, with the reforms that I have mentioned. I think that it is time that the House came to grips with this issue and tried to have a sensible and fair reform implemented. Accordingly, I ask honourable members to support the Bill that I have now introduced.

The Council divided on the second reading:

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

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

Pairs—Aye—The Hon. J. R. Cornwall. No—The Hon. L. H. Davis.

Majority of 1 for the Ayes.

Second reading thus carried.

In Committee.

Clause 1 passed.

Progrees reported; Committee to sit again.

CAMPBELLTOWN TRAFFIC

Order of the Day: Private Business, No. 6: Hon. J. A. Carnie to move:

That regulations under the Road Traffic Act, 1961-1980, in respect of traffic prohibition (Campbelltown), made on 18 June 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.

PLANT VARIETY RIGHTS

Adjourned debate on motion of Hon. B. A. Chatterton:

That this Council believes that the introduction of plant variety rights is not in the best interests of Australia and calls on the Minister of Agriculture at meetings of the Agricultural Council to oppose the legislation introduced into the Federal Parliament by the Minister for Primary Industry.

(Continued from 16 September. Page 894)

The Hon. K. L. MILNE: I support the motion. Really, this is a Federal matter, and all honourable members must realise that. This motion seeks to influence the Federal Government, but that should not prevent our having an opinion, either. The Federal Government has sought and received large numbers of submissions from individuals and organisations. It has published an informative paper dated October 1981. I am still not convinced that plant variety rights are wise or beneficial.

They may be of benefit to some in the short term, but I am rather frightened that, once p.v.r. protection is granted, two things will happen. The first is that it will spread to all plants, trees, grasses, grain, crops and the like. Its advocates say that this will not happen but I believe it will. I believe it presents a great danger in Australia. Secondly, it could probably lead to inflated prices (in some areas, much inflated prices) for imported seeds and plants. I was impressed with the moral issues set out by the Hon. Anne Levy. There is something rather abhorrent in patenting a product of nature, even if it has been designed and manipulated by man, because it is not created by man. That is a big moral issue, and we tamper with it at our peril. I support the motion.

The Hon. FRANK BLEVINS: In common with the Hon. Lance Milne, I wish to be brief. Certainly, I support the motion. My purpose is to draw to the attention of the Council a couple of articles which were brought to my notice in regard to plant variety rights. I concur completely with what the Hon. Mr Chatterton said in moving this motion. Also, I support the Hon. Anne Levy, who certainly gave a full dissertation on this whole question. My attention was drawn to a petition presented to the House of Representatives on 19 August 1981. The terms of the petition are as follows:

To the Honourable the Speaker and members of the House of Representatives in Parliament assembled. I, Dr Paul Robert Neuman, Leader and Lord of Knights of the Order of the White Cross International, a humanitarian knighthood for the defence and protection of life, jointly with officers and members of the Order and with citizens of the Commonwealth of Australia by this our humble petition respectfully showeth:

That I, jointly with and on behalf of the undersigned petitioners voice our concern and objection about the proposed legislation of the so-called Plant Variety Rights Bill, 1981 and that I claim, according to the nature and principles of my organisation, to have a mandate to defend the silent Millions of Life-forms which are unable to defend themselves and are not represented otherwise to protect their fate and future and also the majority of people, who are not or very little informed about the consequences of this Bill and whose freedom and wellbeing is at stake, should the Bill become Law in Australia.

Since time immemorial, life has dominated Earth and has formed in the course of evolution a Web of Life, composed of animals and plants which are depending on each other and are adjusted to each other within their Eco-system. Man, as part of nature and being bound to the laws of nature, must suffer the consequences if this nature is brought out of balance. The new life-forms, this Bill will allow to enter Australia, are tailor-made creations of genetic-engineers, aliens and monsters to our eco-system, but fit to open an entirely new marketing opportunity for food and chemicals. Scientific achievement or not, the Gene-manipulators play a wicked Leggo-game for international finance and the chemical industry. I hold, that the natural species in Australia or elsewhere in the world have not even the slightest chance to compete with the invaders from man's laboratories, since the new creations are invested with the power of money, using man's abilities, man's Laws and man's chemicals to clear the way for gene-manipulated commercial Mono-cultures, designed and controlled by those who hold the Patent Rights over these plants.

It requires no imagination to realise that all power for dominance over people is contained by those who control the food. Indeed, control over all beings bound to eat. Over farmers and horticulturists as to what to grow, how to grow and with which kind of chemical to treat. It also means control over licensed breeders of the new varieties, who may be directed to refuse supply to certain growers as the patent owners feel fit. Beneficiary of the entire exercise is the chemical industry which is eagerly buying up already such patents, thus the toxic pollution level in the environment must rapidly rise as a result of such policy. In the final analysis, I am convinced, that people in fear of famine due to possible repercussions, will to a great extent surrender their freedom and dignity to the will of those, who are in control of food. It has been voiced in various circles of Science and Philosophy that the potential of genetic engineering and cloning can be more devastating than the Nuclear-Bomb and I believe, a unification of gene-manipulation, cloning, computer-technology and international finance together can form a power able to result in a sort of Domesday for the world as we know it. It may be the beginning of a "Brave New World" similar to that, described in Huxley's novel, but whether mankind can survive its own creations or vanish together with nature, remains a question mark.

When the Honourable the Speaker and Members of the House of Representatives deal with his Bill, they may also consider the religious aspects of the matter. Australians, being so close to nature, have naturally a strong attachment to the Creator. It is not unlikely that spiritual divisions may be enhanced amongst people over this ethical atrocity, indeed, the scientific take-over of creation is in a sense a dethronement of God as a control over all beings. I am awaiting in anticipation the protest of the World-Leaders of Religion to come to the defence of the Divine Creation, since they do so very often on the subjects of procreation and abortion and I pray, the very same Leaders will not 'side with the powerful' as they usually do. After all the foundation of Judeo-Christian Faith is at stake.

I am sure, the Honourable the Speaker and Members of the House do share the pride of all Australians over the unique beauty of this continent and the natural composition of it's diverse life forms. Surely no-one of sound mind would wish to see this marvel of the Pacific Region being harmed and finely transformed into gene-manipulated mono-cultures, and yet this very Plant Variety Rights Bill, 1981 is the door-opener for such a future. We believe, the driving forces behind this Bill did get away with far too much already in Australia. I refer here to the chemical pollution and the concerted efforts of that industry to increase the sale of toxic chemicals to the agricultural community. Many housewives nowadays fear the method of high pressure salesmen: "Foot in the door and no retreat." Australia is well advised to keep her doors tightly closed to the salesmen of new life-forms.

We cannot undo the scientific 'success' of cloning and gene-engineering, but the people of Australia can refuse to legalise their own dependence upon the mercy of Multi-National Corporations. Such corporations generally do not break the law openly, but rather lobby for the introduction of new laws, tailored to fit their future intentions. The present Bill, we believe, is a typical example of this kind and will give full cover of the Law to any foreign body or person as outlined in Division 2 Section 12 of the Bill and Division 1 Section 10 states unmistakably that virtually every plant of commercial interest falls under the Bill.

The promoters of gene-engineering may praise Interferon as a Wonderdrug, capable of eliminating cancer. We hold that from the very some corner of the industry once DDT was praised to be the Wonderchemical, capable of eliminating the insect-pest, but yet the insects have not suffered real losses in the long run, while the environment of the planet is cursed with a dreadful chemical which causes constant harm to nature now and in times to come and we believe, since the increase of cancer incidents appear in correlation with the increase of chemicals, it may be wise to reduce these chemicals rather than adding more to it, including substances derived from gene-manipulated matter.

I conclude, jointly with the undersigned petitioners that:

1. The Plant Variety Rights Bill 1981 bears destructive consequences for the environment of Australia.
2. Due to protective chemicals, required for this kind of plants, the toxic level in the environment must increase.
3. The independence of people and the free trade is endangered.
4. The Peace of Faith is likely to be disrupted.
5. The beneficiaries of the Bill will primarily be Foreign Corporation.

Should this Bill become law.

Your petitioners therefore humbly pray that:

The Representatives of the Commonwealth of Australia reject the Plant Variety Rights Bill 1981 entirely and in all parts.

And your petitioners as in duty bound will ever pray.

I did have some feeling that this was an important issue raised by the Hon. Brian Chatterton. However, until reading that petition I did not realise how important it was. According to the petitioners the—

The Hon. M. B. Dawkins: You got bound up with religious fervour.

The Hon. FRANK BLEVINS: I did not realise that the very foundation of the faith was at stake. Who am I to argue with such a well-stated case as has been put together by the Leader and Lord of Knights of the Order of the White Cross International? This person and organisation obviously has given the matter a great deal of consideration. I thought that somebody who had gone to all that trouble to present a petition of such length to Parliament deserved to have it read in this Chamber, as it would probably not be read in the Federal Parliament. I also congratulate the author of that petition on his ingenuity in having a speech inserted in *Hansard* without actually being a member. It is perhaps something one can bear in mind in future.

A little closer to home, all members are circulated by the Uniting Church in the *Central Times*. As I was reading the issue of 27 August, an article on plant variety rights attracted my attention. I was delighted to know that, apart from having the Australian Labor Party, the Australian Democrats, and the Lord of Knights of the Order of the White Cross International on his side, the Hon. Brian Chatterton also had the Frome Presbytery of the Uniting Church on his side. I wish to quote briefly from that article as follows:

> The Frome Presbytery at its July meeting resolved to oppose a Plant Varietal Rights Bill which will come before Federal Parliament at its sitting next month. The Bill seeks to patent seeds and plants and it is believed this would result in severe restrictions for seed producers, farmers and small companies.
>
> The Reverend Brian Polkinghorne, Chairman of the Presbytery's Social Justice Committee, has detailed the likely effects of the proposed legislation, and urges other presbyteries to take similar opposing action.
>
> Mr Polkinghorne says that the legislation would bring restrictions and red tape to all seed producers and farmers, and almost all small companies would be bought out by giant chemical companies.
>
> It would lead to a dangerous move in seed marketing; the number of takeovers by major pesticide, fertiliser and drug companies has dramatically increased over the last few years. It would be these multi-national companies who would benefit most from such legislation.
>
> Mr Polkinghorne says that the seed originating areas of the world are in the Third World countries and these people are threatened with the loss of their native varieties and may find highly priced varieties being sold back to them.
>
> The Union for the Protection of New Varieties of Plants (UPOV) would probably bring heavy pressure on the Australian Government to include cereal and pasture plants in future legislation. This would have undesirable ramifications for the Australian wheat industry.
>
> International seed companies breed varieties which are dependent upon heavy use of fertilisers and sprays, and this would bring an adverse effect upon the environment.

In opposition to the plant variety rights legislation is a very broad based movement. It has support from at least one religious organisation, strong support from a lot of people involved in agriculture and strong support from people involved in the sciences. Whilst there are always two sides to every story and I concede that there is another side to this argument, I do not think that the weight of that argument stands up compared with the weight of the opposition. On balance, there is little or nothing in this legislation of benefit to Australia, and a great deal in it could be detrimental to Australia. I join with other members on this side in supporting the motion, and urge the Council to do likewise.

The Hon. N. K. FOSTER: Some extremely good speeches have been made in respect of this matter. It is not my intention to be repetitive. I rise to support what the Hon. Anne Levy said in a well-informed speech some weeks ago. I commend the mover of the motion.

One of the most sinister aspects of the legislation has been dealt with by Mr Blevins in his use of material, particulary the petition submitted to the House of Representatives. It is serious because, once absolute control for plant variety right is granted and becomes recognised in cartel arrangements around the world, the non-propagating seed may well be given to the Third World countries in particular. It would reduce them to the point of starvation to a far greater extent than do the natural disasters that these countries suffer today. They will be in a position to be manipulated.

With so many hybrid plants today right across the board and with seed companies with their non-propagating seed, the possibility of manipulation is there. There is a need to return to the original seed to ensure that propagation does exist. It may well be a business war—a form of business competition. There may be cartel competition extending over a period of three years. Various countries may be engaged in the battles which extend over a period of time and which many deny the right of some countries, if not the world, to gain access to the repropagation of that variety.

In conclusion, I point out that arguments of the type that have gone on in the United States of America can inhibit the necessity to ensure that, after a given number of sowings, seasons or years, on the next occasion there must be propagation of the seed. This can be frustrated by a court of law. To illustrate the sort of thing I mean, I need go no further than to refer to the famous dispute, involving Rheem and other interests, over the lousy, insignificant 44-gallon drum. The case involved millions of dollars in costs, continued for seven or eight years, and was never resolved in the strict and legally proper sense. That is the sort of thing that not only this country but also most of the affluent countries in the world can insist on through courts of law and can have recourse to through international law.

For that reason, I strongly support and urge every member of the Council to vote for the motion. We are voting on a matter that involves the whole concept of propagation as we know it. If this sort of legislation had been around in the seventeenth century or eighteenth century, this country would never have seen wheat, barley, or any of the exotic fruits that we enjoy and grow in this country today. Had this kind of legislation been around 200 years ago, our ancestors would have been fighting for roots, snakes, insects, lizards and kangaroos, which sustained the lives of most of the Aborigines in this country at that time.

The Hon. B. A. CHATTERTON: In closing this debate, I thank the honourable members who have taken part. I will very briefly answer some of the points that were raised by the Minister of Community Welfare, who replied on behalf of the Government and who opposed the motion that I put forward. One of the major points that the Minister made was that this motion was moved prematurely and would stifle debate in the community. I point out that, in fact, the motion has been adjourned until nearly the end of this part of the Parliamentary session.

This is the last opportunity on which the Legislative Council will be able to express a view on this matter. Next year, the Agricultural Council will meet in Adelaide in the first week of February, and the Federal Minister has asked the State Ministers to give their final views on this piece of legislation at that meeting. Of course, the motion that is presently before the Council is addressed to the State Minister and asks what action he will take, so it is obvious that this is the last opportunity we will have to express our views to the State Minister and the Agricultural Council.

The Minister raised two other points in opposing this motion. One was the basis of costs. The Minister stated that this would not be a costly scheme and, in fact, would be self-supporting once it was established. I was surprised to hear that argument, because it seems to say that a scheme that does not cost the Government anything does

not cost the community anything. Of course, there will be a cost to the community, even if the Government recovers that cost through fees and royalties on seed. To say that the scheme will become self-supporting is not a rebuttal of the argument that, overall, it is costly. To say that no Government costs are involved is a very superficial way of looking at costs.

The other argument that was put forward by the Minister in opposition to this motion was a distortion of one of the arguments that was put forward when I originally moved the motion. The Minister claimed that it would be impossible for private breeders to deliberately produce varieties that required massive inputs of fertiliser or crop protection chemicals. I did not claim that that would be possible: I said that the private plant breeders who would take over if plant variety rights legislation was introduced would ignore breeding for resistance and for lesser use of fertilisers, if that interfered with other parts of the corporate entity.

The Hon. C. J. Sumner: What was the Minister's answer to that?

The Hon. B. A. CHATTERTON: He did not answer: the Minister introduced a deliberate distortion of the argument that I put forward, and answered the distortion. As I pointed out, it was a distortion of the argument that I put forward, and therefore I rebut what the Minister said. I again thank honourable members who have supported this motion. I commend the motion to the Council and I hope that it is passed.

Motion carried.

NOARLUNGA ZONING

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

That the 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.

I do not intend to take up much of the Council's time, nor will I go into this matter in any great detail, because I am sure that if I did I would only confuse members. Planning matters are always difficult. Some 18 months ago I was told that there are probably only five people in this State who understand the present Planning Act, and I may say that I am not one of them.

This matter concerns a rezoning application that centres on a dwellinghouse at 80 Witton Road, Christies Beach. An irregularity was involved, although there was no breach of the law, and I will return to that in a moment. There were 14 people who felt aggrieved by what happened. In fact, the council exhibited a plan of the rezoning, and at that time I understand that that dwelling was not included. It was included later and, as one of the people who appeared before the Subordinate Legislation Committee said, the later inclusion of this house into the previously exhibited proposed recommended rezoning regulations was a new, unexhibited proposal, unconnected with any of the other proposals. It was an addition to the previously exhibited rezoning proposals.

I do not want to appear to be critical of the Subordinate Legislation Committee: I believe that that committee does an excellent job. I have been told by my colleagues that the present Chairman of the committee is an excellent chairman. That information comes particularly from the member for Playford, Mr McRae, who is a distinguished barrister. I give great attention to the advice that he gives me in these matters. I want to make very clear that my comments are in no way intended to be a criticism of the committee.

It is also perfectly clear that the opinion which the committee received from the Crown Solicitor, which said that the council had acted within the law, was perfectly correct. That opinion was reinforced by a further opinion which the committee received from Mrs Jean Matysek of Finlaysons. I have that opinion before me and it was given in evidence before the committee. I do not want to unravel this whole process and start it rolling again. I do not want to put a long complicated process in train. However, after consultations with some learned people in this field, I am sure, not only for justice to be done but also for it to be seen to be done—not simply for the law to prevail but for the sake of justice and equity for the 14 people who appeared before the committee—that the very simple way around this issue is for the Minister of Environment and Planning to introduce a very simple amendment to the Act. The Opposition undertakes to facilitate such an amendment with great speed; it could be expedited through both Houses in five minutes, and this wrong would be righted.

I stress again that the Opposition does not consider that anyone has acted illegally, but it is important to these 14 people that they be treated justly and fairly. At the moment they do not believe that they have been treated justly and fairly; nor do I, which is why I am on my feet. I do not take the matter of moving for disallowance lightly. However, I think it shows the real importance of having to do these things by regulation. Had this been done by proclamation it would never have come before Parliament. The whole idea behind doing things by regulation is to allow them to be scrutinised by the Joint Committee on Subordinate Legislation, and on the very rare occasion when these matters are brought to the attention of members of Parliament we, as a Parliament, have an opportunity to right any wrong which may have been done to particular citizens.

In conclusion, I repeat that I believe that the committee has acted quite properly. There is no doubt that the legal opinions confirm that the council's action was within the law. However, I do not think it was within the bounds of justice. For that reason I must move for the disallowance of these regulations.

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

ELECTORAL ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 18 November. Page 1999.)

The Hon. C. J. SUMNER (Leader of the Opposition): I thank those honourable members who have contributed to the debate on this Bill, which makes unfair or misleading advertisements during an election campaign illegal. In so doing I must confess that the response from Government members generally was extremely disappointing. The Attorney-General has completely opposed this Bill. Apparently he and the Government are not prepared to accept the proposition that electoral advertisements should contain truthful statements. The central purpose of the Bill is to prevent misleading advertisements and to prevent factually inaccurate material being put before the public during an election campaign.

Quite simply, the Government's position is that it is opposed to the principle of truth in electoral advertisements. The Government's position cannot be put on any other basis than that. The Government, by its attitude toward this Bill, supports the use of lies to achieve its own objectives in the electoral field. I concede that the issue is not without its complications. Indeed, had the Government wished, it could have supported the principle contained in this Bill and we

could have looked at the details in Committee. However, the Government has opposed the principle of truth in electoral advertising. The Government is prepared to enshrine lying as an allowable principle.

As I have said, if the Government accepted the principle that advertisements and statements purporting to be factual during an election campaign should not be misleading, it could have supported the second reading and we could have dealt with the matter in Committee. However, the Government has not even accepted that principle. Quite simply, the Government is denying that there is any case for a code of conduct or guidelines on misleading and inaccurate material being put out during an election campaign.

I now turn to some of the arguments put forward by the Attorney-General. First, he made the point that political advertising is not comparable with commercial advertising. In a sense, I suppose that is true. However, the argument in relation to prohibiting false statements in political advertising is more compelling than it is in relation to commercial advertising. The rationale behind a prohibition on misleading advertisements in commercial advertising is that people should be able to make their judgments on a product that they wish to buy based on facts, not based on misleading or incorrect information which is put in the advertisement to influence the consumer. That rationale is equally important in an election in the democratic process.

In the democratic process we are not choosing a soap powder to buy: we are choosing a Government and members of Parliament. If it is good enough to impose rules prohibiting misleading advertising in the advertising of soap powder then surely by the same token those guidelines and rules should apply when we are giving people the opportunity to choose a Government. The essence of democracy is free discussion and debate to enable people to reach a decision about competing points of view. Surely the democratic process is aborted if decisions are made on the basis of blatantly inaccurate statements of fact that are put before people. I make it clear that the Bill does not talk about opinion, and it does not talk about different points of view. It talks about manifest misstatements. In his contribution the Attorney-General said:

> It is really up to the people to determine whether or not the person or Party making the statements ought to be called on to account for them or whether or not the community at large agrees with them.

Obviously, it must be up to the people to determine what is the position between the various competing statements. However, surely those statements ought not to be blatant lies. How can people make up their minds between competing statements and positions if those statements and positions have been completely, obviously and deliberately put forward as lies, as the Liberal Party has done, particularly in recent times? Certainly, I agree with the Attorney-General that people must make up their minds between competing statements. But, as I have said, surely people are not able to make a sensible judgment if those statements are just blatant lies.

The Attorney-General then tried to take the debate off into a another red herring and to indicate that there is already legislation that in part covers this situation. He said that there is already provision in section 148 of the Electoral Act that enables some of the difficulties to which I referred to be dealt with. Further, he said:

> Penalties are provided for illegal practices as defined in the Act and encompass to some extent the sort of statements which are referred to in this Bill.

That is a misstatement. Section 148 deals with an untrue statement that is defamatory. It renders an illegal practice an untrue statement that is defamatory, but a precondition of that untrue statement being challenged is that it must also be defamatory.

So, it does not really go anyway towards meeting the basic objections that I have put forward. So, when the Attorney-General says that there is already legislation on the Statute Book that is designed to deal with an advertisement which is false or misleading and which affects an election, he is not being completely correct. There is no such legislation, unless one can determine initially as a precondition that the statement is defamatory.

Of course, that was the position in the 1980 Norwood Court of Disputed Returns case, where a misstatement and an untrue and incorrect advertisement was put out by Mr Webster in one of the Italian newspapers. That was challenged and, of course, a precondition to getting that challenge off the ground was that the statement had to be defamatory. So, let us make no mistake about it.

The Hon. R. J. Ritson: What was the result?

The Hon. C. J. SUMNER: It was not very satisfactory to Mr Webster, as he had defamed Mr Crafter. But, if we are not talking about a situation of defamation, clearly the position does not apply. So, it is not true to say that the situation that I am trying to cover is already covered. Some untrue statements are covered, but a precondition of that is that it must be shown that they are defamatory.

Certainly, I have no wish to restrict the free flow of debate and discussion in an election context. I have no desire to restrict the differing points of view being put in an election context. This Bill does not do that.

The Attorney-General's other argument was that this is an attack on freedom of speech and on the freedom of the press. That is nonsense. First, the press is specifically excluded from the legislation, unless the press itself was involved in the preparation of the advertisement. In other words, the legislation is aimed at those people who insert the authorised advertisement. It does not attack the vehicle (the press) whereby that advertisement is inserted—unless, that is, the press co-operated in the sense of helping to prepare the advertisement.

So, it cannot be seen as an attack on the freedom of the press or on the freedom of speech, unless the Hon. Dr Ritson wants to say that one is free to mislead the public and deliberately to tell people lies about issues that might arise. Is the Hon. Dr Ritson saying that freedom of speech extends to freedom to mislead people in an electoral context? Obviously, there are some restrictions on freedom of speech. The defamation law is a clear example. Indeed, it has been admitted in the area of commercial advertising that there ought not to be misleading advertisements.

There is already a restriction on freedom of speech in an electoral context (I have already referred to it), namely, the untrue statement that is defamatory. So, one cannot carry that argument to its absolute extreme. The Attorney-General is really saying that this Bill will interfere with the freedom to tell lies and to mislead in an electoral context.

The Hon. Mr DeGaris sought to make a somewhat facetious point when he referred to the question of a misleading fact. He raised a question of how a fact can be misleading. That was a creation of the honourable member's own mind. There is no reference in the second reading explanation or the Bill to a misleading fact.

The Hon. R. C. DeGaris: What about the second reading explanation?

The Hon. C. J. SUMNER: The Hon. Mr DeGaris had better check it.

The Hon. R. C. DeGaris: You'd better check *Hansard.*

The Hon. C. J. SUMNER: I have checked, and it is not there. In any event, there is a clear distinction in law between fact and opinion, as the Hon. Mr Burdett would know. To answer the Hon. Mr DeGaris, in his facetious

mood, the formulation in my Bill is not a misstatement of fact. That is not in the Bill. The formulation in the Bill refers to matters of a factual nature that are materially inaccurate: in other words, matters which are put forward as fact but which are inaccurate.

I have absolutely no problem with that concept, even though the Hon. Mr DeGaris apparently has. I do not think that that was a serious point that he raised. In any case, if the honourable member put it forward seriously, I can say that there is a clear distinction in law between fact and opinion, as the Hon. Mr Burdett would know. Those distinctions are drawn, and my Bill deals with matters of fact that are materially inaccurate.

The Hon. Mr Cameron raised the question of how one decides whether an advertisement is misleading. How does one decide in the commercial sense that an advertisement is misleading, or how does one decide under section 148 (to which I have referred) that a statement is untruthful and defamatory?

There are means by which these decisions can be made: they must be made through the courts. It is really quite a pointless argument to say that the courts could not determine whether an advertisement was misleading or whether material in an advertisement was inaccurate.

The Hon. R. J. Ritson: You would have a court case in every marginal seat in every election.

The Hon. C. J. SUMNER: The Hon. Dr Ritson is squawking from his seat again; he has not read the Bill either. Members opposite do not read these Bills; if they did, they would not be so stupid in their contributions.

The Hon. R. C. DeGaris interjecting:

The Hon. C. J. SUMNER: All right, if I did make a reference to a misstatement of fact in my second reading speech, I do not see any problem about that; it is not a definition that is in the Bill. If that was a statement that was made during the second reading speech, well and good; I am happy to live with it and I do not have any problems with it at all. There is a clear distinction between fact and opinion, as we all know.

The Hon. J. C. Burdett: But you said fact.

The Hon. C. J. SUMNER: The Hon. Mr DeGaris referred to a misstatement of fact. I have no problem with that statement at all and, of course, he was being facetious, as he is wont to be. There is no problem with the concept in any way. I am not trying to get at the question of unfulfilled promises. The Hon. Mr Cameron tried to say that three years after an election there could be a challenge, because a promise was unfulfilled; that is obviously absurd. If that occurs, the remedy must be a political remedy. The misstatement or the misleading statement must be in relation to a matter that is put forward as a fact, and not an opinion.

The Hon. Mr Cameron referred to the claim made in the 1975 election about the railways deal and that there would be a $800 000 000 saving to the State. That was put forward as a fact during that election and, if it was claimed that that was partly untrue, then that is a matter which could have been challenged at that time. If Liberal members thought that it was completely inaccurate and misleading, then it could have been challenged.

In more recent times I have referred to the wealth tax allegations made by the Liberal Party at the last Federal election. Let us look at that particular issue and at what the Liberal Party said on it. In the last week of the campaign before the election an advertisement appeared, which stated:

> Labor is committed to a new tax which would hit middle-income earners just as violently as the wealthy . . .
>
> It would attack hundreds and thousands of Australian families who own modest homes which have risen in value . . .
>
> If you sell your house to buy another, even if your house has only increased by the value of inflation, then you will pay a capital gains tax.

All those statements are blatant lies: they cannot be described in any other way. They are blatantly inaccurate and are deliberate lies. The Hon. Dr Ritson is trying to enshrine that sort of lying in a political process. The Labor Party's platform, which I will not go into fully and which the Liberals could have read, said quite clearly:

> Excludes the normal holdings assembled over a lifetime by persons and family units.

A further statement was made by the Federal Leader of the Opposition, Mr Hayden, which stated:

> There will be no wealth or capital taxes introduced in the three-year term of the Labor Government elected on 18 October.

There was no question of the wealth tax applying to ordinary homes and there was no question of a capital gains tax applying to the ordinary place of residence, if you sold that and obtained a capital gain in any way. It excluded the normal holdings assembled over a lifetime by persons and family units. Despite that, the Liberals, during the whole of that last week of campaigning, decided to put to the public, in advertisements, a pack of lies. These included statements such as the statement that hundreds and thousands of Australian families with modest homes would be subject to a wealth tax; that if you sold your house and bought another you would be subject to a capital gains tax. They were simply blatant lies.

The sort of thing this legislation is aimed at are the blatant lies that the Democrats were subject to in Western Australia and in this State at the last State election, when the Liberals said that if you vote for the Democrats you will be voting for Labor. That is blatantly untrue and is a straight-out misstatement. The Bill is not aimed at opinion or robust free debate in the community, but at those obviously blatant lies, of which there have been a number of examples in recent years.

The Bill complies with a number of criteria. In general, it is confined to the pre-election period and only applies to advertisements and statements of fact, not opinion. It is enforceable by way of injunction, and a correction can be ordered during the course of an election campaign. As I said, the newspapers are specifically excluded unless they are personally involved.

It would not automatically render a seat vacant, just because it had been proved that there had been misleading advertising; it would need an illegal practice of the kind which you had to prove, under section 182 (3) *(b)* of the Electoral Act, to have the result of the election affected. It would also be an illegal practice which would be subject to criminal prosecution.

The basic thrust of the legislation will apply to the pre-election period when such statements could be made and could unduly influence voters in a way which is completely contrary to the facts. I believe that the legislation comprises these criteria. There will, of course, be promises unfulfilled. There will be principles expressed that must have their ultimate sanction in the political process, but we should not sanction blatant lies; that is an abuse of democracy. This Bill is limited in scope and is aimed at those blatant pre-election advertisements. It is important that the Bill should establish a code of conduct and be an expression of view from the Parliament that condemns lying in an electoral context. The Australian Democrats and the Labor Party are prepared to support such a code of conduct. Unfortunately, the Liberals are not, and they deserve to be condemned for it. I ask that the Liberals accept the principle

of honesty in electoral advertising and give the Bill a second reading and then, if they have particular queries about the mechanics of it, how it would work in an electoral context, it can be talked about during the Committee stages; but it appears that they are not even prepared to accept the principle.

I can see that the issue is not without complications, but the basic principle, which ought to be accepted by this Chamber, is that there ought to be a fair code of conduct during elections and that blatant misrepresentation and misstatements should not be countenanced.

The Council divided on the second reading:

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

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

Pair—Aye—The Hon. J. R. Cornwall. No—The Hon. L. H. Davis.

Majority of 1 for the Ayes.

Second reading thus carried.

Bill taken through Committee without amendment. Committee's report adopted.

LAND AND BUSINESS AGENTS ACT AMENDMENT BILL

The Hon. J. C. BURDETT (Minister of Consumer Affairs) obtained leave and introduced a Bill for an Act to amend the Land and Business Agents Act, 1973-1979. Read a first time.

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

That this Bill be now read a second time.

It effects a number of amendments to the principal Act that have become necessary since the last full-scale review of the Act in 1975. The amendments are largely technical, although several new provisions have been inserted dealing with such matters as letting officers and providing for the introduction of continuous licences. The Bill has been prepared after detailed consultation over a period of two years with the real estate industry, the legal profession and other interested parties. The constitution of the Land and Business Agents Board is altered by providing for the appointment of five members, rather than the present four, to allow an extra nominee of the Real Estate Institute on the board. The structure of the board has been altered to bring it more into line with other boards administered by the Department of Public and Consumer Affairs. Provision is made for the appointment of standing deputies to ensure that groups on the board will not be left unrepresented through sudden illness or absences. At the same time the responsibility of members to attend board meetings is clarified and a new quorum requirement is inserted. A similar amendment has been made relating to the terms and conditions of office members of the Land Brokers Board.

Section 16 of the Act, which deals with the entitlement of a corporation to hold a licence, is amended to enable the board to exempt from the requirement to be licensed or registered, a director of a proprietary company who takes no active part in the business provided the other directors who are actively involved are licensed or registered. It is also proposed that the exemption be unconditional and for no fixed period, although it will be revocable by the board if it becomes apparent that the exempted director is taking part in the business. The provisions will remove possible hardship in cases where directors would otherwise be required to obtain qualifications as agents, because of company law requirements dealing with minimum numbers of directors, but where they take no active part in the business.

The Bill inserts a new provision dealing with letting officers employed by agents. At present all land agency employees who act solely as letting officers must be registered as salesman under the Act and comply with the requisite educational qualifications. With the advent of the Residential Tenancies Act, 1978-1981, an increasing proportion of agents are concentrating solely on the letting and management of residential premises owned by client landlords. However, at present, these persons must obtain qualifications which really over-qualify them for the work that they are performing. Therefore, the Government has decided to deregulate these persons by exempting them from the requirement to be registered under the Act if they are in the employment of a licensed agent and engaged solely as a letting officer arranging leaseholds other than business leaseholds. The amendment does not affect those who carry on business as letting officers other than as employees of licensed agents who are still required to be licensed as agents.

Several sections of the principal Act have been redrawn and clarified. Section 45, which deals with an agent's authority to act and his commission, has been clarified to apply only to commission. The new provision makes it clear that an agent is not to receive commission if the contract to effect the transaction is rescinded or avoided pursuant to the Act. Further provision is made that if a prospective purchaser cools-off pursuant to section 88 of the Act and the same purchaser and vendor enter into a subsequent contract, commission is to be payable to the agent if it would otherwise have been payable, for example, pursuant to the terms of the agency agreement. In all other cases the question of entitlement to commission is to rest on common law principles.

Section 61 has also been amended in order to simplify what has become regarded as a complex and anomalous provision. In effect the amendment is designed to protect the *status quo* by ensuring that only legal practitioners or licensed land brokers may prepare instruments dealing in land for a fee, although the employer of a broker employed continuously since 1 May 1973 may charge a fee for instruments prepared by the broker in certain circumstances. This provision reaffirms the principle that the functions of brokers and agents should be kept separate to avoid any conflict of interests, while protecting the employment of brokers and practitioners who would otherwise not be able to act while employed by an agent.

Sections 88 and 90, which provide for the two-day cooling-off period and for the disclosure of information to the purchaser of land, have been largely redrafted with a view to making them more compatible. The obligation to furnish section 90 statements will now apply on the same occasions when a cooling-off period applies, so that the information will be of use to those receiving it. Agents are also assisted in furnishing these statements by placing on relevant authorities (including local councils) a duty to provide to agents the information agents are obliged to obtain. Section 88 has also been clarified in relation to the time within which a purchaser may cool-off under the contract for the sale of land.

In addition, the amount of the permitted deposit that may be retained by the vendor if a purchaser does exercise his cooling-off rights has been increased from $25 to $50 in line with inflation. Future increases in this amount may be made by regulation. The position with regard to the making of option payments has also been clarified.

The Bill alters the Act to provide that the licences for agents and brokers and the registration of salesmen and

managers are continuous, rather than renewable, upon payment of an annual fee and lodgment of an annual return containing prescribed information. If the fee or return is not lodged, the Board may require the agent or broker to comply within a specified period, otherwise the licence is suspended. If the licensee pays the fee and lodges the return by 30 June in the year required the licence is automatically renewed, otherwise it will lapse. This provision has the effect of deregulating licensees to some extent by deleting the requirement of seeking licence renewals and avoids problems which may occur if a licensee forgets to apply for a licence renewal and then has to reapply for his licence.

The Bill inserts a new section 98a which prohibits the auction of land or business on Sundays. This provision replaces a similar prohibition which occurs in the Auctioneers Act, 1934-1961. The Bill which repeals the Auctioneers Act will come into operation at the same time as section 98a.

Several other minor amendments have been made by this Bill. Section 41 of the Act has been amended to set out exhaustively those descriptive names a licensed agent may adopt when advertising. The trust account provisions of the Act have been amended in two respects. First, section 63 deals with an agent's responsibility to keep moneys received as an agent in a trust account and prohibits him from withdrawing those moneys except to complete a transaction. An amendment has been made to allow such moneys to be paid into court where a dispute has arisen between the vendor and purchaser and legal action has been instituted. This is in line with provisions in other legislation whereby money may be paid into an appropriate court. Secondly, section 66 has been amended to provide that any interest paid or credited in respect of an agent's trust account must be paid to the Board including any interest paid directly on trust accounts by banks.

Section 78 has been made more flexible by permitting the Land and Business Agents and Land Brokers Boards to suspend, as well as cancel, licences and registrations and by increasing the power to fine to $1 000. Finally, the Bill increases, by way of schedule, all penalties under the Act which have not been increased since 1973. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides that the measure is to come into operation on a day to be fixed by proclamation. Clause 3 amends the definition section, section 6. The clause amends the definition of 'salesman' so that the term does not include a person who negotiates for the acquisition or disposal of a leasehold other than a leasehold in respect of land to be used for the purposes of a business.

Clause 4 amends section 7 of the principal Act which provides for the constitution of the Land and Business Agents Board. The board is presently comprised of four persons, one appointed on the nomination of the Real Estate Institute, and the remaining three (one of whom must be a legal practitioner) being chosen by the Minister. The clause amends this section so that it provides for a board of five, comprising a chairman who must be a legal practitioner, two persons nominated by the Real Estate Institute and two who have, in the opinion of the Minister, appropriate knowledge of the interests of purchasers of land or businesses.

Clause 5 amends section 8 of the principal Act which relates to the terms and conditions of office of members of the Land and Business Agents Board. Under the clause, provision is made for the appointment of standing deputies rather than, as is the present position, separate appointments each time the need arises. The clause also provides that the office of a member of the board shall become vacant if the member is absent from three meetings of the board in any period of 12 months without the leave of the Minister.

Clause 6 amends section 9 by making consequential amendments relating to the quorum for meetings of the board. The clause also inserts a provision requiring the chairman of the board to decide any questions of law arising for decision by the board.

Clause 7 amends section 16 of the principal Act which requires the directors and other officers of any corporation licensed as an agent to be licensed or registered as managers. Since 1979 proprietary companies have been required by the Companies Act to have at least two directors and difficulties experienced by licensed corporations in finding a second licensed or registered director have prompted the board to grant exemptions under subsection (3) of section 16. This clause amends subsection (4) of the section so that it provides that the board shall grant an exemption to any such proprietary company where the unlicensed and unregistered director does not actively participate in the business of the company conducted pursuant to the land agent licence.

Clause 8 repeals sections 17 and 18 of the principal Act and sustitutes new sections providing for the initial grant of an agent's licence and, instead of the present licence renewal procedure, a procedure under which the licence continues in force unless the holder of the licence fails to pay an annual licence fee and lodge an annual return. Clauses 9, 10 and 15 make corresponding amendments in relation to the grant and renewal of registration of salesmen, registration of managers and licences of land brokers, respectively.

Clause 11 amends section 41 of the principal Act which provides that any advertisement by an agent must contain a statement that the agent is a licensed agent. The clause amends the section by listing the expressions that may be used to state the fact that the agent is a licensed agent. 'Licensed real estate agent' is included amongst the expressions listed.

Clause 12 amends section 45 of the principal Act relating to the payment of commission to agents. The amendment is designed to clarify the original purpose of subsection (3), namely, that commission is not payable where a contract for the disposal of any land or business is rescinded or avoided under a provision of this Act, as opposed to rescission or avoidance under the common law. The effect of this would be that where rescission or avoidance is effected under the common law, the question of whether commission is payable would be determined according to the common law rules. The clause goes on to provide that rescission under section 88 does not prevent the agent claiming commission if the parties to the contract subsequently enter into another contract in respect of which commission would, apart from the section, have been payable to the agent.

Clause 13 amends section 46 of the principal Act which, at subsection (2), prohibits an employee of an agent from having an interest in the purchase of land that the agent has been commissioned to sell. The clause empowers the board to grant an exemption from subsection (2) for an employee of an agent other than an employee who is a registered manager or salesman. Clause 14 amends section 50 of the principal Act, which deals with the terms and conditions of office of members of the Land Brokers Licensing Board. The clause proposes amendments to this section which correspond to those proposed by clause 5 in relation to the Land and Business Agents Board.

Clause 15 has been explained in conjunction with the explanation of clause 9. Clause 16 amends section 61 of the principal Act, which prohibits the preparation for fee or reward of instruments relating to land transactions except by legal practitioners and licensed land brokers. Section 61 also prohibits the preparation of instruments by land agents or persons connected with land agents' businesses whether or not it is done for fee or reward. The clause makes amendments to the provisions which create exceptions to these two prohibitions. The effect of these amendments is as follows:

1. the present position under subsection (1a) is continued in so far as that subsection entitles a party to a transaction to prepare an instrument for a fee if it is prepared by a legal practitioner or land broker who has been in his employment since before 1 May 1973;

2. an agent or related person is entitled to prepare an instrument in the following circumstances:

(a) if the agent is not acting as agent in the transaction, the agent or related person is a party to the transaction, no fee is charged and the instrument is of a class prescribed by regulations;

(b) where the instrument is prepared by a legal practitioner or licensed land broker who has had such qualifications since 1 May 1973, and has held a position connected to the agent's business since before that date (this being the present position by virtue of subsection (4)); or

(c) circumstances prescribed by regulation.

The provision for exemption by the Board under subsection (5) is not altered by the clause.

Clause 17 amends section 63 of the principal Act which regulates the keeping of trust accounts by agents. The clause inserts a new provision designed to make it clear that an agent may withdraw moneys from his trust account and pay the moneys into court in any action to which the person or persons entitled to the money are parties.

Clause 18 amends section 66 of the principal Act which requires each agent on or before the last day of February in each year to pay interest earned during the preceding year on interest-bearing trust securities to the board. The clause amends the section by providing that only interest that has been actually paid or credited in respect of the securities is required to be paid to the board, thereby avoiding the need for a special accounting exercise to be undertaken for the purpose of this annual payment. The clause also requires interest earned on the agent's trust accounts to be paid to the board for the consolidated interest fund. This latter requirement is not to apply to interest earned in respect of a trust account that has been maintained as a separate account on the instructions of the agent's principal.

Clause 19 amends section 77 which sets out definitions of terms used in Part IX relating to the conduct of investigations, inquiries and appeals. The clause inserts a provision designed to enable disciplinary action to be taken by the board (the Land and Business Agents Board or the Land Brokers Licensing Board, as the case may be) in respect of a person who has been guilty of misconduct but has ceased to be licensed or registered.

Clause 20 amends section 78 of the principal Act which provides for the disciplinary powers of the Land and Business Agents Board or Land Brokers Licensing Board in relation to licensees or registered persons. Under the clause the maximum fine which either board may impose upon a licensee or registered person guilty of misconduct is increased from $100 to $1 000. Each board is also empowered under the clause to suspend a licence or registration as an alternative to the exercise of its present power of cancelling a licence or registration and to order disqualification where cancellation is not possible because a licence or registration has lapsed, been surrendered or otherwise terminated.

Clause 21 amends section 88 of the principal Act which provides a cooling-off period for certain purchasers of land. Under the clause a purchaser would be entitled to rescind a contract for the sale of land before 'the prescribed time'. The prescribed time is defined in paragraph *(d)* of the clause as being the expiration of two clear business days after the day on which the contract is made in any case where section 90 statements are properly served upon the prospective purchaser before the making of the contract, or the expiration of two clear business days after the service of the section 90 statements in any case where the section 90 statements are properly served after the contract is made and before the time before which the section 90 statements are under section 90 required to be served upon the purchaser, or, finally, the time at which settlement takes place in any case where section 90 statements are not served upon the purchaser in compliance with section 90.

The clause amends the section by increasing the amount of any deposit that a vendor may retain in the event of the contract of sale being rescinded from $25 to $50 or such greater amount as may be prescribed by regulation. The clause amends subsection (1b) and (3) in order to make it clear that a vendor may in the event of the contract of sale being rescinded retain any moneys paid in consideration of an option to purchase the land the subject of the sale.

The clause amends subsection (4) which sets out those persons who are not entitled to the benefit of the cooling-off period. The clause provides for the deletion of paragraph *(a)* of subsection (4) the effect of which would be to entitle any agent, registered manager, registered salesman, licensed land broker or legal practitioner to the benefit of the cooling-off period and inserts new paragraphs *(a)* and *(b)* the effect of which would be to deny the benefit of the 'cooling-off period' to any purchaser that is a body corporate or any purchaser who exercises an option to purchase the land not less than seven days after the grant of the option and not less than two clear business days after section 90 statements are properly served upon him. Finally, the clause makes amendments to the definition of 'section 90 statements' that are consequential to amendments proposed in respect of section 90.

Clause 22 amends section 89 of the principal Act which prohibits sales by instalments but permits the payment of a deposit by not more than two instalments. Under the clause a deposit would be payable by not more than three instalments. Clause 23 amends section 90 of the principal Act which requires the vendor of any land or business and his agent to provide to any purchaser or prospective purchaser certain information relating to the land or business. The clause amends the section so that the information will not be required in respect of the sale of businesses, the purchasers of businesses never having had, under section 88, the benefit of the statutory cooling-off period.

The clause amends the section so that notices of purchasers' rights under section 88 would be required to form part of the statements required to be served upon purchasers under section 90, that is, the 'section 90 statements'. Under the present provisions, such a notice is a separate document and under section 88 in its present form the time of its service upon the purchaser constitutes one of the determinants of the expiration of the cooling-off period. The clause amends the section by providing that a statement provided under the section by the vendor of a unit, within the meaning of section 223m of the Real Property Act, 1886-1980, must include information prescribed by regulation.

The clause inserts new subsections (2aa) and (4b) which would require the vendor or agent, respectively, to provide

a further statement or statements to the purchaser setting out any variation or further variation in the particulars set out in a statement that is served before the execution of the contract of sale where the variation or further variation comes to the knowledge of the vendor or agent before the execution of the contract. The clause amends the definition in subsection (9) of the encumbrances which are to be included in section 90 statements by deleting the exclusion from that definition of any interest in, or affecting, land that exists by virtue of an instrument registrable under the Real Property Act. The clause inserts a new subsection requiring any council or statutory authority that has imposed or has the benefit of any charge or encumbrance over any land or business to provide any person who is required by section 90 to give particulars of such charge or encumbrance with such information as he reasonably requires in order to comply with that requirement.

The clause inserts new subsections (12) and (13) which are designed to ensure that no common law liability (as opposed to the statutory liability provided by subsections (6) and (7)) may be incurred by reason of any omission, misstatement or variation in the particulars given under the section or any failure to comply with the section. Finally, the clause inserts a new subsection (14), the effect of which would be to remove the obligation to provide section 90 statements in all cases where a purchaser would not have the benefit of a cooling-off period under section 88.

Clause 24 amends section 91 of the principal Act which requires that a purchaser of a small business be provided with certain information in relation to the business and provides certain remedies for the purchaser if the information is not supplied or is inaccurate. A small business is presently defined as any business that is sold for a total consideration of less than $30 000. The clause amends this definition by increasing that limit to $40 000 and by providing that, where land is sold as a part of the business, the total consideration shall not include the value of the land.

Clause 25 inserts a provision prohibiting the conduct of an auction for the sale of land or a business on any Sunday. Clause 26 amends section 107, the regulation-making section of the principal Act, by empowering the making of regulations providing for a refund of fees in certain circumstances or at the discretion of the board. Clause 27 sets out a schedule increasing the amounts of the penalties for the various offences contained in the Act.

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

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL

Read a third time and passed.

STATUTES AMENDMENT (JURISDICTION OF COURTS) BILL

Bill recommitted.

New clause 42aa—'Powers conferred on special justice.'

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

Page 10—Insert the following new clause after clause 42 and before clause 42a:

42aa. Section 5 of the principal Act is amended—

(a) by striking out from subsection (2) the passage 'subsections (3), (4) and (5) of this section' and substituting the passage 'subsection (3)'; and

(b) by striking out subsections (4) and (5).

I regret that during the course of drafting there was an oversight in the amendments. It has been discovered that section 5 of the the principal Act should be amended to ensure that the provision that a special justice can hear minor indictable offences is repealed. Amongst other things, section 5 of the principal Act does allow a special justice to constitute a court of summary jurisdiction to hear a minor indictable offence in certain cases. The new clause is designed to repeal that portion of section 5 which presently allows a special justice to hear minor indictable offences.

New clause inserted.

Bill read a third time and passed.

[Sitting suspended from 5.45 to 7.45 p.m.]

RACING ACT AMENDMENT BILL

The House of Assembly intimated that it had agreed to the recommendations of the conference.

PLANNING BILL

Adjourned debate on second reading.

(Continued from 1 December. Page 2138.)

The Hon. J. C. BURDETT (Minister of Community Welfare): I thank honourable members for their contributions to the debate. The members who spoke, particularly the Hon. Miss Levy, quite properly addressed themselves in considerable detail to the clauses of the Bill. I do not suggest there was anything wrong with that. The speakers, particularly the Hon. Miss Levy, expressed very strong support for the principles of the Bill. This is very much a Committee Bill, and I do not intend in my reply to address myself to all of the clauses that were discussed. Those matters will arise in the Committee stage. However, I intend to answer the questions that were asked by the speakers and to refer to some of what I consider to be the more important points that were raised in regard to the clauses of the Bill.

The first area in which I must join issue with the Hon. Miss Levy is her statement that it is 14 years since the first planning Act came into force in this State. That was the Planning and Development Act. I cannot agree with that statement. The Town Planning Act, 1929-1963, was, whatever else it might have been, a planning Act. That Act would certainly not be adequate in the present state of development of South Australia, but it was a planning Act.

I thank the Hon. Miss Levy particularly for her support for the principle of the Bill. She followed this with disagreement to a large number of areas and foreshadowed a number of amendments, but she strongly supported the principle, and, in particular, the fact that the time had come for a brand new Bill.

The Hon. Miss Levy objected to the provision for notification of application being dependent on the regulations. He considered that provision for third party appeal rights for all consent uses should be written into the Bill. However, I believe that it would not be possible to contemplate all of the circumstances in which third party appeal rights would be appropriate. There would be an endless list to write into the Bill, which would be ever-changing, because, as circumstances changed as we went further down the track, in three or five years things might be quite different. Such provisions are quite appropriately provided by regulation. There is no doubt about the Government's intention to make regulations in this regard. Regulations are being considered in draft form at present. If the Bill passes in its present form in this regard, obviously the Government poli-

tically could not do anything but make appropriate regulations in regard to third party appeals.

The Hon. Miss Levy claimed that the Bill was being dealt with in unnecessary haste. I suggest that this is not the case, because the principle of the Bill has been around and has been talked about for a long time. A Bill was tabled in June, and in concept and general principle it has been adhered to in the present Bill. The Hon. Miss Levy said that it would make no difference to the proclamation of the Bill if the Bill was allowed to lay on the table until February or if progress was reported in the Committee stage until February, but I suggest that that is not a proper and valid observation, because the drafting of the regulations and the preparation of the consolidated development plan cannot really go ahead seriously and in detail until the fate of the Bill is known.

The Hon. Miss Levy, in regard to clause 6 (4), asked whether one of the proposed amendments to the City of Adelaide Development Control Act would provide for environmental impact statements to be prepared in respect to certain developments within the city. The answer is that no decision has yet been taken regarding the precise form of consequential amendments to the City of Adelaide Development Control Act. I make the point that that Act empowers both the council and the commission to call for additional information in regard to a major development proposal. This information could take the form of an environmental impact statement. Therefore, in answer to the honourable member's question, I indicate that no determination has been made in regard to amending that Act in the form of requiring an environmental impact statement.

The Hon. Miss Levy also stated that, when it was first introduced, the Planning Bill provided planning authorities with the opportunity to bring supplementary plans into effect for a limited period immediately on public exhibition, rather than, as is usual, the plans taking effect from the date of gazettal. She claimed that this provision had been deleted from the current draft Bill and argued that it should be reinserted. This provision has not been reinserted, because the introduction of a control for 12 months based on a draft plan that had not undergone public comment or approval by the Government would have a drastic effect on property values and would conflict with principles of natural justice.

Clause 6 (2) provides for the exclusion, by proclamation, of specified portions of the State for specified forms of development from the application of the Act or parts of the Act. It was claimed by the honourable member that this provision should be activated by regulation rather than by proclamation. While I understand the honourable member's reasons, I suggest that the Government of the day should have the power to act swiftly and decisively. The point is that when the exclusion had been provided, whether by proclamation or regulation, people would act on it. Applicants would act on the proclamation or regulation. If this provision was made by regulation, they might act on it for some time and six months later the regulation might be disallowed. It appears to me that in this area proclamation is appropriate.

Clauses 10 to 14 specify the composition of the proposed Planning Commission and the Advisory Committee. There is no specific provision for either the commission or the committee to have representatives of both sexes, nor does clause 14 provide for trade union representation on the Advisory Committee. The honourable member claimed that these clauses should be amended to so provide. The size of the Advisory Committee, I suggest, is adequate for its functions. The qualifications and experience of the Chairman and members are satisfactory, as set out in the clauses. The clauses as expressed are the outcome of numerous submissions and discussions. It is imperative to have members who have the expertise to do the job, whether they be male or female, but it is not necessary to write this into the Bill.

The Hon. Miss Levy stated that there was no reference in the Bill to the reappointment of the existing commissioners of the Planning Appeal Board and asked whether I would give an assurance that the existing commissioners would be reappointed. It was thought appropriate not to make specific reference to that matter in the Bill, because the appointment of commissioners is an administrative matter, but I give an assurance that existing members will be reappointed.

The Hon. Anne Levy: On the same terms and under the same conditions?

The Hon. J. C. BURDETT: Yes. The honourable member referred to clause 46 (4) *(a)*, the prohibition of development normally permitted. The Hon. Miss Levy pointed out that, as first introduced, the Bill incorporated a provision enabling councils to prohibit development specified as being permitted without consent if the council was of the opinion that the development was hazardous or affected amenities, for example, an ugly building. She said that this provision should be reincorporated into the Bill. The Government considered that this provision was unreasonable in so far as it was susceptible to abuse by councils and created uncertainty for land owners.

The Hon. Anne Levy: Ha ha!

The Hon. J. C. BURDETT: It certainly would if that power were included. The point made by the Hon. Miss Levy in relation to clause 54 (5) was that this clause provided for a period of grace during which powers under the Bill to require the removal of an advertisement cannot be invoked. She said that the period proposed was three years but should be reduced to one year. It should be noted that many contracts for advertisements are for a period of three years, and accordingly this period seems reasonable.

The Hon. Miss Levy also referred to clause 60, which deals with land management, and said that in many respects it closely parallels the Heritage Act. She asked whether amendments were planned to the Heritage Act to remove mention of heritage agreements and to transfer some of the powers from that Act to the Planning Act. The answer is 'No'. This clause is intended to apply primarily to urban situations not involving heritage items. Accordingly, it complements the Heritage Act. There is no intention to amend the Heritage Act.

The Hon. Miss Levy also referred to Part VII of the Bill, which deals with land management and said:

> In the event of repeal of the Marginal Lands Act, which appears likely, some provision needs to be made for the future control and management of lands which formerly were subject to that Act. No specific provision appears to have been made in this Bill.

I point out to the Hon. Miss Levy that it is considered that development control and land management provisions incorporated in this Bill will prove adequate for the management and control of marginal lands in the event of the repeal of the Marginal Lands Act. They are all the matters that I propose to refer to in reply to the Hon. Miss Levy's speech. As I have said, while she quite properly referred to all of the clauses on which she had points to make, this is a Committee Bill and I do not propose to refer now to every clause on which she spoke.

The Hon. Mr DeGaris referred to clause 7 and said that the Bill provided for the Minister of the Crown and prescribed instrumentalities or agencies of the Crown to be subject to development control procedures separate from those applicable to private developers. The instrumentalities or agencies to be subject to such procedures are to be specified in regulations. He said that the Crown and all its

agencies should be bound by the same provisions in the Bill as are private developers. In reply, I point out that, if the Crown is required to apply to the Planning Commission for approval to undertake development and an application is refused by the commission, the legal implications of appeals by the Crown to the Appeals Tribunal and the courts are complex. Requiring the Crown to seek approval for development from a local authority is unacceptable to the Government. The Bill introduces a system similar to that operating by Cabinet directive in the city of Adelaide. Councils must be consulted and there are no legal complexities. Agencies not prescribed will follow the same procedures as a private developer and have the same appeal rights. Prescribing agencies should remove the uncertainty of not knowing whether a particular agency is, or is not, the Crown for the purposes of the Act.

The Hon. Mr DeGaris raised the same point as the Hon. Miss Levy in relation to clause 52, namely, that third party appeal rights should be set out in the Bill rather than left to regulation. I answered that point before by saying that those classes of people who ought to have third party appeal rights would be so diverse and would change so much from time to time that this could be more fittingly left to regulation. Once again, I thank honourable members for their very careful and sensitive speeches on this Bill and commend the Bill to the Council.

In Committee.

Clause 1 passed.

Clause 2—'Commencement.'

The Hon. J. C. BURDETT: A number of members have indicated that they wish to place amendments on file. To allow this to be done, I ask that progress be reported.

Progress reported; Committee to sit again.

REAL PROPERTY ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 18 November. Page 2005.)

The Hon. ANNE LEVY: I support the second reading. I do not wish to discuss the Bill in any detail. It is consequential on the Planning Act, which has been dealt with to the second reading stage. On examination of this Bill, one finds that a number of matters which were previously dealt with in the Planning Act have now been moved to the Real Property Act, and it is probable that they are more appropriately located in that Act. I refer to matters such as controls to the hills face zone and provisions for open space or park areas in subdivisions that previously came under the Planning Act. There has been some updating of monetary values in accordance with decreasing values of money, but in principle there is no change to any of the measures which were previously in the Planning Act and which will now be found in the Real Property Act. I support the second reading.

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

MOTOR VEHICLES ACT AMENDMENT BILL (No. 5)

Adjourned debate on second reading.

(Continued from 1 December. Page 2141.)

The Hon. N. K. FOSTER: In a broad sense, the Opposition supports this Bill, but indicates that it will move an amendment relating to one matter, namely, the tribunal and the representation thereon. Indeed, the Opposition foreshadows moving an amendment which will allow the Trades and Labor Council to nominate a person as a member of the tribunal.

I take this opportunity to say that this is a significant Bill, the first Bill relating to this matter having been before the Council initially two years ago. In a sense, the present Government owes its occupancy of the Treasury benches of this Parliament to this legislation, which was previously the subject of a Select Committee.

I should like at this stage to pay a tribute to the late Mr Bill Lean, who presided over a number of conferences and the steering committee relating to this industry and who suddenly died before the 1979 election. Had it not been for Mr Lean's untimely death, I venture to suggest that the Labor Party may well have still occupied the Treasury benches.

The Bill deals with one aspect of this industry, which has had a history of some turbulence. However, the Bill does not at this stage provide for other aspects of the industry, which were the subject of a searching inquiry of a joint committee relating to crash repairers, tow truck operators, motor vehicle loss assessors and the motor vehicle industry. I mention that committee briefly because I may later, before the conclusion of this evening's debate, dwell on aspects of its report.

This Bill does something that is to the satisfaction of those responsible areas of the tow truck industry that expressed concern to the Select Committee. I will not deal with that aspect now, as I am prohibited from doing so, merely because the Government did not reconstitute that committee to enable it to consider further the evidence that it had received from a wide range of people and to report its findings. I hasten to inform some Government members who were members of the Select Committee that, if there is any parallel between what I say this evening and what they may be thinking, and should it appear that I am using any evidence that was presented to the committee, I have in my folder in the Chamber material that would, in other circumstances, have been presented to the committee. I merely telegraph to some Government members that some of the written submissions were in my hands before they were submitted as evidence to the committee. I do not think that that will inhibit me from reading this material if I so desire. However, I do not have to do so.

Before dealing with the Bill and its various clauses, I should like to refer to what has happened in other States. Honourable members may recall that a great deal of interest was taken by the Victorian State Parliament in relation to the Bill that was then before this House. That Bill was indeed a guiding Bill for those in New South Wales who were looking at similar legislation. Following the appointment of the Select Committee and defeat of the former Government in South Australia,legislation has been enacted in that State.

I hope that the South Australian Minister has had a good look at that legislation, as there is quite a difference between the two sets of legislation. Indeed, the Bill that is now before the Council relates in isolation to tow trucks, whereas the New South Wales legislation is all-embracing. The Opposition hoped that this would have been a feature of the South Australian Bill.

As I said previously, the tow truck industry in South Australia has had a turbulent history. Indeed, malpractices have occurred therein and are about to occur again, despite the introduction of this legislation. I hope later to refer in more detail to that aspect. Although the Opposition has foreshadowed moving only one amendment, the Opposition hopes that the Attorney-General, representing his colleague in another place, will take on board many of the remarks that are made regarding this industry. The Attorney-Gen-

eral may well be advised to convey to his colleague the point that, although this legislation may be the first approach by the present Government in relation to this industry, other matters that will certainly manifest themselves quickly on the passage of this legislation will need very urgent attention. Some people in this industry will, after the passage and proclamation of this legislation, want to reassert themselves in the industry. This means that the Minister will have very quickly to pay attention to other areas of the industry.

If one wanted to deal with, say, the safety of repaired vehicles, one could show members an overwhelming amount of evidence that was given to the Select Committee. This sort of thing leaves the public dangling in respect of its rights and in relation to one's expecting one's vehicle to be repaired in a safe and proper manner. Realising that the Standing Orders do not allow this sort of evidence to be brought into the Chamber, one could show honourable members outside this place motor vehicle panels that have been repaired after having been damaged in vehicular accidents. One could show members, for instance, kilograms of putty that have been used on motor vehicles, illustrating that those vehicles have been without a chassis and other major body components. This would indeed indicate the necessity for this Bill to go further than it goes.

Some of this work has been done by people to whom I have referred over the past two years. Indeed, it has been done on vehicles that have been put back into the secondhand motor vehicle industry. Those vehicles have then been disposed of through normal business transactions in the industry. Such vehicles have perhaps cost secondhand car purchasers as much as $6 000 or $7 000. Vehicles such as the Holden Caprice, Premier or Statesman, which have been involved in accidents, could almost burst to pieces following their repair in backyard workshops.

One particular case to which I refer is that of a car which had been repaired by a person who was an architect working for a company far remote from the vehicle industry. I would like the Attorney-General to pay attention to this as I know that he may have other Ministerial duties that he may like to skip through during the course of this debate.

The Hon. K. T. Griffin: I am listening.

The Hon. N. K. FOSTER: Thank you. The Victorian towing industry is controlled by two people, Maneti and Leversha. They obtained control of the industry in Victoria by bashing and standover tactics. They own all the tow trucks in Melbourne. If any operator tries to cut in, they picket his shop until he submits. In Western Australia, Leversha, one of the same people as in Victoria, has bought the controlling interest in the biggest towing company in Western Australia, namely, Kimber's Day and Night Towing. Therefore, he will use the same tactics to get control in that particular State.

There are 68 companies operating in the Adelaide metropolitan area, but this number may have decreased or increased a little in the past few months. There are 128 towing vehicles which tow approximately 12 000 jobs per annum. O'Leary Crash Repairs Pty Ltd of Prospect operates 27 towing trucks and has been seen with Leversha both in Melbourne and Adelaide. Glen Fairman, of Modbury Crash, has joined with O'Leary after being 'blacklisted' by the S.G.I.C. This came about because the shop foreman of Modbury Crash asked the owner of a vehicle that they were repairing to sign a clearance form before the car repairs were completed, and they claimed payment from S.G.I.C. for such repairs.

The Minister may remember some questions I asked during the past year or so regarding this matter. Mr Fairman saw the Premier, but the Premier refused to direct the S.G.I.C. to lift its ban. The amalgamation of O'Leary and Modbury Crash has resulted in their now employing a young woman to canvass for accident towing by way of house-to-house calling, and cards are supplied, offering up to $200 if they get the tow. As I said a few moments ago, this indicates that we are about to see, upon the passage of this legislation, a reassertion of some of the areas of personality clashes and some real clashes of opposing interest in respect to this particular industry. One could also say, and I do not have the figures to support this, that there has been an explosion in the number of tow trucks that have been noticed in and around the city and a transfer of interests by change of company name and so forth over the past few months. This is in anticipation of the passage of the Bill.

There is nothing new in the anticipation of an industry in respect of the passage of Bills. During the passage of the last Bill, the Tow Truck Operators and Owners Association (as they call themselves) publicised a constitution, as it was called, which said that the name of the association shall be the Tow Truck Operators and Owners Association of South Australia Incorporated, herein after referred to as the association.

Members may remember that the object of membership was contained on pages 1 and 2. The first Bill was known perhaps as the Virgo Bill. They very cunningly, and with some legal advice, took the Bill clause by clause. They said that they could do much better. It may well have been that false premise which led the then Opposition to fall for the thimble and pea trick and start to align themselves with some of the worst elements of the industry in respect of that particular matter.

I recall that Mr Ted Chapman, who at the time was the shadow Minister of Transport, had a great deal to do with this. Later, of course, he sought to be relieved of those duties after he had placed himself in a position with this particular unscrupulous sector of the industry. He was changed from shadow Minister of Transport to another position.

The Hon. C. M. Hill: He didn't say that at all.

The Hon. N. K. FOSTER: I request your attention to Standing Orders, but I thank you for the interjection.

The Hon. C. M. Hill: You get your facts right.

The Hon. N. K. FOSTER: I thank you for the interjection. It so happens that a certain member of Parliament sought to prevail upon some members of the Chamber as to his whereabouts on a particular night. I can inform the Chamber that he addressed a meeting at the rear of the Maid and Magpie Hotel. The date escapes me; that is not important, but the occurrence is, and Mr Chapman addressed a gathering and castigated certain members of Parliament at that time and even encouraged violence towards them. I happened to be at the rear of the building between a couple of rubbish bins, the big ones that are put there by another operator in a business essential to Adelaide. I heard everything that went on.

Later, for your information, Mr Hill, I was close to a gathering that you addressed in the Hillcrest area some four months after that, while you were a member of a Select Committee. Your interest in the Select Committee was two-fold, but as a Parliamentarian you had a general interest. I make no criticism of you for having certain insurance interests within the Commonwealth, but I do object to your using your position as an elected member of Parliament, both before you were in office and since you have been in office, to ensure that there is some wrong and misguided false protection given to the insurance industry, in respect to the crash repair and automotive industry generally, particularly to assessors. I have already read to you matters relating to Modbury Crash where we have a

situation where obviously an assessor—and it is since you have been in office—had not been playing the game. I do not resile from making statements that are made to me and are subsequently given as evidence, that assessors are not what they are purported to be so far as your particular Party is concerned. I know your attitude, and it is traditional—to protect the insurance industry.

The Hon. C. M. Hill: Do you support the Bill or not?

The Hon. N. K. FOSTER: I am supporting the Bill. If you remember, I said that I support it but I want to make a critique of the industry. I will deal with the Bill clause by clause, to the extent that it does not become wearisome and tedious. If the honourable member is not concerned about a takeover bid by interstate scoundrels, one can only assume that he does not mind because he may well be a part of it; but I hope that he is not.

The Hon. C. M. Hill: You've let your imagination run wild.

The Hon. N. K. FOSTER: The Hon. Mr Hill says that I have let my imagination run wild.

The PRESIDENT: You were doing well. I do not see why you need to be upset.

The Hon. N. K. FOSTER: I am not upset. The Minister should get out of his white car (now that he has it) and get into a tow truck and look at what happens. When the Minister was in Opposition he took much glee in coming into this Council and saying that he had been held up on the Mount Barker Road because of a crash; he saw much that transpired. Today, he does not want to hear much about it because he is in Government.

The Hon. C. M. Hill: You are supporting the Bill; we are all mates tonight. Why are you getting upset?

The Hon. N. K. FOSTER: The Minister is jumping the gun. We are not opposed to the Bill, but I can remember the Hon. Mr Hill saying that we should all be brothers, yet he fought like hell against the roster, and now he is upset if I do not bend over backwards. The Minister should remember his attitude and that of the Hon. Mr Cameron.

The Hon. M. B. Cameron: You know that what you were doing was wrong: the roster system was wrong. You left a section out, and that was not right.

The PRESIDENT: Order!

The Hon. N. K. FOSTER: The then members of the Opposition said that a roster system was outside normal business practice. They said it should be the unfettered right of the strongest to beat the weakest around the head. The then Opposition put the late Mr Lean under much pressure. You were unfair to him in the extreme, especially the Hon. Mr Burdett.

The Hon. C. M. Hill: That is untrue.

The Hon. N. K. FOSTER: It is not. I could refer to a *Four Corners* programme of June 1979, but I will not do that now. I am surprised that the Bill does not contain a clause that affords the public protection in respect of the industry. I would now like to direct my comments in a broad sense on this Bill rather than the Bill of 1980. The Virgo Bill contained about 50 or 60 pages covering the whole industry, yet this Bill runs to only 10 pages in totality. It is protection versus acquiescence. Obviously, if some members of the industry are the people from whom the Liberal Party received its money to fight the last election and if they are the people to whom the Liberal Pary owes a debt, then naturally the people paying are the people who will be killed by vehicles which are not correctly repaired and which come under no scrutiny—vehicles subject to the tyranny of insurance companies and hire-purchase companies. Let it be upon the head of Government members rather than Opposition members, who have sought to tighten up this matter.

There was a requirement in the previous Bill concerning adequacy in respect to a number of factors, including equipment. The Bill makes some major changes to Part IIIc of the Motor Vehicles Act. The Minister has said that the Government is concerned to see that adequate protections are provided for members of the public, while at the same time the regulatory burden placed on the industry is not excessive. In supporting the Bill, I must refer to the phrase 'is not excessive'. With this phrase the Government is dodging its responsibility in regard to the matters that I have raised previously.

The 'elimination of the need for the dangerous practice of tow trucks speeding to the scene of accidents' is a direct lift-out from the previous legislation almost word for word, and the same applies to the words 'elimination . . . excessive number of tow trucks . . . creation of professional standards for personnel, vehicles'. The Attorney may consider that they are a diverse group but, while there are certain standards laid down in the Bill in regard to the type of trucks used, I believe that converted Holden utilities are much too light for the general work in the industry and should be eliminated from the industry with the carriage of this Bill. My experience in industry leads me to believe that, in regard to towing and lifting, the vehicle should weigh in excess of the vehicle being lifted or towed, unless it is suitably fitted with a counter-weight. From my observations, that is not provided for in the Bill, yet in the case of such light vehicles, if anything, the weight tends to come over the rear of the vehicle rather than the front. Therefore, when a vehicle is under tow or being lifted, not only is it light in the steering but also extremely unstable. As vehicles are lifted by a boom, the point of gravity is most important.

Some people in the industry have accepted the responsibility of providing adequate facilities, not necessarily having the heaviest equipment, and I understand that at least two companies have enough capacity in their equipment to undertake this type of work safely. One firm is an old and senior firm, and another is a company located not far away, although I will not name them and give them a free plug here. The metropolitan area is served by two companies which are regarded in the industry as being capable of lifting heavily laden vehicles that might crash in the foothills, and other companies ought to be at least as responsible and provide vehicles that are safe enough to do the work spelt out in the Bill.

The elimination of unsatisfactory practises such as 'buying and selling off the hook' are eliminated, as is accident spotting, the payment of fees to people for passing on information. This is taken under the ambit of the Bill. Again, I come back to what I said earlier, for the benefit of the Hon. Mr Hill.

I express concern that some people who want to assert themselves in the industry do not own a tow truck or any company at all. They can equip themselves admirably and listen to the police and St John Ambulance radio and quickly become aware of a crash. They will contact an operator of their choice and collect a fair sum of money for each job that they gain. One would not have to be a Rhodes scholar to work out how the roster will work. John Carnie or Norm Foster can sit at home and pick up a call in regard to an accident. Ren DeGaris might be in line for a turn and we might drum him. He is in that zoned area and if gets there we can say that we tipped him off and want $200. That ought to be looked at closely to ensure that it is not done.

As a person who has run multiple rosters for some 20 different factors in the maritime industry before coming into this racket, I have great experience in that area. One of the cardinal features of it is that you allow no built-in weak structures. If somebody wants to opt out he can opt

in again. If you are in turn on a roster and do not line up, that is your loss. There is no recompense for that. If I am due to go to a second shift or to a tow and I do not show up, the penalty for not being available and carrying out my responsibility is not on my fellows: it is on myself. It is bad luck if I miss that tow.

I hope the Attorney-General will, in his explanation of the clauses, spell out in greater detail that those in the industry who have acquired the greatest number of tow trucks are not going to be the bulls of the industry and get a greater percentage of business than those who have been operating in a smaller way. I believe that they should not suffer poverty as a result of the introduction of this legislation. It may well be necessary, as the experience of the industry goes on and as zoned areas show a ratio higher than anticipated or show a ratio lower than expected, for the appropriate authority to conscientiously adjust the boundaries after consulting with the industry. That authority must respect the views of the industry if the industry sees fit to take the initiative to go to the tribunal. Such an occurrence is likely.

I impress upon the Attorney-General that it is not an easy task to set up a roster. Having established one and having established the authority responsible for it, teething troubles will emerge and will be severe at the outset. However, if we are too rigid in regard to the factors I have mentioned we may have a wholesale war on our hands before such matters are straightened out. There is a necessity for a week-by-week assessment by continuing to talk to members of the industry in an endeavour to ensure that that does not happen. I know of one near-city operator in the fringes of the eastern area who has almost a monopoly on accidents in that area. I have been attending accidents in the last few months and have noticed that, if his tow truck bobs up, whether it be first, second, third or forth, the nod is given to him to get the job by the constabulary. I cast no aspersions in respect to the police—

The Hon. J. C. Burdett: You have just done that.

The Hon. N. K. FOSTER: —as a result of the legislation. That type of malpractice will cease. If it does not, there are sufficient provisions in the Bill to ensure that the tribunal and others can find the fault, locate it and correct it. Does that satisfy the Hon. Mr Burdett?

The Hon. J. C. Burdett: You just tried rather weakly to wriggle out of it.

The Hon. N. K. FOSTER: I did not. I am not going to mention the company for the Minister's benefit. We are big enough and honest enough to say that the Bill is going to be given a passage and that it is going to come into effect. I do not want to hark back over old malpractices by naming the company. I said that I do know of a malpractice, and the Bill corrects that. I am commending the Bill. If the Minister is too dumb to understand that, be it upon his own grey matter and not mine.

I have dealt with the establishment of the towing roster and have pointed out the necessity of it to members opposite. I commend those who have worked behind the scenes within the framework of the department and who have tackled this difficult area; to get agreement is difficult. I have dealt with overseas and interstate experience, particularly New South Wales. I want the Attorney-General to note for the benefit of the Minister that other countries give priority to the protection of members of the public who expect a proper repair job to be done on a damaged vehicle. I do not want to ramble on clause by clause. We have no objection to the new section which prohibits a person not holding a tow truck licence. That is inherent in my earlier remark that we support the Bill. I refer to the powers of the registrar to impose conditions upon tow-truck certificates and I refer to the provision to suspend certificates.

Of course, there is a provision for temporary tow truck certificates. Perhaps the Minister could give some consideration to a further explanatory note about new section 98k, which empowers the Registrar to issue temporary tow truck certificates. What is the ambit of that term? I take it that it means that there will be power without consultation with the industry. That power could be abused if it was not held together pretty tightly in respect to those who are responsible within the industry to undertake it.

Members on this side have no quarrel with the Registrar cancelling or suspending such certificates. We believe that that is necessary. If I recall correctly, we argued that point at some length. There is a definition of 'tow truck operator'. We have no objection to new section 98md, which refers to people who are on the take, as it were (to use a popular expression).

Proposed new section 98me regulates towing at and from the scene of an accident and provides that towing must be carried out by tow truck operators who are so licensed. I have already dealt with the fact that it may be necessary to oversee that provision in the light of changing circumstances. By that I do not mean that one would expect the tow truck industry to become jumping mad if there should be more tows in the western suburban area on a rainy night than in areas that received less rain. I do not believe that the industry will react to that type of singular peculiarity. I refer to an overall situation where unforeseen circumstances may lead people to believe that they have more than done their homework in respect to zones.

Neither I nor anyone else would object to new subsection (10), which empowers an inspector or member of the Police Force to revoke an authority to tow that he considers has been improperly obtained or incorrectly completed or where he considers the vehicle should be preserved as an exhibit for any future court proceedings. However, I wonder whether the Attorney could consult with his Ministerial colleague and further clarify that provision. We are pleased to note that the tow truck operators are entitled to fees for storing a vehicle, pursuant to this code. I believe that some clarification of this matter is required.

A tow truck operator may tow a vehicle from the scene of an accident when no person involved in the accident is in a position to advise to which company the vehicle should be taken. A person may want to avail himself of the provisions of the Bill and nominate the company to which the vehicle is to be towed. The vehicle may be picked up by an operator, who may have his own crash repair shop. Without direction, and in compliance with the roster, the operator may take the vehicle to his premises. There is provision for time. There are some limitations in regard to making a claim under insurance policies in regard to not more than one tow. It may well be that Joe Blow, when he is released from the Royal Adelaide Hospital, may decide that he does not want his vehicle to be repaired by a particular operator. He may want it to be towed somewhere else. Attention should be paid to the fact that tows must be carried out in accordance with the new section.

I have no objection to the provision in regard to traders plates on tow trucks. Proposed new section 98mj prohibits any person from entering into an agreement under which, for a fee, reward or benefit of any kind, he provides or receives information relating to the occurrence of motor vehicle accidents or the location of damaged vehicles. That practice should be knocked out and was frowned upon previously by members in this place.

New section 98o of the principal Act regulates the people who may ride in tow trucks. The penalty for offences against this new section is to be increased from $200 to

$500. The new section also inserts a new subsection under which, in the case of a tow truck over five tonnes, a further person who is the holder of a tow truck certificate may ride in the tow truck with the driver. We placed a great deal of emphasis on this matter, but I have been giving it some thought in the past few days. There are good and proper reasons for regulating the number of people who ride in tow trucks. That is more than reasonable. I take it that the tribunal would not, in cases of dire necessity, say that another person could not ride in a tow truck. At 4 o'clock in the morning, a teenage boy or an eight-year-old child, say, must not be left, as it were, at the scene of an accident if the tow truck is capable of transporting another person.

I will not pursue that point further. One can be far too rigid in regard to accident situations. At the same time, I know that, if one is too lenient, abuses may occur. One would hope that there would be sufficient human feeling, common sense and understanding. An explanatory note from the tow truck operator might be sufficient so that the operator would not automatically incur the extreme wrath of the tribunal in respect to clause 6.

We have no quarrel with clause 7, which provides for and sets out the powers of inspectors. New section 98pb permits the Registrar to refuse an application for a tow truck certificate or a temporary tow truck certificate or, before imposing a condition on a certificate, to refer the matter to the consultative committee. I applaud that provision. I believe that we were rather too rigid in respect to this matter when we were in Government, and it was the cause of the eventual process that led to the legislation.

Clause 9 amends section 134a of the principal Act by removing the right of appeal to a magistrate against suspension or cancellation of a tow truck certificate. As I understand it, this matter is covered elsewhere in respect to the protection of a tow truck operator, so one would not quarrel with that provision. I have indicated that I will move amendments to clause 8.

I refer again to new section 98pc, which provides for the establishment of a Tow Truck Tribunal. The Chairman will be either a person holding judicial office under the Local and District Criminal Courts Act, a special magistrate or a legal practitioner of not less than seven years standing. There are plenty of legal eagles on both sides of the Council, including the Attorney-General, so I suppose I can not quarrel with that proposal.

If the Attorney-General conducted a survey in relation to the number of people within the industry and how many of those will be covered by the Bill, he would find that there is some conflict. I am sure that he will find that the majority of those employed in the industry are not members of the South Australian Automobile Chamber of Commerce. To suggest that a member of the Chamber should have an automatic right to sit on the tribunal is, I believe, drawing a long bow. If the Attorney follows my advice and does conduct a survey and he finds that a large majority of members of the industry are not members of the Chamber he should give those people an opportunity to be represented on the tribunal. If the Minister will not do that because he believes it is drawing too long a bow, he should agree to the Opposition's amendment which provides for a member of the Trades and Labor Council to be a member of the tribunal. That matter will be argued at some length in Committee.

It would be remiss of me not to highlight that matter at this time. The Trades and Labor Council was represented on the steering committee in one way or another by two people, although one withdrew because of a number of reasons and he has since retired from the industry. The other person is still employed within the vehicle industry and is a responsible member of the Trades and Labor Council. I do not believe anyone in the industry, apart from those who were violently opposed to any form of Government inspection or the imposition of ethics on the industry, would disagree that that particular person (whom I do not intend to name) contributed a great deal to the steering committee over a considerable period of time. I urge the Attorney-General to consider this matter and to take it up with the Minister responsible for this Bill.

Clause 13 deals with the consultative committee. I believe that that committee will have a most responsible role in the overall concept of this Bill and I applaud this Bill for its recognition of that particular fact. Clause 18 deals with causing or permitting offences, and it is essential to the Bill. It is a pity that this Bill does not embrace other sections of the industry.

I hope that I have not been too provocative tonight. Over the years some dreadful things have happened within the industry. I do not intend to open up old wounds or repeat any of the things I have been told in the last week by some people who try to impose their wrongful will on the industry. I gave those people no undertaking, nor do I intend to do so. Now that this Bill has been introduced I do not intend to open old wounds.

This Bill lays a heavy responsibility on those engaged in this industry and on officers of the Minister's department. Those officers have done a great deal of work for Governments of both political persuasions. They do not have an easy task, and I am sure they will appreciate why members on both sides of this Council desist from going any further with this legislation than we have gone at this particular time. From time to time, Parliamentarians expect reports on situations that require corrective legislation or corrective regulations, and that has occurred in the past. I commend the Bill to the Council.

The Hon. J. E. DUNFORD: I support this Bill. I feel that I am under some obligation to speak to the Bill. I recall in early 1979, when the Labor Government introduced a Bill on this matter, that there was a lot of concern in the community, and a lot of it was well organised. This Council, advisedly I thought, decided to establish a Select Committee.

I was fortunate enough to be appointed to that Select Committee. If I did not believe that the Bill that was introduced by the Labor Government early in 1979 was required, certainly, after 44 Select Committee hearings, I was convinced, and, if Government members who were on that Select Committee were now to speak, I am sure that they would say the same thing.

I was shocked and amazed that this sort of situation existed in South Australia for so long. Certainly, it was a reflection on the Government that was in office. However, we are trying to rectify the matter. Many people who gave evidence wanted to go off the record because the Chairman quite rightly told them that the evidence given would become a public document once the report had been tabled. Others who were concerned about the industry were prepared to make allegations in writing and to let them be known to the public. On the other hand, some persons were afraid to come in the front door of Parliament House. They were afraid to be seen because of intimidation and threats of violence.

One can see from the Minister's second reading explanation that he wants the Bill to do five major things. I say 'major', because all these things are required in the industry. I hope that the Bill is the success that the Minister wants it to be. First, the Minister wants illegal practices stopped. Secondly, he wants accident chasing and selling off the hook to stop. The Minister also wants to establish a roster, and for accident victims to have the right to have

the tow-truck operator of their choice. Fifthly, and most important, the Minister hopes that the legislation will bring about fair business practices. We must ensure that, if posible, this happens.

Even though it was not brought to your notice, Sir (I am sure that, if it had been, you would have acted), the then Minister and Leader of this Council, who was subsequently the Chairman of the Select Committee, was threatened with assault in the passageway of this building. When people who disagree with legislation or with what a member of Parliament says come into the Parliament in order to assault that member, it shows the type of people who are in the industry.

In saying that I do not wish to reflect on all the people in the industry. Obviously, however, such persons can identify themselves. If this is not violent behaviour, I do not know what is. However, this sort of behaviour was confirmed by the late Mr Bill Lean, who was Chairman of the steering committee and who told the committee that on more than two occasions his expensive European car had been tampered with. He certainly believed this to be the actions of certain people in the industry.

Evidence was given to the committee that trucks had their front sections blasted by shotguns. Other people gave evidence that they had been threatened. One person told of the threat of having a bomb thrown through his window when he was having tea with his family. This sort of evidence that was given to the Select Committee amounted to ream after ream of paper.

I was impressed by people in the industry, as the Labor Government's Bill threw a wider net than does this Bill. Indeed, the Bill introduced by the Labor Government in 1979 embraced motor body repairers, painters and insurance assessors. I believe, having had experience on the Select Committee, that that was a proper approach to take.

I do not think that tow-truck operators ought to be singled out in legislation, without the rest of the industry being tied in with the operation. Evidence was given to the Select Committee (it was not totally against tow-truck operators) by repairers. They spoke of backyard operators taking business from premises that had apprentices, had to pay long service leave and had to comply with the Building Act and various council regulations. Those premises had expensive machinery, whereas the backyard operator did not have to meet such expenses when competing against reputable dealers.

However, on questioning, most successful motor body repairers here in South Australia admitted that each and every one of them had started in a backyard practice. The committee looked at the previous legislation that required a backyard operator to have all sorts of hoists and up to $15 000 or $20 000 worth of equipment. We then saw the many faults in the Bill.

For instance, a customer could return a car three months after it had been repaired and claim that an unsatisfactory job had been done. The customer did not have to do this the day after the car had been returned to him. Rather, he could do it three months later, even if he had been living up the river and, when putting a boat in the river, had torn the rear end off the car. Such a person could then lawfully say that the job had not been done satisfactorily and could claim on it.

Most of the persons on the Select Committee agreed that the committee was required to obtain information from backyard operators who did not want to go out of business, who employed apprentices, who had sufficient machinery with which to work, and who were trying to improve their premises.

I did not know until the Select Committee met that at that time in 1979 the industry had an income of about $1 000 000 a week. That is a lot of money. Certainly, I know that it was not going to the workers in the industry. The lowest wages are those paid in the repair industry, and few over-award payments are made.

The Hon. M. B. Cameron: They aren't on strike this week.

The Hon. J. E. DUNFORD: That is so, and it is interesting to note why. I wondered why these people did not join the union. I heard that an organiser had his suit torn off and a dog set on him. As I said, this is a $1 000 000-a-week industry, and it would be the only wealthy industry in South Australia that is not organised. So, we know where the money is going: it is going to a greedy few. I include in that the insurance companies. The Insurance Council of Australia gave evidence to the committee, and I believe that the industry was exposed there.

It was indicated at the time that the rate charged by repairers fluctuated between $7.50 and $9 an hour. Those who gave evidence indicated that a mechanic was at that time receiving $18 an hour. Is it any wonder, therefore, that the Select Committee was told that not new parts but secondhand parts were put on late-model cars that were perhaps only six months old? The repairers were told by the insurance companies to do this. Operators admitted under cross-examination that they had to cut corners and do jobs in this way because the profit margins were so small. Naturally enough, this is reflected in the pay packets of those who work in the industry.

I agree with what is said about accident chasing, on which we received a lot of evidence. Violence was not involved in urging people to take their car to a particular repairer. Some people dressed up for the evening in dinner clothes and came to the scenes of accidents, went up to people involved in crashes and said, 'I was just passing. Jimmy Dunford said that this repairer fixed up his car all right last week.' Therefore, violence did not occur and was not required. We heard some novel stories about the methods used by accident chasers that proved that the free enterprise system has a lot going for it, by the method they use in succeeding in getting those cars.

It was interesting to note that when a car was involved in an accident, in some cases, if the accident victim was well enough, he looked at his car before looking at his wife and children. I was told this, but not in evidence. When these people looked at their car, they recalled that the left hand fender was badly damaged, the right hand fender had no marks on it and that the front lights were all right. When they went to look at the car the next day, the two front light bulbs were damaged, the other fender was damaged and generally there was more damage on the car.

The Hon. M. B. Cameron: To build the cost of the job.

The Hon. J. E. DUNFORD: Yes, it was to build up the cost of the job. These things are sometimes done for a very good reason—sometimes for greed, sometimes to make a job more profitable. We heard plenty of evidence that this was occurring. It is the responsibility of Parliament to look after the consumer because he always pays.

Regarding selling off the hook, which is the third practice that the Minister is seeking to eliminate, we heard evidence that most crash repairers said that this was prevalent and acceptable to them, as the tow-truck operators would charge them only 5 per cent. They said that it was quite easy to pay that 5 per cent, that it was a sort of bonus, and that there was no trouble in meeting the cost. The off-the-hook price then went to 10 per cent, and some of the repairers with a small margin of profit decided to buy their own tow-trucks. One witness gave evidence that he was prepared to pay 10 per cent off the hook, but, when the price went to 15 per cent, that was the finish. We are supposed to protect the consumer, but here is 15 per cent of the job going

straight off the top, notwithstanding, as I said before, the worn out and second-hand parts fitted to the car. The consumer does not know these things. Once we knew about it, we had a responsibility. Both Parties were represented on that Select Committee, and it is our responsibility to see that these illegal practices stop.

I hope that the Minister is successful in establishing a roster system which will not put people out of business and will give some sort of equality throughout the industry. I believe that the roster system will be the biggest job that the Bill will have to do in the industry, because it seems that those people in the immediate vicinity of the city, where most of the more dangerous roads are situated, will be in a better position than will people further away.

I support the idea of representation of the South Australian Automobile Chamber of Commerce, which supported the Bill, with some reservations, as I mentioned previously. That association represents the vast majority of operators in the industry. I know that the tow-truck operators were dissatisfied with them, as being not properly representative and having formed their own organisation. They had every right to do that and to lobby as hard and as strongly as they possibly could to defend what they thought was their right, when they felt they could lose their income. I would do exactly the same thing, but I would certainly not resort to violence to get my point of view across. Of course, there was thinking in the industry in favour of some sort of regulation, but no loss of income.

In relation to the off-the-hook problem, some people, in trying to avoid the payment of up to 15 per cent, bought their own towtrucks for large amounts of money, up to $15 000, and employed a driver, only to find that the driver, instead of bringing a wreck back to his employer, as he should have done had he been a faithful servant, would hawk it around the industry and sell it off the hook again to some other repairer. It was obvious to me that not only was the tow-truck driver wrong in such instances, but also the repairer buying from him off the hook was not assisting the industry. I am sure that that operator would not like the same thing done to him.

The Government has realised (it must have been impressed on it by somebody in the Government) that this Bill is a necessity, and that these practices would not be self-regulating, as we were told by those people who said there should not be legislation. Many people told the committee they could run their own industry. They admitted that there were faults in it, but said that in time the problems would be solved. Obviously, as the Minister has said, the problems have not been solved.

As recently as last Friday or Saturday night, a member in the other House had an accident. He was a little bit dazed and told the tow-truck operator that he wanted his car to go to a certain spot on a certain road, but could not remember the name of the business. In order to obtain the business, the tow-truck operator told the member that there was no such business on that particular main thoroughfare. The operator wanted him to go to his business, but the member convinced the operator to take the car back to the member's home and he had it towed away the next day.

If the industry had been self-regulating and could have convinced members of the committee that these practices were occurring maybe less frequently, there would be no necessity for the Bill. However, in a situation like this, anyone who believes we should not have legislation has something wrong with him. Whether we are in Government next year as I expect we will be, or even if, for some inconceivable reason, this Government is elected again, as I am sure Mr Dawkins will agree, this legislation will have to go further.

A lot of evidence was given by assessors. The President of the assessors supported the introduction of legislation. He was sacked from this position and the new President opposed the Bill. Evidence was given to the Select Committee that assessors were flown overseas by crash repair operators, their fares paid for—

The Hon. M. B. Cameron: That wasn't right.

The Hon. J. E. DUNFORD: Who denied it? We were told that in evidence.

The Hon. M. B. Cameron: Be careful on this.

The Hon. J. E. DUNFORD: I am saying that evidence was given—

The Hon. M. B. Cameron: It wasn't necessarily right.

The Hon. J. E. DUNFORD: Hearsay evidence is never necessarily right, but evidence was given to us. Did the honourable member not believe it?

The PRESIDENT: You really should not go into the evidence, because that report was never tabled.

The Hon. C. J. Sumner: It should have been, though.

The Hon. J. E. DUNFORD: Whatever Government comes in—

The Hon. C. J. Sumner: They were too frightened to table it.

The Hon. J. E. DUNFORD: Yes, but I will not refer to the evidence; I accept your point, Mr President. Certainly, not just one section of the industry in isolation has to be legislated for. There is enough money in the industry for everyone, because even in 1979, $1 000 000 a week was involved. The workers on the shop floor are not getting it, but someone is getting the $1 000 000 a week. The insurance companies are not paying correct rates. That could be the result of malpractice and illegal actions that are occurring in the industry. It is ridiculous to think that an industry cannot show a profit. There have to be short-cuts. When a job takes four hours, people can put down six hours, and sometimes they will get away with it. That probably cannot be done without the collusion of the assessors.

We had evidence that experienced assessors can almost say to within half an hour how long a job will take. However, not all assessors are experienced tradesmen coming out of the industry. Some are footballers and former shearers—

The Hon. M. B. Cameron: They must be rough!

The Hon. J. E. DUNFORD: There are no former farmers as assessors—they would not have a job unless they had a farm. That is the position, and the Hon. Mr Cameron knows all about it. He is frightened to speak out today because one of his mates made many promises to the tow-truck industry and has not delivered. I believe that much money changed hands during the election period. He is called 'Ever-ready' someone; he has made promises, and I am glad that I have not made promises. The Hon. Mr Cameron's friend made promises, and if Mr Cameron had any guts he would speak, but he will not. He will do things behind closed doors: he will talk about repairers when travelling with me, but he will not put a comment on the record.

The industry can be a good industry and, if the money is shared, it can be a profitable industry. I believe that the Insurance Council of Australia and its assessors ought to be brought to task, but they will not be brought to task under this Bill. This Bill is not the end of it, but it is a start and, because it is a start, I support it.

The Hon. M. B. CAMERON: I hate to disappoint the Hon. Mr Dunford, but I assure him that it was not his last few comments that prompt me to say something on the Bill. First, I want to congratulate the Minister on introducing a Bill that will work. It was my firm opinion that the previous Bill put before this Parliament would not work. It went too far into the industry without doing anything properly, as the Hon. Mr Dunford well knows.

The roster system put forward was not capable of working properly. I do not want to go into great criticisms, but I do wish to straighten out the record, because, the Hon. Mr Foster had left the impression that members on this side did not support a roster system. That is not correct: we did, but we wanted a system that would work. We wanted a system that was capable of being properly managed. The previous system was based on the principle that there would be a roster system but people could then ring other organisations as well. Such a system would not have worked. It would have led to the same sort of problems.

There have been three attempts to straighten out this industry and each one was a failure. As both the Hon. Mr Foster and I know, there were reasons for the very wide nature of this legislation and the wide nature of the organisation that was going to be set up to manage the legislation, but I do not want to go into that because it is all in the past. It did not come to pass, and State taxpayers can be grateful because the expense of running that previous system would have been enormous. With this system, I accept that there needs to be some straightening out, and I congratulate the Hon. Mr Dunford on the manner of his presentation (until the last few comments in his speech), and the fact that he clearly pointed out that evidence laid before us in relation to the towing industry showed that there needed to be something done.

There can be no doubt that many people were involved in the industry who were not strictly honest. I refer to the use of police radio, which was clearly being used in the industry on a wide basis. Indeed, people came to us as witnesses saying that they were not using police radio, and then saying that they had used it in the past but would not use it again. Those same people came back and said that they had gone back to using it again, with the result that the tow trucks in many cases (and this still happens) beat the police to the scene of an accident. The reason is not that the police are slow in geting to accidents but that in many cases the two trucks travel a little faster than the police. That is one of the great problems in the industry: people go out chasing accidents and, in trying to get there first, they create enormous hazards on the road.

The one fault in the roster system which people must understand because it is a fault that cannot be altered—no matter what happens it will exist—is that the arrival of tow trucks at an accident will be slower. That is an inescapable fact, because there is no doubt that tow trucks at the moment are extremely efficient in getting to the accident, mostly because they are listening illegally to the police radio. In that way the operators are aware of the accidents and their occurrence.

The Hon. J. A. Carnie: And through spotters.

The Hon. M. B. CAMERON: Yes. We are going to see a slowing down of that process. At least we will only get one or two tow trucks. We will not have the present situation (and we were assured on the Select Committee that this could not happen any more) of four, five, six, seven or more tow trucks arriving at accidents.

The Hon. G. L. Bruce: Before the police or the ambulance arrived.

The Hon. M. B. CAMERON: Yes, and each one competing for the job and harassing people who had had an accident. As the Hon. Mr Dunford said, after getting the vehicle on the tow truck, they might take it away and, if the job was not big enough or expensive enough, making sure by the next morning that it was a big and expensive enough job for them to sell off the hook at a higher price.

One does not have to sit and listen to evidence to hear of such things happending because, even in the past two weeks, I have had people give me examples of such cases still happening, of people who have had their vehicle damaged in an accident and had it taken off by a tow truck having considerable difficulty getting it back the next day. And, when they have got it back, they have found damage to the vehicle that certainly was not in existence before they left it the previous evening.

I believe that this system, whilst it might lead to some slowing down of the arrival of the tow trucks and perhaps even cause some traffic problems from time to time, is worth while. First, it will cut down on the cost of the repair of accident vehicles, because no longer will it be necessary for insurance companies to cover the off-the-hook charges being paid. It will mean that people will know that there will not be a multitude of tow-truck operators competing for jobs arriving at the scene of accidents.

The Hon. M. B. Dawkins: People will not be pressurised.

The Hon. M. B. CAMERON: True. Some of the examples of people being pressurised were horrific. Certainly, that should not occur, and it will mean that the industry at last will be cleaned up. There is no doubt that it should have happened before.

I congratulate the Minister on the fact that this time he is doing it properly. It will be done in a manner that will work. If anybody wants an example he can go to Canberra. It does work in Canberra and does have some smaller problems but there is no doubt that the system will work. The vested interest which seemed to have some sway over the previous Minister (who made certain that sections of the industry could still receive phone calls) will not now be able to apply. It will all have to be done through one central point. That is the only way it will work and I support the Bill.

The Hon. K. T. GRIFFIN (Attorney-General): This is an important piece of legislation and I am very pleased that there should be consensus on that fact and on the contents of the Bill. The Bill seeks to implement a scheme which will work efficiently in the regulation of the towing industry. I thank honourable members for their indications of support. If there are any questions, the Committee stage would be the appropriate time to deal with them.

Bill read a second time.

In Committee.

Clauses 1 to 7 passed.

Clause 8—'Insertion of new sections 98pa to 98pg.'

The Hon. N. K. FOSTER: I move:

Page 15, line 15—Leave out 'three' and insert 'four'.

I canvassed my amendment and an associated amendment in the second reading debate. On this side we simply believe that the inclusion of such a minor amendment will enhance the Bill and will give the Trades and Labour Council the position which it held on the various steering committees that led to the bringing down of this Bill.

The Hon. K. T. GRIFFIN: This amendment was canvassed in the other place, and the Minister indicated that he was not able to support the amendment but indicated that he appreciated the reasons why it was moved in that place. An undertaking was given to take into consideration when determining who should be his nominee on the tribunal, the representations that had been made in that place and the representations which are now being made in this place. I point out to the Committee that the tribunal has functions different from the functions of the tribunal envisaged in the previous Government's legislation. It is essentially an appeal or review tribunal. It does not have any essential administrative functions but is of a *quasi* judicial nature. It comprises three persons, one being a judge, a special magistrate or legal practitioner of not less than seven years standing, another to be nominated by the Min-

ister from a panel of three persons nominated by the Automobile Chamber of Commerce.

That body does represent a significant proportion of tow-truck operators. As one other person must have appropriate knowledge of the tow-truck industry, this provision allows the Minister to select a person at large to make up the tribunal to adjudicate on appeal matters and in respect of inquiries into the conduct of a person who has held a tow-truck certificate. If this tribunal had administrative functions and had wider responsibility in the area of the repair industry (which was one of the subjects of the previous Government's Bill) I could then accept that there is a much stronger argument in favour of some person from the Trades and Labour Council being represented, because of the many more people in the repair industry who are, in one way or another, represented by the Trades and Labour Council. It would have had wider administrative functions rather than *quasi* judicial functions as this tribunal principally does.

Although I can appreciate the substance of the point which the honourable member is putting in moving his amendment, it is not appropriate for a person to be specifically nominated by the United Trades and Labor Council. I can give the same undertaking which the Minister of Transport gave in another place, that those representations will certainly be taken into consideration when the Minister determines who should be his nominee—the third person on that tribunal.

The Hon. N. K. FOSTER: This Bill does not canvass such a wide section of the industry as the original Bill canvassed. The Attorney-General's reply suggests that there should be hesitation in stating from where a person should be drawn. At the moment one must come down on the side that it is the tow-truck operators Bill and that consideration is given to the chamber because it is believed that it represents at least some portion of that industry. I suggest that that may not necessarily be the case after the carriage of this Bill, as the tow-truck industry may take it upon itself to form its own organisation and to be no longer associated with the chamber. In that case I push the point that the Minister ought to have waited and not written into the Bill that representation should be given to the chamber, as it may not be the body responsible for that section of the industry. It is for the Minister and the Attorney-General to argue that there is not the binding necessity for a representative of the Trades and Labor Council to be on the tribunal, but one could argue that there is a necessity.

Broadly speaking, there is one gap that the Minister can fill and I hope that he will be hesitant and wait to see the reaction and whether there is a stepping away by the bodies in the industry or a more wider inclusion of the bodies seeking representation.

The Hon. K. T. GRIFFIN: I am sure that the Minister would be sensitive to the points raised by the honourable member. Quite obviously, the Minister will want to monitor the way in which the Bill operates and he will want to see whether there will be adjustments in the industry. If those adjustments, over a period, are significant and if amendments to the Act are required, the Minister will certainly seriously consider such action. However, it would be premature to give any unqualified undertaking that that would definitely occur.

I point out that, as a matter of course, in the practical application of this Bill, it would be unwise for any Minister to disregard the trends within the industry and any adjustments, either minor or significant, in representation of tow-truck operators, drivers and owners, and any other section of the industry, whether represented by unions that are affiliated with the United Trades and Labor Council or any other group, so I can see that there would be a close monitoring of these changes. If there is a need to review the operation of the legislation even to the extent of this clause, I will be surprised if the Minister does not do that within a reasonable time after the Bill comes into operation.

The Hon. N. K. FOSTER: I believe there was an omission on my part when I did not say that the United Trades and Labor Council and the industry clearly associated with that council have given their wholehearted support to this measure. I want that made known.

The Hon. G. L. BRUCE: I believe that some recognition should be given. Under the Bill, the Minister has virtually the choice of two members. He can pick one from a panel of three. I disagree with that: I always have and I always will. The organisation that is to be represented should be able to nominate one member. The Minister shall nominate another person. The amendment provides that one person is to be nominated by the United Trades and Labor Council.

I understand that checks and balances are provided. Not only does the union represent people who are working in the industry but also, through the affiliates, it represents thousands of people in South Australia who will be affected by this legislation. If any kickbacks occur, the United Trades and Labor Council will be one of the first to feel the consequences, because many of its members are involved in motor vehicle accidents. Checks and counter-checks should be built into the Bill. The Minister has made it top heavy. He has the choice of two members. One local and district criminal court judge or a special magistrate would be involved. What the amendment says is no more or no less than what should occur in regard to checks and counterchecks.

The Committee divided on the amendment:

Ayes (9)—The Hons Frank Blevins, G. L. Bruce, B. A. Chatterton, C. W. Creedon, J. E. Dunford, N. K. Foster (teller), 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 (teller), C. M. Hill, D. H. Laidlaw, K. L. Milne, and R. J. Ritson.

Pair—Aye—The Hon. J. R. Cornwall. No—The Hon. L. H. Davis.

Majority of 1 for the Noes.

Amendment thus negatived.

The CHAIRMAN: In view of the result of the division, does the Hon. Mr Foster intend to move his further amendment?

The Hon. N. K. FOSTER: No.

Clause passed.

Remaining clauses (9 to 20) and title passed.

Bill read a third time and passed.

HOUSING AGREEMENT BILL

Adjourned debate on second reading.

(Continued from 19 November. Page 2075.)

The Hon. C. J. SUMNER (Leader of the Opposition): This Bill ratifies an agreement between the State of South Australia and the other States and the Commonwealth in relation to the terms and conditions of housing finance provided by the Commonwealth to the States. Therefore, it is an important piece of legislation for South Australia. However, honourable members have been treated to a scrappy two-page second reading explanation which does not deserve to be called a second reading explanation. It is less than adequate. It contains very few details about any changes from the previous agreement. There is a brief outline about the major changes, but that is all.

In his second reading explanation, the Minister referred to a base level of funding and he said that a base level of $200 000 000 a year will be provided for the five years of the agreement. The Minister did not explain how that $200 000 000 compares with previous base levels. The Minister did not tell us how that figure was arrived at. The Minister also said that there are some unsatisfactory aspects of the agreement. Notwithstanding these unsatisfactory aspects, South Australia seems to have little choice but to sign the agreement. What are the unsatisfactory aspects of the agreement, which have not been specified in the second reading explanation, and why do we have no choice but to sign the agreement?

The provisions of the Bill take up a half of one page, while the rest of the explanation comprises 1½ pages of very scrappy, broad outline about this significant agreement for South Australia and the other States of the Commonwealth. As far as I am concerned, and I hope that the whole Council feels the same way, that is just not good enough. The second reading explanation does not provide any adequate answers about the comparative situation with previous agreements: there is no explanation about the unsatisfactory aspects of this agreement; and there is no explanation about why we should sign the agreement.

Can we reject this Bill? If it contains unsatisfactory aspects the Minister should renegotiate it. What would happen if the Minister renegotiated this Bill? Presumably, we would see an example of co-operative federalism from the Federal Government, and the Federal Minister would probably say, 'Bad luck, Mr Hill, you are finished. You will receive no money from the Federal Government for State housing.' That is a fine example of the attitude that the Fraser Government has adopted towards the States. It is hardly an agreement between equal partners. It seems that this is an offer that we cannot refuse. The Federal Government has simply said, 'Take it or leave it.'

I ask the Hon. Mr Hill to provide answers to the questions that I have raised. The Hon. Mr Hill deserves to be condemned by all members of the Council for his absolutely scrappy performance in the presentation of this Bill. The second reading explanation of this Bill contains very little information, and the Hon. Mr Hill should be ashamed of himself for presenting such a Bill to this Council.

I am very disappointed with the State Government's attitude towards this Bill. The Hon. Mr Hill has shown absolutely no backbone in his dealings with the Federal Government on this issue. There have been quite disastrous cutbacks in Federal funding for public housing in all States, including South Australia. We know that the Premier, Mr Tonkin, is a toady for the Prime Minister. In October last year Mr Tonkin said that for South Australia's sake we should vote for Mr Fraser. We all know the attitude of the State Tonkin Government when the Fraser policies act to the detriment of South Australia, as they clearly do in the housing area. Mr Tonkin toadies along with Mr Fraser, and Murray is a meek mouse in his dealings with the Federal Minister.

The Hon. C. M. Hill: Who said that?

The Hon. C. J. SUMNER: I said it. That is what the Hon. Mr Hill is—a meek mouse. When Mr McVeigh told the Hon. Mr Hill that there would be a dramatic cut in housing finance and presented him with this agreement (which the Hon. Mr Hill described as unsatisfactory for South Australia) the Hon. Mr Hill presumably said, 'Thank you very much, Mr McVeigh. I'll take that.' The Hon. Mr Hill and the Premier toady along with the Federal Government. I believe that approach should be contrasted with the attitude of the Minister in Victoria, Mr Kennett, who launched a public advertising campaign against the policies of the Federal Government. By comparison, the Hon. Mr Hill has done absolutely nothing. I raised this matter in the Council on 12 November and asked the Hon. Mr Hill why he would not launch a campaign similar to Mr Kennett's.

The Hon. J. E. Dunford: He was too tired.

The Hon. C. J. SUMNER: Yes, he was probably too tired, but I suspect that he was cowed by the Federal Minister and the Prime Minister and, of course, we have not heard a squeak out of meek mouse Murray over the cut-backs.

The Hon. M. B. Dawkins: That is abusive.

The Hon. C. J. SUMNER: I said that we have not heard a squeak out of him.

The Hon. C. M. Hill: You are absolutely pathetic.

The Hon. C. J. SUMNER: What is pathetic is the fact that these cutbacks have been made and, secondly, the fact that the Hon. Mr Hill made no protest at all. He has gone along with the cuts. The Hon. Mr Hill has presented the Council with an agreement that we are supposed to approve, with no explanation of its substantial terms, no explanation about how the agreement differs from the previous agreement and the way in which it is detrimental to South Australia.

The Government has given us a document that is a retreat and a retrograde step in the area of public housing, and it has done so without a whimper. I contrast that attitude with that of Mr Kennett. What was he reported recently in the *Age* as having said?

The Hon. C. M. Hill: Tell us what success he's had.

The Hon. C. J. SUMNER: At least he tried, which is more than the Minister has done. At least Mr Kennett took up the matter with the Federal Government.

The Hon. C. M. Hill: I'll tell you what I've done in due course. You wouldn't know.

The Hon. C. J. SUMNER: I have got the figures.

The Hon. C. M. Hill: You wouldn't know.

The Hon. C. J. SUMNER: Well, the Minister has not told us. Why did not the Minister tell us this in his speech?

The Hon. C. M. Hill: There is no point in doing that.

The Hon. C. J. SUMNER: It is because the Minister has done nothing compared with Mr Kennett. If one looks at the figures in terms of public housing and compares what has been received this year with what was received in previous years, one will see that there has been a dramatic cut and that the Minister has taken it all laying down. Mr Kennett said:

> The Federal Government did not deserve to win the next election and probably would lose it if it did not provide more money for housing.

The report quotes Mr Kennett as saying that the reduction in funding to the States for housing was 'totally unrealistic'. At least Mr Kennett stood up and got into a bit of a fight with the Federal Government. However, the Hon. Mr Hill did not do so. Even a Liberal back-bencher in the Federal Parliament, Mr Burr, is reported as having said the following on the Australian Broadcasting Commission's *A.M.* programme:

> Housing could well be the key issue at the next election and I believe that if the Government doesn't change its policies . . . I believe the Government will pay a very heavy price at the next election.

Then, the Housing Industry Association, in a letter to the Prime Minister Mr Fraser, which was published in the *Sydney Daily Telegraph*, warned the Prime Minister of the electoral consequences of the Government's present inadequate housing policies.

There are a number of other quotations to which one could refer and which indicate the same general tenor. They come from other States and from industry sources in Australia. The Real Estate Institute said:

People who have been forced out of the home buyer market and cannot afford to rent in the private residential market will have to join the ever lengthening queue for a diminishing supply of Government welfare housing.

Why are those industry groups and other State Governments, particularly the Victorian Government, making those statements? They are doing so because there has been a dramatic cut-back in Federal funds to the States for housing purposes. In 1955, for instance, 18 000 homes were built in the public housing sector. That figure comprised 20 per cent of total building done in that year. In 1980, 7 500 homes were built in the public sector, and that represented 6 per cent of the total housing construction that year. That compared with a figure of 12 per cent in 1975-76. So, there has been a dramatic drop in recent times in the public housing sector component of the general housing industry.

The Hon. C. M. Hill: Have you got the latest figures?

The Hon. C. J. SUMNER: They will not differ much from this.

The Hon. C. M. Hill: No.

The Hon. C. J. SUMNER: They will not.

The Hon. C. M. Hill: I will tell you about it tomorrow.

The Hon. C. J. SUMNER: They are probably worse.

The Hon. C. M. Hill: No. Our record will put yours to shame. Now that you have introduced the subject, you will get some statistics tomorrow.

The Hon. C. J. SUMNER: I was not referring to South Australia. These are national figures.

The Hon. C. M. Hill: You must have been if you were talking about 7 000 commencements. They are the South Australian figures.

The Hon. C. J. SUMNER: The Minister has the 1981 figures. All I can say is that I was comparing the position nationally in 1955 with that in 1980. There has been a dramatic reduction in the amount of funds made available by the Federal Government to the States for public housing, and that reduction has been reflected in the number of houses that have been built over that period. The Minister cannot deny that.

The Hon. C. M. Hill: I can, because we put our own South Australian money into it.

The Hon. C. J. SUMNER: The Minister may have put South Australian money into it. However, South Australian money was always put into it. In fact, more was put in here than was put in by the other States.

The Hon. C. M. Hill: And we have put your record to shame.

The Hon. C. J. SUMNER: The Minister can indicate whether or not that is the case. He knows as well as I do that there have been considerable cut-backs in Federal funding for housing in this State. The figures that I have just given to the Council indicate the effect that those—

The Hon. C. M. Hill: There have been considerable cut-backs right across the board.

The Hon. C. J. SUMNER: I realise that, but why has public housing been singled out for treatment by the Federal Government? Also, why has not the Minister (and this is what I want to know) protested about this?

The Hon. C. M. Hill: I have.

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

The Hon. C. M. Hill: I will tell you about it tomorrow.

The Hon. C. J. SUMNER: The Minister can do that. There is no evidence to suggest that he has been—

The Hon. C. M. Hill: You haven't got any evidence.

The Hon. C. J. SUMNER: There is no evidence to suggest that the Minister has been vocal about it.

The Hon. C. M. Hill: As I said, you haven't got any evidence.

The Hon. C. J. SUMNER: There is no evidence that the Minister has been particularly vocal about it, and there is no evidence in the reply to the question that I asked.

The Hon. C. M. Hill: This isn't relevant to the Bill. It's only relevant to politics, which you are drawing into the subject.

The Hon. C. J. SUMNER: The Minister should stop being ridiculous. The Hon. Mr Hill's interjections are—

The Hon. J. E. Dunford: Unparliamentary.

The Hon. C. J. SUMNER: That is so. To start with, the Minister's interjections are unparliamentary. I do not mind that. However, the Minister is trying to support his Federal Government colleagues in a situation where they should be condemned. That is what he has been doing over the past few months. I have merely told the Minister that he has not complained about the Federal Government's cuts to the States for housing. The figures that I gave indicate the number of houses that were built in the public sector in 1955, and that figure represented 20 per cent of the total, compared to only 6 per cent in 1980. That is what has happened. One could ask whether there is a need in this respect. The Housing Industry Association has produced figures which suggest that there are at present 280 000 homeless people in Australia and a further 250 000 in makeshift or mobile homes. So, there is no question that there is a need for more funds for housing and that, while that need exists, the Federal Government has cut back its funding to the States. When referring to housing recently in one of its editorials the *Age* said:

It is a job we are doing less and less well the longer the Fraser Government stays in office.

Can the Hon. Mr Hill deny that? The editorial continued as follows:

The Fraser Government has still not explained why it has singled out the housing of the needy as an area where spending should be reduced.

The Hon. C. M. Hill: But we are putting a record total into housing this year, because we are putting our own State money in. Your own argument is latched only on the Commonwealth contribution.

The Hon. C. J. SUMNER: The Minister can provide his figures to the Council when he gets a chance to reply. I will be happy to see those figures.

The Hon. C. M. Hill: And they will make your argument look silly.

The Hon. C. J. SUMNER: Obviously, then, the Minister does not agree with the *Age*.

The Hon. C. M. Hill: No.

The Hon. C. J. SUMNER: The Minister does not agree that the Fraser Government has still not explained why it has singled out the housing of the needy as an area where spending should be reduced.

The Hon. C. M. Hill: What I am saying is that we are putting more money into housing this year in this State than has ever been done before.

The Hon. C. J. SUMNER: Are you denying that the Fraser Government has made substantial cuts?

The Hon. C. M. Hill: No, I am not denying that at all.

The Hon. C. J. SUMNER: That is the point I am making.

The Hon. C. M. Hill: That is your argument with Fraser.

The ACTING PRESIDENT (Hon. J. A. Carnie): Order!

The Hon. C. J. SUMNER: My argument is with you.

The Hon. C. M. Hill: I am not arguing.

The Hon. C. J. SUMNER: My argument is with you because you have refused to take the matter up with the Fraser Government.

The Hon. C. M. Hill: You don't know whether I have or not.

The Hon. C. J. SUMNER: You and Mr Tonkin continue to toady along with the Fraser Government on this particular issue.

The Hon. C. M. Hill: What proof have you of that?

The Hon. C. J. SUMNER: Well, I asked you a question about it the other day and you said virtually nothing.

The Hon. C. M. Hill: But what about the list of protests that we have been making?

The Hon. C. J. SUMNER: You didn't provide a list of protests on that occasion.

The Hon. C. M. Hill: You didn't ask for it.

The Hon. C. J. SUMNER: I most certainly did.

The Hon. C. M. Hill: You didn't; you simply asked me whether I agreed.

The ACTING PRESIDENT: Order! The honourable Minister will have an opportunity to reply.

The Hon. C. J. SUMNER: We are receiving the same discriminatory treatment from the Chairman as we usually get on this side. The Hon. Mr Hill is continually interjecting. All he is doing—

The ACTING PRESIDENT: If the honourable member did not provoke him, it would not occur.

The Hon. C. J. SUMNER: I did not provoke him at all. I am merely putting on record that the Fraser Government has cut funding for housing quite dramatically. The Hon. Mr Hill can do nothing but interject about that statement.

The Hon. C. M. Hill: Where is that in the Bill?

The Hon. C. J. SUMNER: The Bill deals with housing finance. I would have thought that, if the amount provided for housing finance has been cut by the Federal Government, then that is directly relevant to the Bill. That may well escape the Minister's attention. There have been other policies of the Fraser Government that have had an adverse effect generally on the housing industry. One relates directly to the sales tax on building materials. In that respect, the Real Estate Institute through the Executive Director, Mr Lawrence, at the national level, said that Mr Howard, in the Budget, made an extraordinarily weak commitment to the housing needs of Australians. He also said that the introduction of sales tax on building materials would increase the cost of new houses by several hundred dollars and would continue to defer the construction of badly needed rental accommodation.

The Hon. C. M. Hill: What has that got to do with the Bill?

The Hon. C. J. SUMNER: It clearly relates to how many houses are being built in this State.

The Hon. C. M. Hill: What has that got to do with sales tax?

The Hon. C. J. SUMNER: If sales tax is introduced on these building materials, it should be obvious to the Hon. Mr Hill that that will mean a lessening demand for housing.

The Hon. C. M. Hill: If the birth rate drops, there's a lessening demand for housing.

The ACTING PRESIDENT: Order! I ask that the honourable Minister to stop interjecting. I ask that the honourable Leader address the Chairman and not the Minister across the Chamber.

The Hon. C. J. SUMNER: If I got some protection from the Chair I would. The question of sales tax is clearly relevant. If you put sales tax on building materials it should be obvious, event to the Hon. Mr Hill, that it will affect the cost of housing. If the cost of housing goes up, the demand for housing will probably go down, but that may be beyond the Hon. Mr Hill's comprehension.

That is another policy that has worked against the housing industry in South Australia and it has been recognised by the industry itself. It seems that it is recognised by everyone except the Hon. Mr Hill. Regarding interest rates in the private sector, the policy of the Federal Government has seen a substantial increase in interest rates. That cannot be denied. This has a substantial effect on the private housing sector. The figures in South Australia for private sector approvals for the nine months to September 1980 show that there were 4 379 approvals, and for the nine months to September 1981, there were 3 775 approvals. If you compare the figures, this is 600 approvals less. I would like the Minister to explain how that indicates that the housing industry in South Australia is in a buoyant state. Clearly it is not.

The Hon. C. M. Hill: I haven't said that it is.

The Hon. C. J. SUMNER: You have tried to deny what I have been saying. What I have been saying is quite clearly irrefutable.

The Hon. J. C. Burdett: Because you say so.

The Hon. C. J. SUMNER: Well, if the Minister would like to study the figures I have given and indicate to me in what way they are incorrect, then I shall be happy for him to do it. The 1981 Commonwealth Budget papers, Mr Fraser and Mr Howard's own papers, stated:

> The Commonwealth may also provide additional financial assistance; the amount being decided annually in the Budget context. In 1981-82, the Commonwealth is to provide a total of $262.2 million to the States and the Northern Territory for welfare housing compared with $286.5 million in 1980-81.

That is some $14 000 000 less, which, in real terms, would be substantially more this year, compared to last year. I quote those figures for the attention of the Hon. Mr Burdett. Will he deny those figures? Clearly he cannot. I would like to have inserted in *Hansard* two tables, the first a table from the Budget papers of 1976-77.

Leave granted.

TABLE 40—PAYMENTS TO THE STATES FOR HOUSING 1972-73 TO 1976-77
($ Thousands)

	New South Wales	Victoria	Queensland	South Australia	Western Australia	Tasmania	Total
			Recurrent Grants *(a)*				
1972-73	2 292	1 679	669	1 093	771	388	6 892
1973-74	2 292	1 679	651	1 093	771	388	6 874
1974-75	2 292	1 679	766	1 093	771	388	6 989
1975-76	2 292	1 679	753	1 093	771	388	6 976
1976-77 (estimate)	1 848	1 347	1 318	941	627	314	6 395
			Advances				
1972-73	3 500	1 500	350	500	400	300	6 550
1973-74	86 000	53 500	17 400	32 750	13 000	16 000	218 650
1974-75	123 411	98 159	43 810	56 360	37 440	26 220	385 400
1975-76	123 411	98 159	31 010	56 360	33 440	22 220	364 600
1976-77 (estimate)	123 411	98 159	37 410	56 360	35 440	24 220	375 000

TABLE 40—PAYMENTS TO THE STATES FOR HOUSING 1972-73 TO 1976-77—*(continued)*
($ Thousands)

	New South Wales	Victoria	Queensland	South Australia	Western Australia	Tasmania	Total
			Total Payments				
1972-73	5 792	3 179	1 019	1 593	1 171	688	13 442
1973-74	88 292	55 179	18 051	33 843	13 771	16 388	225 524
1974-75	125 703	99 838	44 576	57 453	38 211	26 608	392 389
1975-76	125 703	99 838	31 763	57 453	34 211	22 608	371 576
1976-77 (estimate)	125 259	99 506	38 728	57 301	36 067	24 534	381 395

(a) Includes contributions towards rental losses under the Commonwealth-State Housing Agreement 1945.

The Hon. C. J. SUMNER: The second table I wish to have inserted in *Hansard* is from Budget Paper No. 7 for 1981-82. Leave granted.

TABLE 96—DETAILS OF PAYMENTS TO THE STATES FOR HOUSING *(a)*, 1977-78 TO 1981-82
($ Thousands)

	New South Wales	Victoria	Queensland	South Australia	Western Australia	Tasmania	Total
			Recurrent Grants *(b)*				
1977-78	1 848	1 347	480	941	627	314	5 557
1978-79	1 848	1 347	423	941	627	314	5 500
1979-80	1 848	1 347	423	941	627	314	5 500
1980-81	1 848	1 347	423	941	627	314	5 500
1981-82 (estimate)	1 848	1 347	2 898	941	627	314	7 975
			Pensioner Housing Grants				
1977-78	4 070	2 530	1 490	930	700	280	10 000
1978-79	5 695	3 388	2 050	1 343	1 086	438	14 000
1979-80	12 132	7 186	4 495	2 856	2 361	970	30 000
1980-81	12 421	7 409	4 790	2 945	2 459	976	31 000
1981-82 (estimate)	12 430	7 447	5 009	3 033	2 589	992	31 500
			Aboriginal Health Grants *(c)*				
1979-80	6 000	2 00	6 100	1 500	4 000	400	20 000
1980-81	6 300	2 100	6 400	1 600	4 200	400	21 000
1981-82 (estimate)	9 087	2 522	6 628	3 810	7 225	527	29 799
			Other Housing Grants *(d)*				
1979-80	16 410	13 045	5 105	7 495	4 710	3 235	50 000
1980-81	17 070	13 570	6 810	7 790	4 900	3 360	53 500
1981-82 (estimate)	15 570	12 375	4 845	7 110	4 465	3 070	47 435
			Loans				
1977-78	128 011	101 759	39 810	58 460	36 740	25 220	390 000
1978-79	103 721	82 451	32 257	47 368	29 767	20 436	316 000
1979-80	52 512	41 744	16 336	23 984	15 072	10 352	160 000
1980-81	54 650	43 440	17 000	24 960	15 680	10 770	166 500
1981-82 (estimate)	45 464	36 135	14 148	20 761	13 038	8 964	138 510
			Total Payments				
1977-78	133 929	105 636	41 780	60 331	38 067	25 814	405 557
1978-79	111 264	87 186	34 730	49 652	31 480	21 188	355 500
1979-80	88 902	65 322	32 459	36 776	26 770	15 271	265 500
1980-81	92 289	67 866	35 423	38 236	27 866	15 820	277 500
1981-82 (estimate)	84 399	59 826	33 528	35 655	27 944	13 867	255 219

(a) For a description of these items *see* Chapter IV under heading 'Housing'.
(b) Includes contributions toward rental losses under the Commonwealth-State Housing Agreement 1945.
(c) The 1981-82 estimate includes payments provided under the *State Grants (Aboriginal Assistance) Act* 1976 (Housing).
(d) The 1981-82 payments include a special payment to Queensland for rehousing Cribb Island residents.

The Hon. C. J. SUMNER: A perusal of these tables will make clear to honourable members that a dramatic cut has occurred in the funds for housing. The total amount of money available to the States for housing during 1981-82 is $255 219 000, which compares with the total figure in 1980-81 of $277 500 000. These figures differ from the earlier figures I read out. These payments to the States are for housing. The previous figures I have read refer to payments to the States and Territories. The second table that I have incorporated clearly shows that there has been a $22 000 000 drop in absolaute terms from 1980-81 to 1981-82. If those figures are compared to the 1974-75 year, which is on the first table, it can be seen that the total payments to the States were $392 389 000 at that time. If that is updated to current-day prices, that amount would be $789 000 000.

In 1981-82, only $255 200 00 could be provided, compared to $392 400 000 in 1974-75. The picture is even worse because the total for 1974-75 just refers to the recurrent grants and loans on advances, whereas in the $255 200 000 in 1981-82 (in the second table) a large number of other grants are included, such as pensioner housing grants, Aboriginal housing grants, and other general housing grants. In the overall $255 200 000, there have been added provisions for pensioners, Aborigines, and other housing grants which are not included in the $392 400 000 of 1974-75.

One can see that there has been a dramatic drop in the amount of funds for public housing. Even if one takes a period during the Fraser Government and compare the figures with the figures in the second table, one sees that, in 1977-78, $405 557 000 was provided for public housing, compared with the estimate of $255 200 000 in 1981-82. I suggest to the Minister that he study those figures. If he had not been so keen to interject earlier, he might have cared to reflect on those figures and come up with some sensible contributions. The Minister cannot deny that there have been significant cutbacks.

If the Minister is going to provide me with figures tomorrow which indicate that the South Australian Government is making some additional contribution to public housing,

that is all to the good and, if that is happening, no-one would want to complain about it, although it is true that South Australia traditionally had a high payment or contribution comparatively in the public housing sector, when compared with other States. South Australia contributes $47 a head to public housing, while Victoria can manage only $6 a head. That sort of discrepancy has not just come about during the period of the Tonkin Government. That sort of difference between South Australia's attitude to public housing and some of the other States' attitude to public housing has existed for many years, but it does indicate the importance that this State places on the public housing sector, and it is for that reason that the cuts announced by the Federal Government are particularly disturbing.

To complete the picture, I will refer to two other sets of figures. If one looks at the number of loans approved in each State under the terms of the successive Commonwealth—State Housing Agreements for the construction of dwellings, the purchase of private dwellings and the purchase of State housing authority dwellings during the years 1974-75 and 1979-80, one will see that, in the former period, in South Australia the number of approvals was 3 031 and in the latter period the number of approvals was 2 333, which is a significant reduction. I think that that reflects the changing priority of the Federal Government in this area.

Further, there is a matter which I believe is of considerable, if not grave, concern that ought to be worrying the Minister and that is the extent to which the money we now receive from the Federal Government is being used not to contribute to fresh housing developments but to service the debt incurred in loans already received from the Federal Government. I would like the Minister tomorrow, seeing that he has offered to provide us with other information about what a good job he is doing in the public sector area, to provide the Council with details for every State and on the national level, but particularly for South Australia, and to indicate how much of the money that is now being received from the Federal Government is to stimulate housing development and how much is to service the present existing debt to the Federal Government.

The Hon. C. M. Hill: It is about $3 500 000 net clear to us About $35 000 000 is received and about $31 500 000 goes back to the Federal Government.

The Hon. C. J. SUMNER: And the Minister is happy about that.

The Hon. C. M. Hill: Who said I was happy?

The Hon. C. J. SUMNER: You indicated that in—

The Hon. C. M. Hill: I did not indicate that at all. You have not read the reply that I made.

The Hon. C. J. SUMNER: I have the reply.

The Hon. C. M. Hill: Then read the reply and the question.

The Hon. C. J. SUMNER: The Minister said he supported the general thrust of the Victorian campaign.

The Hon. C. M. Hill: Read the question first.

The Hon. C. J. SUMNER: The question was whether you would, in effect, carry out the same campaign as Mr Kennett in Victoria, and the Minister said he would not.

The Hon. C. M. Hill: Read it; you have it in front of you.

The Hon. C. J. SUMNER: You know what is in the question. This was the question I asked:

The ACTING PRESIDENT: Order! I ask the Leader to address the Chair and not the Minister across the floor.

The Hon. C. J. SUMNER: The Minister stated:

As far as supporting it in detail, we are making, and have made, representations to the Commonwealth Government in an endeavour to seek more benefit and aid for South Australia, but not along exactly the same detailed lines as Mr Kennett. I would prefer that our endeavours be pursued, rather than joining Mr Kennett in his particular approach.

In other words, the Minister is not prepared to go public on the matter.

The Hon. C. M. Hill: I am not willing to adopt his strategy.

The Hon. C. J. SUMNER: The Minister is not willing to go public, which is the point I made earlier. The Minister is unwilling to stand up to the Federal Government's cuts.

The Hon. C. M. Hill: We want to get results.

The Hon. C. J. SUMNER: You have not got results so far. The only thing you have produced to this Council is this scrappy agreement.

The Hon. C. M. Hill: Can't you read it—it's in the Bill? What's scrappy about it?

The Hon. C. J. SUMNER: In his second reading explanation the Minister said that there were a number of unsatisfactory aspects in the Bill, but he would not outline what they were. He will not tell us what the detailed cuts are. As I said, the whole presentation of this matter was most unsatisfactory. I would like the Minister to provide tomorrow a detailed rundown on how much of the funds we are now getting from the Federal Government are available to stimulate housing in South Australia, as opposed to the funds going back to the Federal Government. The figures that I have are disturbing, because they indicate that in 1974-75 there was $115 600 000 net payment to the State for housing, and in 1981-82 it is about $35 700 000.

The Hon. C. M. Hill: We pay $31 500 000 back to them.

The Hon. C. J. SUMNER: That is what I am getting at. Of the $35 700 000, the State repays on advance $5 100 000. The State repayment of interest is $25 900 000 so the total State repayment is $31 000 000.

The Hon. C. M. Hill: That is what I am saying.

The Hon. C. J. SUMNER: I know, and that means that the State ends up with $4 700 000. We can compare that to the figures for 1974-1975 when the State got an amount of $115 600 000 and the State repayment on advance was $4 800 000. The State repayment of interest was $26 900 000, and total State repayments were $31 800 000, leaving a net Federal payment of $83 800 000. That can be compared to a net payment this financial year of $4 700 000. How can the Minister be happy with that?

The Hon. C. M. Hill: I am not happy. Why are you talking about being happy—who said I am happy?

The Hon. Frank Blevins: What has he done about his unhappiness?

The Hon. C. J. SUMNER: That is quite correct: what has the Minister done about his unhappiness? I suggest he has done very little at all. He has gone along with the cuts that the Federal Government has made. He has made some quiet protest.

The Hon. C. M. Hill: I will tell you tomorrow what we have done.

The Hon. C. J. SUMNER: You should have told us in the second reading explanation, because it was directly related to our consideration of the Bill. I want to know tomorrow more information about the unsatisfactory nature of the agreement and why the Minister has no choice but to sign it. The Minister has been quite unruly during this debate. He has interjected repeatedly; he has delayed the Council quite considerably. I would have thought that he would be fully supporting my complaints about the Federal Government, but he has not done so.

While I have been making these comments on the figures I have given to the Council, which must show irrefutably that the Federal Government no longer has a priority for public housing, the Hon. Mr Hill has been interjecting as if I were criticising him for not having provided the money.

Clearly the responsibility for providing the money in the past was with the Federal Government. At the moment, it has decided to withdraw substantially from that responsibility. My criticism of the Minister was that he had not taken up the matter vigourously enough with the Federal Government.

I do not know whether we have any option to oppose the Bill. If we do not agree with the proposal and do not ratify the agreement that the Hon. Mr Hill has made with the Federal Government, the Federal Government will certainly say that no funds are available and that they are special purpose grants provided under section 96 of the Constitution and are completely within the authority of the Federal Government. If that is the position, it ought to be fully explained to the Council by the Hon. Mr Hill tomorrow. Pending that information, I will reserve my position as to my detailed attitude to the Bill.

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

CORONERS ACT AMENDMENT BILL

The House of Assembly intimated that it did not insist on its amendment to which the Legislative Council had disagreed.

ADJOURNMENT

At 10.40 p.m. the Council adjourned until Thursday 3 December at 2.15 p.m.