LEGISLATIVE COUNCIL

Wednesday 17 February 1982

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

QUESTIONS

WALLAROO HOSPITAL

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 Wallaroo Hospital.

Leave granted.

The Hon. J. R. CORNWALL: As the incompetence of the State Government becomes increasingly obvious, a wide range of community groups and organisations are being forced to publicly demonstrate their total disillusionment and dissatisfaction. Recently, there have been literally dozens of large demonstrations outside Parliament House, and the situation is rapidly being reached where we will have to appoint—

Members interjecting:

The Hon. J. R. CORNWALL: There have been scores rather than dozens—

Members interjecting:

The PRESIDENT: Order!

The Hon. J. R. CORNWALL: I am sure that you will be interested in this matter, Mr President. The position is rapidly being reached, I believe, where officers of this Parliament will have to seriously consider appointing a special officer to allocate dates and times to groups in order to avoid double booking.

Today, honourable members have seen one of the most remarkable rallies of the past 12 months. Almost a third of the total population of Wallaroo travelled to Adelaide today to demonstrate their hostility at the Government's decision to close their hospital. To put that situation in perspective: if we were able to turn out a third of Adelaide's total population to protest about a matter affecting the residents of this fair city, we would have more than 300 000 people. Indeed, it was an impressive demonstration of the feelings and the depth of feeling of all the Wallaroo people.

There are some very distressing and disturbing features about the decision to close the Wallaroo Hospital and build a new hospital in Kadina, and not the least of these is the fact that the decision has divided the community in that area as it has never been divided before. It has divided the community quite unnecessarily, because there was no advantage in Kadina over Wallaroo and, had the decision been taken to rebuild at Wallaroo, which would have been a sensible decision because of the already existing brand new geriatric facility adjacent to the Wallaroo Hospital, none of this division would have occurred.

The Hon. C. J. Sumner: Do you think it was a political decision?

The Hon. J. R. CORNWALL: I will come to that in a moment. Wallaroo has had a Government hospital for 110 years, and there are some good reasons for keeping it there. Wallaroo is a very proud town that has a distinguished place in the history of South Australia. It is the industrial town of the area, although the present Government is running it down substantially. It has port facilities, and of course is therefore more likely to need emergency services than is any other town or area in the northern Yorke Peninsula region.

The hospital is essential for the survival of local traders; to take away the hospital pay-roll from the local economy would be quite disastrous. That is yet another reason for keeping the hospital at Wallaroo. Unlike Kadina, Wallaroo has a substantial summer tourist trade that makes emergency facilities essential. As I have said, that town has a splendid new 28-bed geriatric centre immediately adjacent to the existing hospital. Amazingly, the decision to close down the hospital and build at Kadina was taken without any process of community consultation whatsoever. Whether it was a political decision taken on the advice of the local member in consultation with the Minister of Health is a matter of conjecture, and I will not speculate on that.

The Hon. C. J. Sumner: He's supposed to be a rising star.

The Hon. J. R. CORNWALL: Well, they say Mr Fraser has been very anxious to get hold of him. I think Fraser deserves him, on his current performance.

The PRESIDENT: This is not relevant to your explanation.

The Hon. J. R. CORNWALL: No, I was sidetracked by someone who should have known better. When a petition containing almost 4 500 signatures protesting against the closure of Wallaroo Hospital was presented to the Minister, she ignored it. Likewise, she has ignored all invitations to explain the Government's decision to the local people. There have been at least four public meetings. As I have said, there was a rally on the steps of Parliament House today—democracy at work. On all occasions, the Minister has declined to speak to or communicate with the local people in any way.

The figures used to justify the building of the hospital at Kadina are dubious to the point of possible dishonesty. I would say quite clearly that I believe that the people doing the survey comparing the two possible sites almost certainly had some political pressure brought to bear on them. The cost per bed supplied (if you examine the figures carefully as I have done several times) is almost identical for either town, so there is no cost advantage in building at Kadina. I think the point could be made that, by building a new 30-bed hospital at Wallaroo, there would be a cash saving of $1 000 000. The people of Wallaroo have unanimously declared that they will not allow their hospital to be closed. As the alternative Government of South Australia (and I sincerely believe that within 12 months we will be the Government instead of the alternative Government), we have given a firm commitment that we will retain the Wallaroo Hospital.

There are other strange features of the Government's decision. Other major urgent capital works programmes have already been slashed by the Minister and the Government. For example, the M.H. block at Flinders Medical Centre, estimated to cost $2 080 000, has been deferred very late in the day, after tenders were accepted and contracts let. Stage 3 of the rebuilding programme at Adelaide Children's Hospital has been deferred, despite the fact that the Clarence Reiger building at A.C.H. is full of blue asbestos. Urgent rebuilding programmes at Glenside and Hillcrest have been deferred indefinitely, yet the Government says that it is determined to press on with its ill-conceived plan to build the John Olsen benefit hospital at Kadina.

I therefore ask why the proposed new Kadina Hospital has been given priority over other building programmes. What stage has planning reached for the hospital? When is it anticipated that a site will be selected? That is a matter of interest. They are building a new hospital, but as yet there is nowhere to build it. How does the Government intend to finance construction of the hospital, in view of the serious financial constraints it has got itself into by mismanagement? When will construction begin? Will the Minister and the Government immediately reconsider their

ill-informed and politically-motivated decision? Finally, will the Government seriously consider setting up a Joint Select Committee to examine this decision further so that some more intelligent and less divisive alternative can be found?

The Hon. J. C. BURDETT: The honourable member has given a quite considerable histrionic display as to the number and size of demonstrations on the steps of Parliament House. It has been my observation that the number and size has been about the same with this Government as with the previous Government.

An honourable member: Fewer.

The Hon. J. C. BURDETT: I would think that there have been fewer. I have lived for most of my life in a country area, as have the worthy citizens of Wallaroo, and I have lived in an area which has had its local jealousies and divisions. These matters can be most delicate.

The Hon. J. R. Cornwall interjecting:

The PRESIDENT: Order!

The Hon. J. C. BURDETT: In regard to the questions raised by the honourable member, I shall refer them to the Minister of Health and bring back a reply.

HOSPITAL CORPORATION OF AMERICA

The Hon. J. R. CORNWALL: I seek leave to make a brief explanation prior to asking the Minister of Community Welfare, representing the Minister of Health, a question in relation to the Hospital Corporation of America.

Leave granted.

The Hon. J. R. CORNWALL: During January the top Sydney executive of the Hospital Corporation of Australia (a fully owned subsidiary of the Hospital Corporation of America) was in Adelaide for several days. He was here specifically for top level talks with the South Australian Health Commission and the Minister of Health about future plans for expanding hospital ownership in South Australia. One of the specific subjects discussed was the Hospital Corporation of America's proposal to purchase the Fullarton Private Psychiatric Hospital. In my view, that would be an alarming development. However, even worse, I have been told that the possibility of the Hospital Corporation of America taking over the hospital services in the Wallaroo-Kadina area was also discussed. This is even more alarming. It was reported that the Minister expressed (and my source is impeccable) considerable interest in getting out of the area altogether and in getting the Government out of the area.

On what dates did the Minister and Health Commission hold talks with the senior executive or executives of the Hospital Corporation of Australia? Does the Hospital Corporation of Australia have plans to purchase the Fullarton Private Hospital and, if so, does it have the Minister's support? Was the possibility of the Hospital Corporation of Australia (or, more accurately, the Hospital Corporation of America) taking over the hospital building programme and nursing home facilities in the Wallaroo-Kadina area discussed? If so, was any indication of support given to the Hospital Corporation of America?

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

BUILDERS LICENSING BOARD

The Hon. C. J. SUMNER: I seek leave to make a brief explanation prior to asking the Minister of Consumer Affairs a question on the Builders Licensing Board.

Leave granted.

The Hon. C. J. SUMNER: The matter I have to raise is one of considerable seriousness. In reply to a question on problems with the Builders Licensing Board last week the Minister was guilty of grossly misleading the Parliament. I raised a number of matters which had been brought to my attention, including the fact that the Builders Licensing Board had been kept in the dark and was not being advised of complaints. In reply, the Minister said that he would not reveal the substance of complaints to the board. However, he said, amongst other things:

> There is no doubt at all that the Builders Licensing Board is not being kept in the dark.
>
> The complaints that are made to the board are dealt with in the usual way and anyone who wishes to complain to the board may do so. These complaints are dealt with as they always were.
>
> I point out that the concern that was expressed was not that raised by the Leader [that is, the concern as expressed by the board were not those raised in my question].
>
> I would deny the correctness of the allegations made earlier by the leader.
>
> They were relatively minor matters.

I have no hesitation in saying that all those statements are blatantly untrue. The Minister declined to provide details of the complaints. In view of the Minister's reluctance I feel compelled to advise the Council of the contents of the letter from the Chairman of the Builders Licensing Board to the Minister, dated 7 December 1981, as follows:

> Dear Mr Burdett,
>
> I am directed by the board to advise you that the board is concerned as to its present and future functioning brought about largely it believes, by the failure of 'management' to accept that the board is an independent Statutory body responsible to the Minister and not the Consumer Affairs Department.
>
> This attitude has unfortunately brought about the resignation of a very competent and experienced secretary, Mr Baronian, and the resignation of a long serving and efficient member of the board staff, Mr Radford, a 35-year-old public servant of 20 years standing. Mr J. Cussadia, an efficient member of the board staff has been so concerned by 'Management's' attitude that it seems clear his health has been affected.
>
> The board was not consulted about these resignations followed by a succession of one or two week occupancies of the secretary's position with the inevitable break down in a number of aspects of the administration of the board. Many hours work by board members on the proposed Manual of Procedure were lost or destroyed on the departure of Mr Radford. Before his departure the board had been informed that its typing had been held up by lack of staff. The annual report has not been completed for obvious reasons.
>
> The board is concerned that it was not consulted about the extended leave granted to Ms J. Russell, the appointment of her deputy or the appointment of a new secretary.
>
> The present set up with complaints being investigated by the Consumer Affairs Department is simply not working efficiently from the board's point of view. The complaints are referred back to the board after far too long a delay and consistently without full and proper reports and recommendations.
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> The board has been advised that the Crown Solicitor will not represent the board at tribunal hearings in future that the documentation to institute the appeals must be prepared by the board's officers and that the board must be represented by one of its inspectors or the secretary. These officers are at present fully occupied, not trained in this type of work and are not competent to do it. If this is to be, more staff will be required by the board.

I emphasise the following paragraph:

> The board deplores the apparent denigration of the importance of the duties it is required to carry out under the Act and expresses the strong hope that in the future the board will be treated with the concern and respect which we believe Parliament intended when the board was created.
>
> Fortunately, some of the problems which the board has experienced during the past months appear to be alleviated with the permanency of the acting secretary.
>
> Yours faithfully,
>
> E. W. Mills, Chairman, Builders Licensing Board.

That letter directly contradicts each of the statements made by the Minister in answer to my question last week. First, some of the allegations I made last week were clearly correct. Secondly, the Builders Licensing Board complaints are serious and certainly not relatively minor. The board felt so strongly about the matter as to refer to the 'apparent

denigration of the importance of its duties' and to 'express the strong hope that in future the board will be treated with the concern and respect which we believe Parliament intended when the board was created'. Thirdly, the board did complain about the manner in which complaints were now being dealt with (contrary to what the Minister said last week). Fourthly, the Builders Licensing Board was being kept in the dark. It was not consulted about staff changes and 'complaints are referred back to the board after far too long'. I do not make these allegations lightly, but it is clear that the Minister has been grossly derelict in his duty to be honest with this Parliament. Why did the Minister grossly mislead the Parliament last week in answering questions on the Builders Licensing Board?

The Hon. J. C. BURDETT: I have not been derelict at all. First, the letter which was leaked is a strange one. It sets our various matters of complaint and then states a rather curious thing in the last paragraph, that the matter has been somewhat alleviated by the appointment of the new acting secretary, which seems to take the teeth out of the rest of the letter.

The reason why I said—and said correctly—that the matters raised were relatively minor was that that was the outcome of the meeting that I had with the board. The Acting Chairman of the board approached me this week through one of my officers. However, I have not yet been able to see him. He has expressed grave concern about the leak that was evident in the question asked by the Leader last week. In fact, he has considered his own position and whether he and the whole board should resign. He was disturbed that information concerning a routine and proper meeting between the Minister responsible for the activities of the board and the board itself should have been leaked.

As I said last week, I acknowledge and accept the fact that, while I am the Minister responsible for the Department of Public and Consumer Affairs and, therefore, in charge of that department, I am also the Minister responsible for the Builders Licensing Board. I am the board's Minister as much as I am the department's Minister. I have accepted the fact and that is why I met with the board last Friday week. It was as a result of receiving that letter that I met with the board. No member of the department attended that meeting. What I said in reply to the Leader's previous question was correct: I mentioned that there had been some allegations about management, and that was the case. In my view, it is not true that there has been any denigration of the role of the board.

The Hon. C. J. Sumner: That's what the Chairman thinks.

The Hon. J. C. BURDETT: All right, it was said in the letter. In my view, that is not fair. As a result of the meeting I have referred to, I do not think it is fair to say that was the case. I have said quite frankly, in response to the Leader's earlier question, that I accepted the fact that there had been problems with management, namely, the department.

The Hon. J. R. Cornwall: Not the Minister. Did you ever hear about the Westminster Convention?

The Hon. J. C. BURDETT: Exactly. I have just been saying that I accept the fact that not only am I the Minister responsible for the department, but that I am also the Minister responsible for the board. In recognition of that fact I met with the board, just as I have met with it before. When I met with the board on previous occasions it was in the presence of departmental officers. However, on this occasion, because of the nature of the board's complaint, I met it without any departmental officer being present. I told the board that I acknowledged the fact that I was its Minister just as much as I was the department's Minister. I acknowledged the fact that, through the pressure of always being with the department, perhaps sometimes I had overlooked that fact.

I talked to the board about the matters raised in the letter. Unfortunately, the Acting Chairman could not be present, but I met those members of the board who were able to be present. The only other person present, apart from members of the board and me, was my Ministerial assistant, who took notes about what was decided. As I said when I responded to the Leader before, it was the most amicable discussion. The board expressed no dissatisfaction at all about me or about what I proposed to do and the meeting ended on an entirely friendly note. One matter that was decided was that, because there seemed to be difficulties in communication (because of the alleged problems with management, namely, the department), I would meet the board on a regular basis. It was decided that I should meet with the board once every two months. Members of the board expressed their satisfaction at that meeting and said that whilst problems had to be worked out they were satisfied with what I was doing.

The Hon. C. J. Sumner: Answer the question.

The Hon. J. C. BURDETT: I am answering the question.

The Hon. C. J. Sumner: Why did you mislead Parliament last week?

The Hon. J. C. BURDETT: I did not do so.

The PRESIDENT: Order!

The Hon. C. J. Sumner: It's quite clear to anyone who reads this documentation that you did.

The PRESIDENT: Order!

The Hon. J. C. BURDETT: It is quite clear that I did not mislead Parliament. According to members of the board, I have satisfied the board. It was satisfied with what I said at the meeting and with the initial procedures set up to overcome its problems. Whether these problems are overcome in the future remains to be seen, but the board expressed satisfaction with what I was doing. It was against that background that I said that the matters raised were relatively minor.

The Hon. C. J. Sumner: Anyone who reads this letter and says that they are relatively minor must be barmy.

The Hon. J. C. BURDETT: Anyone who does not listen to the whole circumstances must be barmy. Against that whole background that the board was so easily satisfied (and it is to its credit) with the kind of talk that we had, it is obvious that the complaints were relatively minor. Regarding some of the particular matters, I do not think (and I said this to the board) that it was incumbent upon me to consult with it about the leave of one member. I do not think that it is appropriate that I should consult with the board about appointments to it or about its deputies. Clearly that is a matter for the Government. Against the background of a simple talk and explanation, and parting on friendly terms on both sides, it is fair to say that the complaints were relatively minor. There is no question of misleading the Council. The only problem has been the leak clearly made to the Leader a fortnight ago of a letter.

The Hon. J. R. Cornwall: It is all right to tell lies—

The Hon. J. C. BURDETT: I am not telling lies at all; I am telling you exactly what has happened and I am saying that distress was caused to the Acting Chairman of the board because of a previous leak. I am sure that the board will be even more concerned that a letter, which was an intimate personal letter from the board to the responsible Minister, should have been leaked.

The Hon. C. J. SUMNER: I have a supplementary question and seek leave to make a brief explanation on the subject of the Builders Licensing Board.

Leave granted.

The Hon. C. J. SUMNER: The answer to my question is totally unsatisfactory. It is clear to anyone who reads the letter that the Chairman of the Builders Licensing Board considered the issue to be one of paramount seriousness for the operation of the board. Clearly, when he refers to the denigration of the role of the board and the role that Parliament envisaged for the board, he is treating the matter seriously. On that proposition, the Minister's response that the matter was relatively minor and that he did not mislead the Parliament has to be rejected. The Minister has not answered the other questions I put to him. He made it clear last week that the matters he discussed with the Builders Licensing Board were not matters that I had raised in my question.

It is clear that some of the matters I raised in my explanation before I directed the question to the Minister were directly related to the complaints from the Chairman of the Builders Licensing Board and must have been discussed by the Minister and the members of the board when they had their meeting. In answer to my questions last week the Minister said, 'I point out that the concern that was expressed was not that raised by the Leader.' Anyone reading the material I put to the Chamber today can come to no other conclusion than that that was a blatantly misleading statement. Clearly, the matters the Minister discussed with the board at their Friday meeting, before I raised the question, were matters that I had referred to in my question. The Minister today has not properly answered those allegations. Further, the Minister said that there was no problem with complaints to the board in relation to builders licensing matters. That is clearly untrue, as has been indicated by the letter from the Builders Licensing Board.

The Minister has failed to rebut the allegation that he misled the Parliament and what he said in answer to my question was, as I said before, grossly untrue. Why did the Minister say in reply to my question last week that the matters that I had raised in my question were not matters which had been raised as matters of concern by the board?

The Hon. J. C. BURDETT: For the obvious reason that my answer was correct. The Builders Licensing Board is not kept in the dark. I do not know quite what was meant by the letter but the members of the board with whom I discussed it agreed that I was right. The board is obviously not kept in the dark about complaints to the board. Complaints to the board are made directly to it, in the same way as complaints to a court. It is a specific form of complaint which is raised with the board. There is not any question of the board's being kept in the dark about complaints to the board; that is why I recently gave the answer that I did to the Leader.

On the question (which may be related—I do not know, because I do not quite understand that part of the letter) in the discussions with the board it was apparent that it was not kept in the dark about complaints that were made.

The Hon. C. J. Sumner: Why don't you take responsibility instead of dobbing in the Chairman?

The Hon. J. C. BURDETT: I am not dobbing in anyone. I am merely pointing out that there cannot be any question about people being kept in the dark about complaints. They are complaints in the formal sense like complaints made to a court, and they are in a specific form and go to the board. I do not know whether this was the matter referred to, but the question of management was raised and I said that when I replied to the Leader previously.

The question of management was raised in my meeting with the board and, when I said that previously, the Leader, rather attacked me for having made that statement. I was asked whether I was not responsible for management. I am responsible for the department and also responsible for the board. Many complaints are made by constituents about the board's operations; this is a different thing, of course, from complaints made to the board. I discussed this with the board when I met it last Friday week, concerning the fact that there were a number of complaints made by members of the public about the board's operations. People were dissatisfied with the way in which the board operated.

I have discussed this matter with the board and said that the department had some reason to say that the department had some responsibility in regard to the board because the complaints came to the department and the Minister and not to the board itself. The department had to deal with the complaints, which were made not to the board but which were made about the board's operations. I asked the board whether it would like to see the complaints about its operations, but, very properly, the board suggested that, if they were matters which might still be current or which might be subject to appeal, this would prejudice it in dealing with the matters.

What I suggested, and this was readily agreed to by members of the board who were present, was that we take out for a period of six months, say, 18 months ago—

The Hon. C. J. Sumner: Answer the question.

The Hon. J. C. BURDETT: I am answering the question and I have answered it. We would look at the complaints which had been made to the department about the board's operations. It was agreed that we would use cases over a six-month period from 18 months ago so that the board could not be embarrassed about its present operations. The board would look at those matters to see whether it ought to modify its system in any way.

In answer to the question, as I said before, in regard to complaints to the board, there is no way in which the board could be kept in the dark because the complaints are made directly to the board.

The PRESIDENT: The Hon. Mr Milne.

The Hon. C. J. SUMNER: I desire to ask a supplementary question.

The PRESIDENT: I will take it as soon as possible, but we must give every honourable member an opportunity to ask a question.

The Hon. C. J. Sumner: You're protecting your Minister.

The PRESIDENT: I am not protecting anyone. He is not my Minister any more than he is yours. I call the Hon. Mr Milne.

The Hon. K. L. MILNE: I wish to give a contingent notice of motion.

ADELAIDE FESTIVAL OF ARTS

The Hon. L. H. DAVIS: I have two questions regarding the 1982 Festival of Arts. Can the Minister of Arts say, first, whether he has any information about progress bookings for the 1982 Festival of Arts and, secondly, as the festival is very much for the people of South Australia, can he advise the Council whether any arrangements have been made for dining outdoors in North Terrace, Rundle Mall or any other appropriate venues?

The Hon. C. M. HILL: I have to point out that it is not the policy or practice of the Adelaide Festival of Arts Board, which is an independent body, to give out actual figures on the extent of bookings, but I do keep in touch with the board and I think that this matter has arisen publicly in the last week or two. From the information I have been given I can say that at this stage bookings are in line with the target that was set by the board when it originally planned this year's festival.

In regard to outdoor eating and catering arrangements, the honourable member will be pleased to know that on this occasion for this festival there are to be special outdoor

catering arrangements throughout the festival period in Elder Park. Previously, that venue was not utilised. I think I can recall that most of the special outdoor eating facilities were previously arranged along North Terrace. It is hoped that a special area for outside dining in Elder Park will be patronised, and people will find, provided that the weather holds good, that that form of catering will be acceptable.

In regard to outdoor dining in Rundle Mall, the Adelaide City Council has not received any special applications for temporary permits for eating-out facilities being provided in Rundle Mall. One of the problems is that a fire lane has always to be left throughout Rundle Mall, and there may not be much space anyway for tables and chairs in the mall. There has been one application—and it has been granted—for sidewalk eating facilities on North Terrace.

The Hon. Anne Levy: What about breakfast in the mall?

The Hon. C. M. HILL: There are some arrangements about breakfast in the mall. The honourable member can probably attend those but I most certainly find difficulty in doing so. There has been one application from Alfresco Pty Ltd for a temporary permit for eating-out arrangements on North Terrace and that has been granted, so at least one extra facility has been provided on North Terrace. There will not be anything further in the mall, but I encourage members to patronise the new catering venue in Elder Park.

The Hon. ANNE LEVY: I wish to ask a supplementary question. Can the Minister tell us what were the target figures that are being achieved by the board of the Festival of Arts, and can he say whether the board is making available to the police the names and addresses of people who have booked on a booking form for the festival, as I believe is happening in Queensland with people who have booked for the Commonwealth Games?

The Hon. C. M. HILL: I did not follow the last question.

The Hon. ANNE LEVY: If I could explain the question—

The Hon. C. J. Sumner: No, it's a supplementary question.

The Hon. ANNE LEVY: I will just rephrase the question. In Queensland, the police have access to the names and addresses of people who have booked for the Commonwealth Games. Does the board of the Festival of Arts in Adelaide make available to the police the names and addresses of people who have filled in booking forms for tickets for the Festival of Arts?

The Hon. C. M. HILL: I presume that the honourable member suggests that some disruptive elements may be going to book. First, let me say that the arrangements for the Adelaide Festival of Arts are not a departmental matter. The board of the Festival of Arts is an independent body. It is autonomous and it plans and arranges the Adelaide festivals. It is doing it on this occasion as it has done as an independent body for all the other festivals, so it is not my place or my right—

The Hon. Frank Blevins: Why did you set up a Dorothy Dixer for the Hon. Mr Davis?

The Hon. C. M. HILL: I thought the question asked by the Hon. Mr Davis was very pertinent, because there have been queries by people in the street who are wondering whether the bookings have been as good as was hoped and, simply because I keep my ear to the ground, I did inquire and that is what I was told. That information, as I have said, was that the bookings were up to the target estimates that the board had previously made. I know nothing—

The Hon. Anne Levy: You don't know the figures?

The Hon. C. M. HILL: I do not know the actual figures.

The Hon. Anne Levy: Do you know the targets?

The Hon. C. M. HILL: I do not know what the targets were for this time of year. I know nothing about this proposal that the names and addresses of those applying for tickets be given to the police. If we want to stop the flow of applications for tickets, that is the best way to do it.

The Hon. Anne Levy: That's what is happening in Queensland.

The Hon. C. M. HILL: I am not concerned at this moment with what is happening in Queensland in regard to the Commonwealth Games. I am concerned with the Festival of Arts, and I would hazard a guess that there is no contact between the police in this State and the booking officers for the Adelaide Festival of Arts.

The Hon. K. L. MILNE: Talking of the eating arrangements, I think the Council would probably like to know where the pie cart will be during the festival. A considerable amount of concern has been expressed about where it will be and about whether it will be operating at all. I am most concerned.

The Hon. C. M. HILL: I would not like to see the honourable member go without his floater. To the best of my knowledge, the pie cart remains outside Adelaide railway station. There was a move, as members know, for it to be shifted along North Terrace to a position opposite Parliament House, but the Hon. Miss Levy said that she did not want the class of person who attends the pie cart to be outside her Parliament House office. She got up in this Chamber and said, 'That means you are going to put it outside my window.' That was not in line with the political philosophy of her Party. She did not want it to be too close to her office. I know of no arrangements to shift the pie cart, so I will see the Hon. Mr Milne there one evening.

BUILDERS LICENSING BOARD

The Hon. C. J. SUMNER: My question is supplementary to one that I asked earlier of the Minister of Consumer Affairs. As a supplementary question, I felt it should have been taken as such.

The PRESIDENT: Order! The Leader is for ever instructing me on how I should conduct the Chair. I point out that I do not believe that one member should monopolise the whole of Question Time. In fact, both sides of the Council agreed some time ago that, if I did not enforce the rule which applies in the House of Assembly, they would comply with some type of order and the questions would be positive and explanations would be pertinent to the questions. I find that some explanations are not only long but are also tedious. So that all members have the opportunity to ask questions at Question Time, perhaps both questions and answers could be more to the point.

The Hon. C. J. SUMNER: I am sure we all appreciate your sermon, Mr President. In view of the matters that I raised in the Council earlier, does the Minister still say that the matters raised by me last week relating to the Builders Licensing Board were in no way related to the matters that have been put to him by the board and discussed by the board with him?

The Hon. J. C. BURDETT: I do not believe they were, because there is no question that there was any problem about the board's being kept in the dark regarding complaints made to it.

The Hon. C. J. Sumner: Read the letter.

The Hon. J. C. BURDETT: I have read the letter. Complaints made to the board are made to the board, not to the department, and there is no question of keeping the board in the dark. I regret that the Leader saw fit to cast aspersions on the conduct of the Chair; I thought that was quite unnecessary. The Leader has attacked me in relation to the board, and he must bear the responsibility for any denigration that there may be of the position of the board.

I am the Minister responsible for the board and the Minister to whom the board is responsible. It would be shameful if the board could not communicate with me by letter and could meet me, particularly in a preliminary way, as a matter of confidence, and that those discussions could not be normal discussions as they would be, for example, between a departmental head and a responsible Minister. If the matter got beyond that and if the board was not satisfied with the way I resolved the issues that it raised with me, it would be quite proper for it in some way to go public.

The matter is as simple as this. The board wrote; it did not even ask to see me. As soon as I got the letter, I made arrangements to meet it. I met those people in a happy atmosphere and it seemed to me that the machinery for solving their problem had been set up. This happy situation appears to me to have been perhaps torpedoed by the Leader in acting in breach of confidence by bringing the matter to Parliament when it was a matter between the board and the Minister and was dealt with in that way.

FISHING OFFENCES

The Hon. B. A. CHATTERTON: I seek leave to make a short explanation before directing a question to the Minister of Local Government, representing the Minister of Fisheries, on the matter of penalties for breaches of the Fisheries Act.

Leave granted.

The Hon. B. A. CHATTERTON: In the middle of last year the Minister of Fisheries made a public statement very aggressively attacking people who breached the Fisheries Act and saying that he would rigorously enforce the Act, suspending or cancelling the licences of those professional fishermen who had been involved in offences against the Fisheries Act. That statement was quite widely reported and applauded in the industry because it saw this as a move by the Minister to support the policy of the previous Government to suspend the licences of fishermen involved in offences in this way. Since then it has been reported to me that in fact none of the people who were in breach of the Act (and they were quite blatant breaches) and who have subsequently been found guilty in the courts and have had their licences suspended. Many people in the industry therefore believe that it has just been huffing and puffing on the part of the Minister concerned. Has the Minister in fact suspended any licences since he made the public statement, and how many professional fishermen have been found guilty of breaches of the Act during that same period? If he has not suspended any of those licences, can he explain why he has not carried out the policy he announced?

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

DIETICIAN'S APPOINTMENT

The Hon. J. E. DUNFORD: I seek leave to make a brief explanation before asking the Minister of Community Welfare, representing the Minister of Health, a question on the appointment of Mrs Tonkin as a dietician at the Flinders Medical Centre.

Leave granted.

The Hon. J. E. DUNFORD: I heard the Hon. Mr Burdett mumble that this question was asked yesterday. However, I have a different question to ask today. Once before, when I asked about the amount of land being sold in South Australia to foreign interests I received a reply in the *Advertiser* the next morning. I complained to you, Mr President, in this place and that is as far as it got. I have asked questions of the Minister of Health which are now three months old and which have not been answered. In this case, I asked my question yesterday and Mrs Adamson answered one part of it very off-handedly. I think the word that Dr Cornwall has suggested is 'mendacious' but I do not use those jaw-breakers. As reported in the *Advertiser*, the Minister said outside Parliament yesterday that she had been advised by the Flinders Medical Centre that the position had been advertised. I want to know where it was advertised. It could have been advertised in the Liberal Party paper, at a Liberal Party meeting, a cocktail party, or on the Flinders Medical Centre notice board. If Mrs Adamson is true to form she will answer me in the press tomorrow; I hope it will not be in two to three months time. I want a truthful answer. Where was the job advertised—in what journals and what newspapers? What salary is paid to Mrs Tonkin? How many applicants were interviewed for the position now occupied by Mrs Tonkin?

The Hon. J. C. BURDETT: The answers given by the Minister of Health are always truthful. I shall refer the question to her and bring back a reply.

CONSUMER AFFAIRS DEPARTMENT

The Hon. L. H. DAVIS: I seek leave to make a brief statement before asking the Minister of Consumer Affairs a question on funds for consumer affairs.

Leave granted.

The Hon. L. H. DAVIS: In the *News* of 16 February an article headed 'Spot checks on cheats are out' stated:

> Cheating New South Wales shopkeepers and garage proprietors are having an easy time because the Consumer Affairs Department has gone broke.

The article refers to the Consumer Affairs Department of Mr Neville Wran. The article continues:

> Cars used by weights and measures inspectors have been grounded because the department cannot afford to buy petrol for them. The whole car fleet has been off the road for a week and for the previous three weeks it had been cut by half.
>
> The inspectors check scales and measures in shops and petrol pumps in service stations. The lack of funds has halted the department's activities in country towns as well as the city.
>
> Most of the cars are being left at inspectors's homes because of lack of space to garage them at city and branch offices. In addition to head office cars off the road, about 27 vehicles from suburban branches are also reported to be immobilised.

Does the South Australian branch, in view of the repeated concern expressed by the Hon. Mr Sumner, have a shortage of funds in this area? Is the Standards Branch in fact alive and well in South Australia?

The Hon. J. C. BURDETT: The answer is 'Yes'. It is true that last week when the Leader asked the question, which has been flaunted again on several occasions today in regard to the Builders Licensing Board, it was prefaced by a suggestion that the South Australian Government was running down and dismantling consumer protection in South Australia. As I have said, nothing is further from the truth. There have been budgetary constraints, with increases in money terms, although not in real terms. There have been some small cuts in staff over the whole department, as has occurred in many other departments. However, consumer protection in South Australia is alive and well—there is no doubt about that. In the Standards Branch in particular there has been no cut in the services given to the public.

The Hon. C. J. Sumner: Has there been a cut in staff?

The Hon. J. C. BURDETT: Let us look at staff. There were 42 employees in 1980-81. The anticipated staff for 1981-82 is 38, so there has been a cut of four people. Having regard to the appalling, abysmal and disastrous situation in New South Wales, where there is not enough

petrol to run the cars which are standing in the shed and where inspectors are not going out, the best answer to the question could be that, if there is any running down in the South Australian Consumer Affairs Department of the Standards Branch, perhaps it may be justified, because the cheats have learned they should leave South Australia and go to New South Wales, where they can operate with impunity.

NAOMI WOMENS SHELTER

The Hon. BARBARA WIESE: I seek leave to make a brief explanation before asking the Minister of Community Welfare a question about the Naomi Womens Shelter.

Leave granted.

The Hon. BARBARA WIESE: Yesterday, in a Ministerial statement, the Minister indicated that the Government intends to withdraw funds from the Naomi Womens Shelter as from 31 March. He outlined his reasons for taking that action. However, it seems that there are still some questions left unanswered and some points that need further clarification. I intend to raise some of these issues now. Will the Minister say whether all the information contained in the Crown Law Office report on the shelter was provided to the management committee for denial or confirmation? What opportunity was given to the staff or the management committee to answer specific charges contained in the Crown Law report? Did the Crown Law report confirm that funds at the shelter had been misused, as the Minister has alleged? If so, why have no charges been pressed against the individuals involved? Why did the Minister decide to act so swiftly and finally in this matter without at least waiting for the reply of the Naomi staff to a letter from the Crown Law Office seeking information about financial accounts of the shelter, a letter which, I understand, was received by the shelter only seven days ago? Finally, will the Minister release to the Parliament the Crown Law Office report on Naomi Womens Shelter?

The Hon. J. C. BURDETT: I will endeavour to answer the question briefly in the time available. If the answer does not satisfy the honourable member, perhaps she can ask me another question tomorrow. The situation is that during the latter part of last year about 12 persons, some of them residents, some former residents and some former staff members of the Naomi Womens Shelter, contacted one of our district officers and made some quite serious allegations about the conduct of the shelter. Some of those allegations I have referred through the Chief Secretary, to the police, the response being that there was nothing to indicate that charges ought to be laid.

Some of the allegations related to the management of the shelter, and those I referred, through the Attorney-General, to the Crown Law Office for a Government inspector to make an inspection, which he did, and prepare a report to me. In the course of his making his inspection and preparing his report a number of statements and allegations were made to him and said to be in confidence. It was said that the people were quite happy for their statements to be included in the report to the Minister, but they did not wish them to be made in public. For these reasons, it was not possible to make the allegations known in detail to the shelter.

The Hon. J. R. Cornwall: You're trying to take away the woman's good name and reputation under the privilege of Parliament, without any evidence being offered.

The PRESIDENT: Order!

The Hon. J. C. BURDETT: I am not trying to take away anyone's good name, but these questions have been raised and I will answer them. Shortly before Christmas, Mrs Willcox went to the press and said that it had been leaked by the department that funds were to be cut off on Christmas Eve so that that could be done quietly during the silly season. That was quite untrue; there was never any suggestion of cutting off funds. What did happen was that the Director-General wrote a letter to her. He did not refer in detail to the allegations made, for the reasons that I have given, that they were made in confidence. The letter was directed to the Chairman of the management committee, and it was suggested that, as there were certain problems there be a meeting at which those problems could be resolved. The problems have not been resolved.

There have been problems with the shelter for some time. As I said yesterday in my statement, and as I have said to the press, the department and the Government have a responsibility to the Parliament and to the people of this State to see that the funds spent on womens shelters are spent in what we see (because we are responsible) as the best way. We strongly support the womens shelters movement. The position was simply that we were not satisfied that the large sum of money (about $90 000 per annum) being spent at the Naomi Womens Shelter was being spent in the best way.

The Hon. J. R. Cornwall: Are you alleging misappropriation?

The Hon. J. C. BURDETT: This has gone on for—

The Hon. J. R. Cornwall: Are you alleging misappropriation?

The PRESIDENT: Order!

The Hon. J. C. BURDETT: I am answering the question. These allegations and our misgivings had gone on for so long that we felt that the only way out was to cut off the funding on due notice to Naomi and to ask the Womens Shelters Advisory Committee, which consists of all the other shelters (Naomi had recently been excluded because it had not been going to meetings owing to management problems), to help us set up another shelter so that the taxpayers' money will be spent in a responsible way.

PETROL RATIONING

The Hon. G. L. BRUCE: I move:

1. That a Select Committee be appointed to inquire into a report on the following and related matters—

(a) The system of petrol rationing implemented by the Government during periods of threatened petrol shortages with particular reference to—

(i) the effectiveness of the system of allowing motorists with odd and even number motor vehicle registration to obtain petrol on alternate days;

(ii) its effect on employment and loss of income by employees including casuals;

(iii) the readiness and ability of Government departments to organise for the implementation of petrol rationing; and

(iv) contingency plans for any future shortage of petrol supplies.

(b) Allegations reported in the *Sunday Mail* of 27 September 1981 that the refusal of most oil companies to grant credit facilities to privately owned service stations means that much of this State's petrol shortage facilities are being under-utilised, thus requiring rationing to be imposed earlier than would otherwise be necessary.

2. That the Committee consist of six members and that the quorum of members necessary to be present at all meetings of the Committee be fixed at four members and that Standing Order No. 389 be so far suspended as to enable the Chairman of the Select Committee to have a deliberative vote only.

3. That this Council permit the Select Committee to authorise the disclosure or publication, as it thinks fit, of any evidence presented to the Committee prior to such evidence being reported to the Council.

I would like to give some of the details that led up to this Notice of Motion. If we cast our minds back to September of last year, we will recall that petrol rationing was introduced by this Government under a Bill that this Government had previously passed. During the past few months, I have tried to see whether, when odd and even registration number rationing was supposed to be operating, it was operating in a fair and even manner for the public of South Australia. To this date, I still do not have answers to certain questions I have asked about this matter. Subparagraph *(a)* of my Notice of Motion states:

> The system of petrol rationing implemented by the Government during periods of threatened petrol shortages with particular reference to—
>
> (i) the effectiveness of the system of allowing motorists with odd and even number motor vehicle registration to obtain petrol on alternate days;

I know for a fact that when petrol rationing was on there were blatant abuses of that rationing system. I still cannot understand how the Government thinks that there was not more petrol sold on those days than on ordinary days, because of the very fact that, when a person with an odd or even number pulled into a service station, he had to queue for petrol, whereas on a normal day he did not.

The Hon. M. B. Cameron: These unions cause a lot of trouble, don't they?

The Hon. G. L. BRUCE: They sure do. I have refreshed my memory on this matter from some newspaper cuttings I dug up relating to petrol rationing. One of those reports, by transport writer, Stuart Innes, appeared in the *Advertiser* on 17 September 1981, under the heading 'Some won't play the petrol game', as follows:

> Any motorist can easily get petrol under the present rationing system. Motorists can help themselves at a self-serve site—or be served by a polite driveway attendant. Yesterday, in an odd-numbered car, I got petrol both ways in the metropolitan area.
>
> But according to the odds-and-evens rationing system, yesterday was an 'evens' day and if the rules were followed, I should not have been able to get a drop without a permit exempting a sale from the restrictions. Government and service station industry spokesmen said later it was largely up to motorists not to abuse the system.

That is true, and I believe that the system was abused. The article continues, later:

> The secretary of the service station division of the South Australian Automobile Chamber of Commerce, Mr R. Smith, said it was difficult at one-man or two-man self-serve sites to check number plates of all cars and to see a motorist did not take more than $7 worth. 'They have to rely to a great degree on the honesty of the public,' he said.
>
> Mr Smith said the introduction of rationing had lacked communication. He had been told by the Government department at 3 p.m. on Tuesday that there definitely would be no rationing, and he had heard about it hours later only from someone who had seen a TV report. There was at least a week's supply left in service stations.

I could go on and on. I believe that the system did not work mainly because it was left to the honesty of the public. When the public supply of petrol is threatened, which threatens in turn jobs and recreation opportunities, good intent goes out of the window. I believe that asking for a Select Committee to look into this matter is not an unreasonable request. If it were appointed it would look into subparagraph *(a)* (ii) of my motion, which states:

> Its effects on employment and loss of income by employees including casuals;

That crisis has been forgotten very easily. If one goes out into the world now people do not seem to realise what happened during that particular crisis. A short memory seems to be the situation when it comes to things like this. I turn to an article that appeared in the *News* of 20 September 1981, under the heading 'Petrol crisis cost business millions', as follows:

> South Australian businesses have lost millions of dollars during the petrol crisis. Retail Traders Association president, Mr Bill Dawson, estimated today that South Australian retail outlets overall would lose $10 000 000 to $15 000 000. Mr Dawson, who is Myer South Australia Stores' managing director, assessed his company's loss at between $4 000 000 and $5 000 000. He said sales were down about 20 per cent last week.
>
> 'Myer suburban stores and free standing discount centres were worst affected,' said Mr Dawson. 'City stores were not hit quite as badly because there was frequent public transport available.'
>
> State administration manager and property officer for Woolworths, Mr Tom Burgin, measured losses in his company's city and suburban stores at from 7 to 10 per cent. Woolworths' city store was hit hardest.
>
> Tourism sources said the State had lost more than $400 000 a day at the height of the crisis last week. South Australian Automobile Chamber of Commerce executive director, Mr Richard Flashman, said the crisis had hit petrol retailers who had paid cash on delivery for their fuel and then could not sell it.
>
> In the long term the financial stress could be just 'another nail in the coffin' for some service station proprietors.

At that time, many South Australians were concerned that they would lose their jobs. In the *Advertiser* of 23 September 1981, under the heading 'Industry and commerce feel effects', a report stated:

> The petrol crisis is hurting South Australian industry and commerce, crowding public transport and closing more service stations. The Minister of Tourism, Mrs Adamson, said yesterday her department had estimated South Australia was losing about $410 000 worth of tourist spending each day petrol was unavailable to the general public.
>
> She said 81 per cent of trips to and within the State were by private motor vehicle. Accommodation houses throughout the State and the South Australian Government Travel Centre had already reported substantial cancellations. It was particularly serious for regions where this was the peak tourist season, such as the Flinders Ranges. Not only overnight or longer trips were affected, but also day trips with a loss of income to a number of local communities such as Hahndorf and other Hills towns, the Barossa Valley and Southern Vales.

The effects on the community were widespread. It had a huge effect on employment, particularly on casual employees. That effect was not measured or assessed by the Government, so nothing was done about it.

I believe it is relevant for the Select Committee to look into the effect on employment and the loss of income by employees, including casuals, because those effects can be very widespread during a fuel crisis of this magnitude.

Subparagraph *(a)* (iii) of my motion provides:

> the readiness and ability of Government departments to organise for the implementation of petrol rationing.

Dealing with the same situation, another article, headlined 'Hopefuls wait up to six hours', stated:

> Many people had about a six-hour wait for petrol permits outside the Motor Registration Division building in Wakefield Street, city, yesterday. At 4.30 p.m. the line of many small businessmen and women stretched from the building, along Wakefield Street and around Divett Place to the Forensic Science building.
>
> Earlier the queue had stretched around the Divett Place corner and along Flinders Street. Last night the supervisor of rationing at Wakefield Street, Mr J. D. Noble, estimated that between 3 000 and 4 000 people had been issued with petrol coupons for either 10, 20 or 40 litres.

We can assume that that is how many people queued at various times throughout the day. The article continues:

> Many people waiting patiently in the line expressed concern that the doors might close before they had a chance to obtain permits and said that more suburban offices should have been available to obtain permits. Transport business owner Mr T. Lumsden, of Ferryden Park, summed up his 5½-hour wait with: 'It's bloody pathetic.'

I believe that most of the people who had to queue would say that it was 'bloody pathetic'. If it is necessary to introduce petrol rationing, there must be some way of avoiding having to herd people together like cattle simply to obtain a few litres of petrol. Des Colquhoun stated in his daily column:

> The queues in Flinders and Wakefield Streets, city, belong to some derelict banana republic, not a computerised society with a sophisticated Public Service.

I agree with that statement, and I am sure that those people who had to queue for up to six hours for petrol would also agree. Another article in the *Advertiser*, headlined 'Confusion in queues', stated:

Insufficient staff and a telephone breakdown created problems for motorists seeking petrol-ration exemptions yesterday. A 9 a.m. rush of calls on the petrol-rationing inquiry number 223 7322 caused a Telecom breakdown which put the line out of operation for more than an hour.

When the line was operating, 12 Department of Mines and Energy workers answered an estimated 3 000 inquiries in six hours. At the Motor Registration Division, 60 Wakefield Street, up to 400 people at a time queued for two hours while only two staff members processed their petrol exemptions.

Extra staff was called in. Many of the people had arrived several hours before the office opened at 9 a.m. The Minister of Mines and Energy, Mr Goldsworthy, said yesterday he had been surprised at the number of people who turned up.

Good heavens, what did he expect? Naturally, people would turn up and attempt to obtain some petrol. I do not think it is asking too much to have assessed the readiness and ability of Government departments to organise the implementation of petrol rationing. I do not believe that the Government was properly geared up to cope with the fuel emergency that arose last year.

I believe the Government has learnt a lot from last year's fuel crisis. A Select Committee should be appointed to inquire into the role that the Government should play in any future fuel crisis. Hopefully, a Select Committee will come up with a method that will do away with the present situation where people have to queue for up to six hours to obtain petro permits.

Subparagraph *(a)* (iv) of my motion provides for contingency plans for any future shortage of petrol supplies. I do not believe that the Government has any contingency plans whatsoever. Over the past three or four months I have asked questions about such plans, and I have also made suggestions about how petrol rationing should be implemented. The negative answers that I have received from the Minister of Mines and Energy lead me to believe that no contingency plans for the future have been made. In fact, in the *Sunday Mail* of 27 September 1981, under the headline 'New petrol ration plan to beat panic', an article stated:

With petrol restrictions likely to end on Tuesday, a suggestion was made yesterday that ration cards be issued automatically on the back of vehicle registration certificates.

I am not saying that that is the correct approach. In fact, that suggestion was raised in Parliament. The article also stated:

The Premier, Mr Tonkin, said he could not support the idea of printing petrol coupons on the back of vehicle registration certificates for a number of reasons.

The Premier then went on to list the reasons. I have no doubt that those reasons could be valid. I believe that a system should be devised to plan for a situation in which there could be a future shortage of petrol supplies.

The Hon. M. B. Cameron: You will never stop people from doing the wrong thing.

The Hon. G. L. BRUCE: That is correct. I agree that people cannot be stopped from doing the wrong thing. However, we must make it harder for people to do the wrong thing. It was not difficult for people to do the wrong thing during the last crisis, because of the confusion that existed in issuing permits and because of the complete failure of the odds and evens system. Since people cannot be stopped from doing the wrong thing, we must minimise the scope available. The Government must also come up with a contingency plan whereby it can step in and fill the breach responsibly when the supply of fuel is disrupted in this State.

Subparagraph *(b)* of my motion provides:

Allegations reported in the *Sunday Mail* of 27 September 1981 that the refusal of most oil companies to grant credit facilities to privately owned service stations means that much of this State's petrol shortage facilities are being under utilised, thus requiring rationing to be imposed earlier than would otherwise be necessary.

Of course, that subparagraph arose from an article which appeared in the *Sunday Mail* on 27 September 1981. That article, which dealt with the issue of the week, was headed 'The queuing could have been avoided' and was written by Randall Ashbourne. It is a very lengthy article but, because it deals with this particular subparagraph, I believe that I should read it into *Hansard*. It states:

Two years ago, the oil companies began installing massive storage tanks at South Australian service stations so that the State could ride out a serious petrol strike. The underground tanks have the capacity to meet South Australia's normal fuel needs for up to two months, according to Mr Rick King, vice-president of the petrol division of the Automobile Chamber of Commerce.

However, when the Port Stanvac refinery shut down on September 13 service station petrol stocks were 'at an all-time low'. The reason, says Mr King, is that the oil companies have cut off credit to station operators and they cannot afford to pay cash to keep their fuel bunkers full.

He says: 'They used to allow us credit on petrol by the post-dated cheque method, but they have taken that away from us over the past six months and we have to pay cash in advance.

'What it means is that most service stations now carry petrol on a week-to-week or 10-day basis because they can't afford to carry any more.

'Many stations have huge storage tanks—and I mean huge—that are virtually empty all the time.

'The one exception is Mobil which fills dealers' tanks, takes meter readings twice a week and charges for what has been sold in the previous few days.

Mr King says he has a service station at Smithfield, which has a storage capacity to meet customers' normal needs for two months.

'Everybody used to keep them full, but these days we can afford only to keep 10 days supply.

'The big tanks were put in only two years ago and obviously they were designed to be kept full.

'Mobil keeps its dealers' tanks full. If the others did it would give the State five to eight weeks of normal supply.

'They say there is no chance of getting another refinery but there is no need for one. The facility for storage is here already.'

Privately, many service station operators are wondering if the oil companies' current supply policy is linked to the 'war' between them, the State Government, and the companies earlier this year.

Mr King says: 'I wonder why is it that the storage was at an all-time low in South Australia and the refinery was shut down at the same time. I'd like the question to be answered.'

The very fact that he is saying that they were shut down means that the storage was at an all-time low. The article continues:

They must have known when they shut that refinery down that the supply situation in South Australia was critical.

'The oil companies are huge and they don't like to be beaten by anybody—whether it's service station operators or the State Government.

'The fuel levels have never been lower, they're not allowing credit to stations' operators to keep their storage tanks full and at the same time they shut the bloody refinery down.'

The Hon. M. B. Cameron interjecting:

The Hon. G. L. BRUCE: They were shut down because there was no fuel coming in. Various questions can be asked about this. The article continues:

'The question of whether they've been responsible in the marketplace needs to be answered. They may have a reasonable explanation, I don't know. All I can say is you have to draw your own conclusions.'

I believe that when somebody who owns and operates a service station makes a statement that a service station has the facilities for two months supply of petrol—and most service stations in the suburban area have those facilities—this is something the Select Committee could look at and could recommend some way to ensure a buffer, to avoid the shortages of petrol to the public. If there is a situation where there is two months supply held by operators before stringent rationing is brought in, such as we saw operating during the last strike, then I believe that a Select Committee would have a worthwhile role in looking at this situation.

The Hon. M. B. Cameron: Perhaps we can get the unions to pay for the cost of the storage.

The Hon. G. L. BRUCE: What about getting the credit situation resolved so that the oil companies—

The Hon. M. B. Cameron: You would not need that if you had a reliable union.

The Hon. G. L. BRUCE: There is the Mobil situation, where it fills the tanks and charges for what was sold in the previous few days. It can be done. I am not saying that that is the answer. I am saying that this is a situation that a Select Committee could examine.

Looking through the newspaper reports at that time we can find headlines everywhere which state, 'Coupons: what they mean to you'; 'Some won't play the petrol game'; and, 'Petrol for 10 days . . . if no panic'. Of course, there was no panic and no petrol for 10 days. There never is in a strike. Restrictions cause petrol sellers to close down. There were many headlines at that time. I feel that we need a Select Committee to look into and report on all the matters that happen during petrol strikes. I believe that a Select Committee should operate in this Chamber in a non-partisan manner so that the best deal for the public of South Australia comes out of legislation by this Government. I believe that there is a role to play for this Chamber, which is not rubber stamping Bills brought up from the other House. I believe that that role involves Select Committees with non-partisan attitudes. The Select Committees I have participated in have been non-partisan.

The Hon. M. B. Cameron: You missed the uranium one.

The Hon. G. L. BRUCE: I missed that. I have great faith in the Select Committee system operating in this Chamber. I feel that what we are asking is not a political ploy; we are not trying to embarrass the Government because, from the statements I read out, the people of South Australia were embarrassed. If one has to queue for six hours in Wakefield Street to obtain a permit to operate one's milk vending licence, school bus or whatever, then those people are embarrassed. Irrespective of which Party is in Government, the same confusion would have been there because of the circumstances surrounding the strike. It is true that we have short memories and that we do not prepare for these stoppages.

In asking for a Select Committee to be formed, I am not seeking political mileage, but I am seeking a benefit for those people in South Australia who suffer when there is the crisis of a petrol shortage over which they have no control. I urge the Chamber to support this motion and I feel that a Select Committee with a non-partisan attitude, would give effective recommendations to the Government for implementing legislation for what should happen in the future if shortages of petrol occur again in this State.

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

SURVEYORS FEES

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

That regulations under the Surveyors Act, 1975, in respect of fees, made on 1 October 1981, and laid on the table of this Council on 20 October 1981, be disallowed.

There is a very good reason for my moving this motion and it concerns a broad matter of principle. It is not for the surveyors in particular that I am going to bat, but for the professions generally. What is proposed under this amendment to the regulations is that registration fees go up from $5 to $50. The amount is not relevant, but it is the principle of it.

I think I can do no better than to read to the Council a letter which was written to the Premier (Hon. D. O. Tonkin) on 11 February 1982 from the South Australian Council of Professions, Inc. The members of that council are the Australian Medical Association, the Australian Dental Association, the Royal Australian Institute of Architects, the Australian Veterinary Association, the Institution of Engineers of Australia, the Law Society of South Australia, the Institute of Chartered Accountants, the Australian Society of Accountants, and the Institution of Surveyors.

It seems to the majority of the membership of that council, and it certainly seems to be the case to me, that what the Government is about in this matter is 'User pays gone mad'. The letter to the Premier states:

Dear Premier,

I am writing with regard to a submission made to the council by the Institution of Surveyors Australia, South Australian Division.

The surveyors' submission expressed some concern that a proposal exists to increase their registration fee to $50 per annum. The concern is not at the actual amount but at a perceived intention on the part of the Government to make the Surveyor's Registration Board financially 'self-sufficient'. The council has asked its constituent bodies, listed above—

the list that I read out—

for their reactions to the proposal and written replies have been received. The majority opinion expressed in these replies is that where statutory registration boards exist the fees that they charge to register qualified persons should cover the administration costs involved. There is concern that it may be the intention of the Government to meet other costs incurred by the boards through the registration fee levy, e.g. the costs incurred when the boards sit as a disciplinary body or as a board of inquiry. The council majority opinion would be that such roles performed by the boards are akin to consumer protection roles and as such the costs should be met by the community.

The council would welcome the opportunity to discuss this matter with you as Treasurer and I would extend the invitation I made verbally to you at the opening of Jackman, Gooden, Scott and Swan's exhibition to do just that, at your convenience.

Dr Cornwall has been in contact with me on this matter and I will forward him a copy of this letter as a matter of courtesy.

That letter is signed by David B. Lindsay, President, South Australian Council of Professions. Dr Lindsay had been in touch with me previously, and it was as a result of the conversation that I had with him that I put this motion on the Notice Paper. The motion, as Dr Lindsay points out in his letter to the Premier, raises an important matter of principle with regard to those boards which register members of the professions, whether it be my own profession, the Veterinary Association, the Law Society, the A.M.A., the A.D.A., or any other profession.

They exist for a variety of reasons. One is to check the *bona fides* and qualifications of persons applying for membership. Of course, that is something in which there is a degree of consumer protection. They also exist to sit as boards of inquiry where complaints are lodged by members of the public. They also exist to act as disciplinary bodies where various degrees of misconduct are established against any of their members. To the extent that they register members of the profession, they have a twofold role. They protect the members of that profession from unqualified persons coming in and pretending or holding out to have qualifications which they do not possess. That is very important and, to that extent, they uphold the rights and privileges of the people that they admit to membership. It seems perfectly reasonable for persons applying for registration to pay that portion of the cost of running the particular boards.

But they exist also, and this is an important role with regard to the medical association on which I have had much to say in recent months, for consumer protection. The degree of consumer protection which they confer in some instances at this time may well be open to question, but that is an important role. They exist for consumer protection and act as disciplinary bodies against any member

who is registered within his or her profession and who does the wrong thing.

The Hon. R. J. Ritson: I doubt that consumer protection was one of the primary thoughts in mind when they were first formed.

The Hon. J. R. CORNWALL: True, but I would say that when they were first formed the code of conduct in the professions was of a rather higher standard and, in some instances, a much higher standard than it is in this day and age. To that extent the Hon. Dr Ritson is correct. Their primary role, when these organisations were first formed, was not one of consumer protection, but there is no doubt at all that over the years their role of consumer protection has become inreasingly important, and will become more important with the effluxion of time, unless there is a great change in community standards and attitudes in the next two decades which, regrettably, I believe will not happen.

What we have is a contention by the Council of Professions, which I support heartily, that to the extent that the bodies are used for registration and to protect the interests of the members, those members should pay that amount of money, but to the extent that they are bodies which are concerned with consumer protection, that becomes a function which should be paid for by the community at large. That is fair enough, because a member of a profession naturally has to pay a registration fee. Without paying that registration fee one cannot practice in one's profession but, in addition, a member of any of these professions would normally belong to his or her professional organisation in the same way that a member of the work force would belong to a trade union. One must make that real distinction.

If one accepts the principle, which I do not, which is precisely why I have put this motion on the notice paper, that they should be self-supporting, then there is no end to it. As I said, it is the principle of 'user pays' gone riot. One could have a rise from $5 to $50 and ultimately an increase to $500. The aim is not simply to catch up with inflation and take the $5 fixed in, say, 1961 to $50 in 1981; it is substantially more than that, and one could finish up with a position as a member of the A.M.A., A.D.A. or A.V.A. charged by the Government with a total cost of running the professional board and, in addition, having to pay a substantial fee to belong to one's professional organisation or trade union.

I regret the notion that one should have to pay twice. I do not reject it on the grounds of the money to be paid so much as the principle that, where consumer protection is involved, that is a charge that should be made against the total community. For that reason I am opposed to the regulation.

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

MEMBERS OF PARLIAMENT (DISCLOSURE OF INTERESTS) BILL

Adjourned debate on second reading.

(Continued from 10 February. Page 2722).

The Hon. L. H. DAVIS: Government members have already covered many of the arguments against the principle of the Bill that has been introduced by the Hon. Mr Sumner. It is now a fairly old horse that has had different riders in an unsuccessful attempt to get to the post.

However, I am not averse to having a register of interests that is held by the Presiding Officer of the House. I am not persuaded that a public register would guard to any greater degree the possibility of a member's interest conflicting with his duty.

The point has already been made that in realpolitik senior public servants have more real power than have backbenchers of either House of Parliament. Why is the Hon. Mr Sumner silent on public servants? Is he, for example, satisfied that there are adequate provisions in respect of pecuniary interests or conflict of interest situations within local government? The Hon. Mr Sumner has been silent in regard to the existing requirements of Labor Party members of Parliament. For example, does the Leader require a disclosure of pecuniary interests of shadow Ministers?

During the debate on this Bill on 2 December, the Hon. Mr Carnie commented that, if this Bill is defeated the Leader of the Opposition, the Hon. Mr Sumner, will accuse members on this side of the Council of having something to hide, to which the Hon. Mr Sumner interjected 'You're dead right.' I find this remark quite amazing.

During the course of the debate on the Bill, no allegations have been made of any impropriety in respect of pecuniary interests on the part of any members of this Council, but the interjection by the Hon. Mr Sumner underlines a strange preoccupation that is widespread among Labor Parliamentarians. On the one hand they are against foreign ownership and on the other hand they express hostility against Australians who, in many cases, through hard work have accumulated assets.

At times it is hard to work out from Labor Party attitudes who in fact would be left to own the assets, but I am straying from the point. Returning to the Bill, I object to it on several grounds. First, I do not believe that a public register would achieve any more than would a register held by the Presiding Officer.

The Hon. C. J. Sumner: You disagree with the Liberals in Victoria, do you?

The Hon. L. H. DAVIS: Yes, but I do not disagree with them in respect of their policy for the next election, and we will see them returned. The report of the 1979 Bowen Committee on Public Duty and Private Interest highlighted the need to take into account that members of Parliament have rights to privacy. It can be argued that a public register is capable of being abused in two respects. First, there is the matter of disclosing a member's assets and the possibility of blackmail or robbery. Secondly, the Bill applies to all electoral candidates from the day they nominate as candidates for election, which could well mean that an election campaign, especially for Lower House seats, would focus not on policies or even personalities but rather on what a man may have in his pocket.

This is a grossly inequitable proposition, because a register of interests should surely become relevant only when a person has actually been elected as a member of Parliament. Given that it is a public register, there is no provision for taking liabilities into account. This is a second reason on which I base my objection to the Bill. As clause 5 *(e)* stands, it provides for the disclosure of any proprietary interests that he or a member of his family has in any real property. Members should be aware that it is now possible to borrow housing finance from building societies on the basis of 90 per cent or even up to 95 per cent of valuation, provided that the loan can be properly serviced. For example, $45 000 could be borrowed on a $50 000 house.

The Hon. Frank Blevins: Move an amendment.

The Hon. L. H. DAVIS: If we moved all the amendments that have been brought up, on this side we would have an emasculated Bill. I think it would be better if we did not emasculate the Bill as the Hon. Mr Blevins seems to think we should do but started afresh. The Bill makes no provision for such a liability. Like many other married couples living in metropolitan Adelaide who are under 45 years of age,

my wife and I have less equity in our house than has the bank, so there could be quite a distortion when one is setting out the assets without setting out any liabilities or contingent liabilities that may exist in respect of those assets.

My third objection deals with the value of the interests. There is, of course, the argument about whether the value of the interests should be disclosed. There are also interests beyond pecuniary interests.

The Hon. R. C. DeGaris intejecting.

The Hon. L. H. DAVIS: I think that is a very critical question, to discern whether one should make a disclosure of the value of the assets, whether in real estate, shares, or whatever other assets, or whether a list of such assets held is sufficient. The other aspect that is relevant is that we do not only talk about pecuniary interests. There are the interests that members of Parliament may have in respect of associations, committees, and organisations, which may affect their lobbying of a Minister. I have seen members on both sides of this Council press a point strongly in respect of pecuniary matters for an association in which they have an interest, yet the outside world does not know of that, because there is no register.

These are grey areas that I do not wish to canvass today but my inclination is that, in respect of interests, a list of these interests would be sufficient rather than a statement in terms of value. The fourth objection that I have to the Bill is that history has shown that one cannot legislate against dishonesty. If people of ill will are really determined to move outside the commonly-agreed rules relating to conflict of duty and interest situations, for example, by a member of Parliament placing assets with people outside those prescribed in the Bill, they can do so. I am prepared to support a register of interests for members of Parliament but, rather than a register open for public perusal, one which would be held by the Presiding Officer of each House.

The Hon. R. C. DeGARIS secured the adjournment of the debate.

NOARLUNGA ZONING

Adjourned debate on motion of the Hon. J. R. Cornwall:

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.

(Continued from 2 December. Page 2211.)

The Hon. J. C. BURDETT (Minister of Community Welfare): I oppose the motion because it will not help the ratepayers concerned—not for any other reason. The first point I make is that the planning authority in question, namely, the council referred to by the Hon. Dr Cornwall, did act legally when it operated according to the regulations. The regulations did go before the Subordinate Legislation Committee, which initially placed a disallowance motion as a holding measure before the Council but later discharged that motion. As I understand it, the reason for the Subordinate Legislation Committee so acting was that the planning authority had acted according to law and properly in that sense. I do not necessarily disagree with all the matters raised by the Hon. Dr Cornwall. I sympathise with the ratepayers concerned. They had some reason at least to feel aggrieved. I am not out of sympathy with them at all. However, in the meantime the council has, after the passing of the regulations, acted legally and properly to change the land use.

The most important point is that if we disallow this regulation it will not advantage or help the aggrieved ratepayers at all as the land use has been changed. I suggest that it would be unworthy for us to disallow a regulation when it is not going to help anybody and not going to affect the long or short term situation at all. The Planning and Development Act Amendment Bill passed by Parliament after a conference earlier in the session would prevent the situation from arising which has arisen in this case.

I have a good deal of sympathy for a lot of things which the Hon. Dr Cornwall has said. When the new Act becomes law it will be possible for a proper consultation procedure to take place and this kind of situation will not occur. The Act has not yet been proclaimed and because of a necessary procedure it will not be proclaimed for some time. With some regret I must oppose the motion for the reason that it will not help or advantage anyone because the long-term situation has been taken care of. I take on board matters raised by the Hon. Dr Cornwall as does the Government. I have sympathy with the aggrieved ratepayers. I oppose the motion because carrying it would not help anyone and would uselessly disallow a regulation.

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

AUDIT ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

The purpose of this Bill is to implement the commitment given in the policy speech in August 1979 whereby it was proposed to extend the powers of the Auditor-General. In recent times the Auditor-General has expanded the traditional interpretation of his role to include value for money audits, but a major portion of his department's activities is still directed to ensuring that public funds are spent in a duly authorised manner for properly approved purposes. Although the present charter under which the Auditor-General operates goes some way towards providing for Parliamentary review, public scrutiny and accountability, these mechanisms are limited in their scope leaving some forms of waste and inefficiency to go unreported.

It is considered that the needs of Parliament will be better served by strengthening and broadening the role of the Auditor-General to conduct efficiency audits in a manner similar to that now applying in the Commonwealth. It is now proposed that the Auditor-General be given the power to investigate public authorities such as Government departments and statutory authorities and other bodies that make use of public funds for the purpose of forming an opinion whether the operations are being conducted in an economical and efficient manner.

In addition, the Auditor-General will examine procedures adopted by the organisation for the purpose of assessing its own efficiency and economy. The main responsibility for ensuring that financial, manpower and other resources are properly and efficiently managed rests with the management of the organisation, and the thrust of the efficiency investigations by the Auditor-General will be towards an assessment of management controls and organisation performance in implementing Government policy with efficiency and economy. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal. Clause 3 amends the long title of the principal Act. The new powers given to the Auditor-General by this Bill create a new role for him and this should be reflected in the long title to the principal Act. Clause 4 inserts a definition of 'authorised officer' into the section of the principal Act that provides for matters of interpretation. The new term will be used in the provisions introduced by this Bill and in other provisions throughout the principal Act.

Clause 5 replaces section 11 of the principal Act with a new section that embraces the existing provision and in addition enables the Auditor-General to appoint a person to conduct an efficiency audit on his behalf. Clauses 6 and 7 make consequential amendments incorporating the term 'authorised officer' in sections 27 and 31 of the principal Act.

Clause 8 enacts new section 41b which empowers the Auditor-General to investigate public authorities and certain other bodies to ascertain the economy and efficiency of their operations. Subclause (1) sets out the organisations that will be subject to examination. The organisations include Government departments, instrumentalities and agencies of the Crown, bodies the accounts of which the Auditor-General is authorised to audit and bodies that within two years preceding the investigation have received public moneys by way of financial assistance. The Government does not wish to include in this category bodies that receive minor financial assistance. The Governor will have power, by regulation, to fix the limit of assistance above which bodies will be subject to investigation. Subclause (2) provides that an investigation shall be made at the direction of the Treasurer or may be made by the Auditor-General of his own motion. Subclause (3) provides that where the section applies to an organisation by virtue only of the fact that it has received public moneys an investigation must be at the direction of the Treasurer. Subclause (4) requires the Auditor-General to prepare a report following an investigation that states his conclusions and his reasons for those conclusions and any recommendations that he feels are warranted.

Subclause (5) requires the submission of the report to the organisation concerned for comment before the final report is issued to the Treasurer and the other persons and bodies referred to in subclause (6). Subclause (7) gives the Auditor-General or an authorised officer powers necessary to conduct an investigation, and subclause (8) provides penalties for non-compliance. Subclause (9) excuses an examinee from answering incriminating questions. Subclause (10) provides a definition.

Clause 9 makes an amendment to section 44 of the principal Act that will excuse a person being examined by the Auditor-General under general powers of examination contained in section 15 of the principal Act from answering incriminating questions. The clause also increases the penalty provided by the section to a more realistic level. Clauses 10, 11 and 12 amend sections 45a, 46 and 47 to increase the penalties prescribed by those sections.

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

EVIDENCE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 10 February. Page 2723.)

The Hon. C. J. SUMNER (Leader of the Opposition): This Bill deals with two matters: first, it expands the powers for the police to inspect bankers' records and updates the procedure whereby this can be done; and, secondly, it provides that, in the case of a publication of names in contravention of a court order, not just the provisions of the Evidence Act should apply in terms of penalty but, also, that any such publication would constitute a contempt of court and the court itself could take action against the offending party.

Regarding the expansion of the powers of search and inspection of bankers' records, members will recall that this matter was debated by the Chamber, I think originally, in 1980. The Bill, when originally introduced, was combined with a Bill amending the Evidence Act to provide for the abolition of the unsworn statement. In fact the Bill, with those two parts, in relation to bankers' records and the abolition of unsworn statements, was introduced in about September 1980.

There was opposition in this Council to the abolition of the unsworn statement, and certain amendments were also made to the clauses dealing with bankers' records. The House of Assembly disagreed to the amendments that we made, the Bill eventually went to a conference of managers of the two Houses and, there being no agreement at that conference, the Bill lapsed. I think it would be true to say that the major point of objection in that Bill related to the abolition of the unsworn statement. The two issues have now been separated. The matter dealing with bankers' records is in the amending Bill to the Evidence Act that I am now debating. The abolition of the unsworn statement was in an amending Bill introduced into the House of Assembly, so in dealing with this Bill we now do not have the complication of its being combined with the abolition of the unsworn statement, a much more controversial matter than the one we are now debating in relation to expanding powers to inspect bankers' records.

On this point, the Opposition supports the principles involved in the Bill. It will, I think, be a useful adjunct to the prosecuting authorities, particularly in the case of corporate crime. Honourable members will no doubt be aware of the considerable difficulties that the community, through police or other prosecuting investigating officers, has in tracking down evidence of corporate fraud. This amendment, if passed, will make that task much easier, so there is general support for the Bill.

Members will recall that, when this Bill was before us on the last occasion, the Opposition felt that a general principle was being abused in this Bill. The Bill did not provide that there should be any notice to any person that his banking records were being inspected. I think that that is contrary to the general proposition that, if a person has proceedings taken against him, if he is in a sense challenged by prosecution, then that person should have notice of that challenge or prosecution.

Amendments were moved by this Chamber to that aspect of the Bill in 1980. The purpose of the amendments at that time was to provide that, where an order was made by a judge authorising the inspection of banking records then, if the person whose records were being inspected was not summonsed to appear, the judge should, within 30 days after making the order, cause written notice of the order to be given to that person. Secondly, the Commissioner of Police should, each month, cause to be published in the *Gazette* a notice setting out the number of applications made under the new provision during the preceding month and the names of the judges before whom such applications were made. That amendment was opposed by the Government, which proposed a modification of the notice provision. In fact, I think it made an agreement with Mr Lewis, the member for Mallee, that the notice could be given within two years of the date of the order.

The difference, I think, at the moment is that we would require notice to be given to the person within 30 days after the order is made, and we would require some publication of the applications that were made by the police under the provision. We do that to at least try to make some allowance for the fact that in this Bill there is a denial of a general principle that operates in judicial proceedings.

The Hon. R. C. DeGaris: What is the principle?

The Hon. C. J. SUMNER: The principle, quite simply, is that, if you are being investigated or prosecuted by the authorities, or you are having your books or other aspects of your business inquired into, then you should be advised of that. I think that that would normally be expected.

The Hon. R. J. Ritson: Do the police normally inform a criminal that he is being followed, or tip off criminals?

The Hon. C. J. SUMNER: I think that this is a different situation.

The Hon. R. J. Ritson: Corporate crime is more difficult, anyway.

The Hon. C. J. SUMNER: We are talking about obtaining a court order to inspect.

The Hon. R. J. Ritson: To investigate.

The Hon. C. J. SUMNER: To inspect certain records. We are not saying that the person should be given notice before the inspection is carried out, because that is quite clearly impractical and would defeat the purpose of the Bill. Our amendment is, to some extent, a compromise of the principle I put forward, but I still think it is worthy of being pursued. The Council for Civil Liberties raised objections to this Bill when it was previously before the Council. I quote the views of that council, as conveyed by the then President of the council, Mr Steele, as follows:

> There is minimal safeguard to the usage of the proposed power. Certainly application needs to be made to a Supreme Court judge, but the application is *ex parte*, and there is no obligation whatsoever for the person whose banking records it is proposed to investigate, to be given any right of appearance. In fact, he need know nothing of the application or any order made pursuant to the application except within two years of the making of the order.

I think that confirms the principle that I have just put to the Council. The letter continues:

> It is our view that such investigations should never be launched against people when there is not good cause to believe that they may be implicated in some criminal act. In our view, it is not sufficient cause to say that such a person is on friendly terms or on business terms with a charged person.
>
> There is proposed some sanction to the divulging of any such information obtained. However, it is not difficult to envisage circumstances where information obtained in this fashion could become widespread, to the detriment or at least embarrassment of the person whose records have been so investigated.

I believe there is some merit in those remarks. The amendment that I have foreshadowed overcomes, at least in part, the problems that have been raised by the Council for Civil Liberties. I concede that the Opposition's amendments do not negate the purpose of the Bill which, as I have said, the Opposition supports in principle. At least it provides that, if such an order is made, a person will at some point obtain notice that an inspection has been carried out. As the Council for Civil Liberties said, the Bill is drawn up in such a way that the books of someone not charged and not even under suspicion of having committed an offence could be looked at.

The Hon. R. C. DeGaris: That's hardly likely, is it?

The Hon. C. J. SUMNER: I do not know; it is certainly possible under the Bill. The only criterion for issuing an order by a judge as referred to in the Bill is for the purposes of the administration of justice. It does not refer to reasonable suspicion of a crime having been committed, which is the normal formula.

The Hon. R. C. DeGaris: Surely it would be part of the normal course of justice.

The Hon. C. J. SUMNER: That remains to be interpreted by the Judiciary. There is no doubt that the administration of justice gives much broader discretion to a judge than the words 'reasonable suspicion that an offence has been committed'. That amendment will be moved in due course. Clause 7 *(e)* of the Bill provides:

> A member of the police force who divulges, otherwise than in the course of his official duties, information obtained by him by virtue of an order under subsection (1a) shall be guilty of an offence.

The suggestion is that that prohibition on disclosure which applies to any member of the Police Force should also apply to any other person who may come by the information. It may be that the information is not just confined to members of the Police Force: the information may come to other people within the Government system or other people before the courts. I suggest that a useful amendment would be to add the words 'or other persons' after the words 'Police Force'. I support the first aspect of this Bill.

The second aspect of the Bill deals with provisions relating to contempt of court. I confess that I have some reservations about this proposal. In a recent decision, in *Attorney-General v. Kernahan*, the Full Court decided that Part VIII of the Evidence Act, which deals with suppression orders, constituted a complete code and that there was no scope for a judge to use his inherent jurisdiction to punish for contempt. If this clause is passed, we will have a situation in which a person who contravenes an order of the court suppressing names will be placed in a situation of double jeopardy. It will be possible for the Attorney-General to prosecute a person or organisation and at the same time it will be possible for that person or organisation to be dealt with by a court for contempt. In other words, two penal remedies will be available to either the Attorney-General or the court to deal with a person who is guilty of contravening a suppression order.

The Hon. K. T. Griffin: If you took one action, you would be estopped from taking the other.

The Hon. C. J. SUMNER: The Attorney-General says that you would be estopped. The Attorney should look at that point carefully. I am not too sure why this particular clause is necessary. If the Attorney-General was not satisfied with the situation following the decision in the case, *Attorney-General v. Kernahan*, it would be up to him, as I understand it, to authorise a prosecution under Part VIII of the Evidence Act and for the court to then impose a penalty, which is currently $200 or imprisonment for six months. This Bill increases that penalty to $2 000 or imprisonment for six months. If this Bill is passed, in the case of someone contravening an order suppressing a name or suppressing other evidence from publication, it is possible that a newspaper proprietor or television company will be placed in a situation of double jeopardy. The Attorney-General could take action against a newspaper proprietor or television channel or the journalist concerned, under the present provisions of the Evidence Act. In addition, the court itself could then take action for contempt. The court would be using its inherent power to punish for contempt and would have the potential to gaol an offender for that contempt.

I think that certain matters contained in this provision need to be looked at more carefully. Why does the Attorney-General feel that the court should still have its normal inherent powers to punish for contempt in those circumstances where specific legislative penalties are already provided? At this stage I am unhappy about that clause of the Bill. I think it could threaten newspapers, television stations, and anyone else who could be prosecuted twice for a breach of a suppression order.

The Hon. R. J. Ritson: Are you saying that to scare the media and get them on side?

The Hon. C. J. SUMNER: No, I am not. I do not know whether, if the Hon. Dr Ritson appeared before a court for committing an offence, he would like to be prosecuted twice for that offence. That is potentially the position that, in effect, will pertain if this Bill is passed.

The Hon. J. C. Burdett: That is one opinion.

The Hon. C. J. SUMNER: It may be one opinion. On the face of it, if the inherent power of the court to punish for contempt is still there and there is, in addition, legislative authority to fine a person or impose a sentence of imprisonment under this legislation, then it seems to me that they are concurrent penalties and operate together and that one is not to the exclusion of the other. That is the purpose of this Bill. Just because the Full Court found that Part V of the Evidence Act constituted a code which excluded the court's inherent power of contempt—

The Hon. K. T. Griffin: But it was never intended to be—

The Hon. C. J. SUMNER: I do not know whether that was intended or not. The fact is that, if this Bill is passed in its present form, there is a serious possibility that a person who offends will be subject to potentially two punishments. That is what worries me about this clause. I want some explanation from the Attorney-General before agreeing to that. Under the existing law, the Attorney-General could have prosecuted in the case where it was alleged that a suppression order was breached, but he chose not to. I support the second reading of the Bill. I will move amendments to the provision dealing with bankers' records and give further consideration to the question of reinstating the court's inherent power of contempt, following an explanation from the Attorney-General.

The Hon. R. C. DeGARIS: I listened with interest to the sumbissions made by the Hon. Mr Sumner regarding this Bill. We should realise that this Bill is a split Bill because of the attitude of the Opposition and the Democrats to the question of unsworn statements. Because of this, this part of the Bill lapsed when it was last before us. I do not wish to cover the same ground as the Hon. Mr Sumner, but I would like to comment on the proposals in the Bill in relation to bankers' records and also to look at the question of white collar crime in our community.

Recently, the Director of the Australian Institute of Criminology, Mr William Clifford, said that more people are impoverished by unscrupulous operators working with funds supplied by banks than are ever victimised by conventional criminals. That is a wide statement indeed and, if true, a very worrying statement. It is true that carefully planned and executed crimes are found in the boardrooms and in recording computer centres. The question that faces us in a Bill such as this is how we should approach the problem of the increasing amount of white collar crime that is occurring in our community. How do we handle the problem that has arisen of the skilled computer operator who programmes a computer to pay .01 per cent less than the ruling interest rate to depositors and transfers the balance to an account that he operates? How do we handle the problem of computers programmed to wipe out evidence of embezzlement?

I do not think that the Parliament or the public, or many members in this Chamber, are aware of the consumate ease with which clever operators can manipulate and rob. Of course, it is not 'inside' white collar crime that this Bill is directed specifically at. Nevertheless, 'inside' white collar crime is one facet that the Parliament should not overlook in this rapidly increasing area of crime. At the expense of personal liberty, all of us must give serious thought as to how we should approach this question. While the Council for Civil Liberties has made submissions on the question, and one must always be aware of the principles on which the Hon. Mr Sumner touched, nevertheless, if we are to make any inroads into this area of crime there is a need for us to examine some of the principles that we have held up to this point.

The Government has presented to Parliament a Bill which amends the Evidence Act and which gives access to banking records for inquiries into certain transactions in certain circumstances. Immediately the question arises in my mind whether we have investigators of sufficient skill to make inquiries that are necessary in detecting this type of crime.

The Hon. Frank Blevins: Do we have juries to recognise this, that is the problem.

The Hon. R. C. DeGARIS: I do not know about the juries; that is another question.

The Hon. Frank Blevins: That is probably a bigger question.

The Hon. R. C. DeGARIS: It may even be bigger; that is quite so.

The Hon. Frank Blevins: Having collected this evidence, how do you get a jury to understand it?

The Hon. R. C. DeGARIS: I do not think that anyone here would like to change the jury system, although the point the honourable member makes is valid and has caused a good deal of comment about the whole of our jury system.

The Hon. Frank Blevins: As you said earlier, maybe that is another thing that we have to re-think.

The Hon. R. C. DeGARIS: Maybe; I do not think that that is a question that should be canvassed under this Bill. If the inquiries are being made by the police, I ask the Attorney-General whether we should not be looking at increasing police powers in the Police Offences Act for such investigations. It seems to me that the Police Offences Act is tied into this, as well as the Evidence Act.

In the Evidence Act Amendment Bill, the Government made an attempt to give some ability to investigators to view banking records, but the Bill failed because of disagreement on the question of the unsworn statement. It is to the credit of the Government that it has seen fit to introduce a separate Bill dealing with the question of banking records. The Bill now before us differs in some aspects to the previous Bill, particularly in relation to the definition of banking.

It is noticed that the business of banking now is to include banks, building societies, credit unions and other organisations that take money on deposit. However, in passing this point, although I do not think it is directly related to the Bill, I would like to mention that there is a deal of judicial opinion about what constitutes the business of banking. There is a divergence of opinion between the High Court of Australia and the Court of Appeal in the United Kingdom.

Mr Justice Isaacs, for example, found in one case that 'the essential characteristics of the business of banking are the collection of money by receiving deposits on loan and the utilisation of the money so collected by lending it'. In a more recent case, Mr Justice Isaacs view of 1914 was confirmed by the court. In England a different view prevails. The Court of Appeal has followed Pagets Law of Banking which states that a banker, to be a banker, must: (1) conduct current accounts; (2) pay cheques drawn on himself; and (3) collect cheques for his customers.

One wonders whether the relevance of these decisions will become more apparent if the Federal Government follows many of the Campbell Committee's recommendations. Apart from that, it seems clear that the new draft before us takes no chances in stating what records are to be made available for scrutiny in any investigation.

I support the view that we should give police more powers of investigation in the most rapidly growing crime area in the Western world. My question is whether we in this

Council are going far enough? For example, if we agree as a Parliament that certain banking records, or the records of institutions acting like banks, should be subject to investigation in certain circumstances, why should not other affairs or records be so subject to investigation?

One has only to refer to the huge amount of moneys handled by solicitors in unit trusts, and family trusts, and one has only to see the difficulties being faced to wheedle out the truth of white-collar crime in a blue-collar setting in the Builders Labourers Federation inquiry in Victoria, where solicitors' records of financial transactions should be available for scrutiny. There are financial records other than bankers' records, such as betting transactions and T.A.B. records, which can be used as an adjunct to white-collar crime. I would say, as a guess, that there is as much information of white-collar crime locked up in solicitors' safes as there is in banking records.

In the march of a technological society one wonders how much of our rights to privacy must be sacrificed to the combating of a new breed of criminal. However, I believe that it is useless trying to preserve old concepts when the cost to every honest person of this type of crime is enormous. Unless stern action is taken, the cost to the ordinary citizen will go on escalating. What we know of white-collar crime would be only the tip of a massive iceberg as yet uncharted. How much underground money is laundered through various channels? Money comes from the income tax cheat, frauds on social security, frauds on Medibank, illegal gambling, drugs, prostitution, and vice of all types.

The accounting profession, through its auditing part, has not been able to keep up its standards and abilities in the face of modern technological developments. Will we have computers auditing computers? The next question that arises is the need to examine means of achieving some national planning, and that presents some difficulties in a Federal system. I know that there exist some co-operative efforts, between the States and the Commonwealth, but have we done enough in this area? To give but one example, the vast underground illegal economy in drug trafficking, including customs, Federal police, State police, and laundering of huge sums of money into legitimate channels means that more than just co-operation is necessary.

I know I have moved away a little from the provisions of the Bill. Nevertheless, the points I make are generally relevant to the proposals in the Bill. To combat white-collar crime we will have to forgo some of our previous principles of the right of the individual to privacy. We must, in the face of modern advancement, accept that fact. The only alternative to this is to allow the underground economy to become bigger than the legitimate economy, which would eventually mean the destruction of our existing democratic system. The question is: how far do we go in allowing existing principles to be changed?

I now refer to the main points that emerge from the Bill. Is the power to inspect financial records too restrictive in its procedures? Is the process of requiring a court order too slow and cumbersome? Is it necessary to look also at the Police Offences Act to give the proposals real teeth? An important point that I wish to make that is not directly related to the Bill is that, facing us, there are intricate and difficult problems in our approach to law reform.

It does not matter where one looks, those problems are mounting as technology moves ahead so quickly, and the law lags ever further behind. Unless Governments are prepared to use the investigative and inquiring capacities of the Parliament, the log jams of the existing system will ensure that the law will continue to lag behind what is required to keep the law up to date in a rapidly changing society. As far as this Bill goes, I raise only the probable amendment, and that is an extension of the records that may be inspected to include the records of any other transactions of a financial nature with any person or body corporate. In conclusion, I refer to clause 6, which provides:

> In this Part—
> 'bank' means—
> *(a)* a body corporate carrying on . . .
> *(b)* a building society;
> *(c)* a credit union;

It then goes on to talk about banking records and provides:

> *(a)* books of account, accounts, and accounting records . . .
> *(b)* books, diaries or other records used . . .
> *(c)* cheques, bills of exchange, promissory notes . . .
> *(d)* securities, and documents of title to securities,
> in the possession or control of a bank.

Other areas include the possession of documents and titles to securities, and other organisations store those records for people. If we are to make a bank disclose records, there is no reason why there should not be full disclosure across the board. There is a change in relation to what should be disclosed that I support because I believe that this area of crime needs strong measures to contain it. I support the second reading.

The Hon. K. T. GRIFFIN (Attorney-General): I appreciate the indication of support for the Bill that has been given by honourable members. I want to deal with some matters raised by the two previous speakers, and possibly expand in Committee on what has been said. The Leader of the Opposition raises the question whether persons or companies may be in double jeopardy as a result of the amendments proposed to the Evidence Act, amendments which will revive the inherent jurisdiction of a court to punish for contempt, while at the same time preserving the statutory offence of breaking a suppression order.

Certainly, there is no intention at all that any persons should be in a position of double jeopardy or in any way under threat by virtue of this amendment. All that the Government is trying to do in this Bill, so far as it relates to breaches of a suppression order, is to give a court the opportunity to move swiftly to deal with a breach of a suppression order as though it was a contempt of court, rather than having to go through the tedious processes of issuing a complaint in a Magistrates Court and proceeding over a long period to deal with breaches of a suppression order in that way. There is much to be said for the court's inherent jurisdiction to punish for contempt, since the matter can be dealt with swiftly while the issue is fresh in the minds of not only the court but also the parties and the public, rather than the processes of issuing the complaint and proceeding in the Magistrates Court.

All that the Government is seeking to do is to ensure the availability of two options where there has been a breach of a suppression order. At section 50, the Acts Interpretation Act deals with offences punishable under more than one law and provides:

> Where any act or omission constitutes an offence under two or more Acts, or both under an Act or Acts and at common law, the offender shall, unless the contrary intention appears, be liable to be prosecuted and punished under either or any of those Acts or at common law, but shall not be liable to be punished twice for the same offence.

That provision deals with the concern raised by the Leader. In addition, there is the question of estoppel, to which I have referred by way of interjection and which I believe would have the effect of preventing a prosecution for a breach of the statutory offence if the matter had been dealt with by way of contempt, or vice versa. As the matter has been raised, I will obtain further information on it and, if the position is not clear (I believe it is) at the Committee stage I will consider some amendment to ensure that a party is not put in a position of double jeopardy.

The Leader raised some other matters, particularly those that deal with notice given to the person whose records are the subject of an order by the court or of inspection by an investigator, and also those dealing with publication of the number of applications made and with the judicial officer who has made the orders and considered those applications. I have some difficulty with a person or body corporate whose records have been the subject of an application and subsequently being given notice of the order within 30 days. I canvassed the reasons for my view more than a year ago.

The effect of such a notice would be that, in some circumstances, where an investigation is proceeding there may be a suspicion that the person in respect of whose records the order has been made may leave the country when notice is given or may seek to destroy his own records which, in conjunction with the bank records, may be evidence of the commission of an offence, not necessarily by that person but it may be part of a chain of events that indicates a breach of the law that may be destroyed.

It may be that the person whose records have been examined, on being given notice, is able to dispose of certain assets before the investigator catches up with that person. The whole concept of notice, while I appreciate the libertarian view, can also work against detection of offences by giving warnings to an offender, an associate of an offender, or some person who otherwise may be related to an offender, of an investigation, having given that person an opportunity to dispose of evidence or leave the jurisdiction.

I think that that is a very serious consequence of the notice provisions and for that reason I would want to oppose the proposition that the Leader has suggested would be the subject of an amendment during the Committee stage. The question of publication of the number of applications made and orders made by the courts is a curious provision, because it does not achieve anything. It does not confer any rights on any person. It does not do anything other than indicate that some applications have been made and orders granted by courts. For that reason, I really do not see that there is any merit in that proposition.

I think we have to remember that under the Evidence Act as it stands, a court can already make an order on a party to a legal proceeding for inspection of a banker's book and an order to take copies of any entries for the purposes of the legal proceedings. As I have said, in theory what could happen is that investigators who may wish to gain access may prematurely make a complaint or lay information and hold it in limbo until the investigations have been completed.

I think that is an improper use of the procedures available to investigators at present but it is theoretically possible and it would give those investigators access to information without having to worry about this amendment, but the Government believes that, if that access to information is going to be gained at an earlier stage than that at which it can be gained now, it ought to be the subject of an express amendment to the Evidence Act.

I think the other point that needs to be recognised is that the amendment in the Bill provides for a judicial officer to consider the application and determine whether or not an application is made in the interests of the administration of justice and then to decide whether or not parties should be called before the judicial officer before the order is made, if it is to be made. There are a number of safeguards already built into the amendment in the Bill and for those reasons I am not prepared to support those two related amendments to which the Leader has referred.

The Hon. Ren DeGaris has raised a number of other matters. First, he asks whether we have investigators of sufficient skill to discover evidence. I believe that we have. Investigators in the Corporate Affairs Commission comprise lawyers, accountants, and police officers seconded.

The Hon. C. J. Sumner: You did until they all resigned.

The Hon. K. T. GRIFFIN: None of them has resigned. The investigation branch of the commission has been increased in size since this Government came into office. Investigators in the Corporate Affairs Commission have a wide range of experience in these sorts of investigations and are assisted by other officers in the Police Force, particularly the Fraud Squad and other officers who have training in accountancy and in investigating corporate frauds.

The Hon. C. J. Sumner: You haven't done much about McLeay Brothers yet.

The Hon. K. T. GRIFFIN: I think that that is an improper reference and I do not intend to pursue that in the context of this Bill because the matter can be proceeded with at another stage and on another occasion. There are competent investigators who are constantly learning, constantly meeting new situations, and, by the very nature of corporate fraud, always endeavouring to detect behind the scenes and after the event has occurred the offences committed by skilled professionals.

The Hon. Mr DeGaris has asked whether we should increase the powers of the police under the Police Offences Act. With respect, I do not believe that we need to do that in respect of corporate crime. There is already wide power in investigators to gain access not only to records but also to other material that may disclose evidence of the commission of an offence. Bankers' records have always fallen into a special category. There has been something sacred about them, but the nature of the present legislation is such that bankers' records have been construed to be something wider than those records kept by banks.

I indicated earlier that there are instances where access has been denied to investigators to records of bodies other than banks but which could be described as banking records. It is for this reason that we want to extend the scope of bankers' records to ensure that we do not have those sorts of technical objections raised in the future. The Hon. Ren DeGaris has hinted at the question of access to solicitors' records which traditionally, and for a good reason, have always been the subject of legal professional privilege recognised in law. However, I point out to him that under the new National Companies and Securities Code there is a greater capacity for investigators to gain access to that sort of information than there has ever been before. However, I do not believe that that is relevant to the subject of this Bill, which is designed to deal with a specialised area and which will enhance the capacity of investigators to gain access to information and hopefully lead to a greater ability to detect breaches of the law. There are other matters which undoubtedly members will raise during the Committee stage of this Bill and I believe that that is the appropriate stage to deal with the other questions which I may not have covered adequately in my reply at the second reading stage.

Bill read a second time.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

ELECTORAL ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 10 February. Page 2723.)

The Hon. FRANK BLEVINS: The Opposition supports this Bill to the second reading stage. It makes a variety of minor amendments to the Electoral Act, more in the nature

of tidying up than anything else with possibly two significant exceptions.

The Hon. C. J. Sumner: Why didn't they do it 18 months ago?

The Hon. FRANK BLEVINS: These things are evolutionary. It does not matter how often we revise the Electoral Act; it is something that is dear to the hearts of all members of Parliament and all political Parties so there will be a constant refining and sharpening of the Act to make it work effectively and to ensure that members of Parliament are elected more expeditiously. Amongst these minor amendments are two issues with which I wish to deal. I want to oppose clause 3 very strongly. That clause removes the requirement that the last print of each electoral roll be available for sale. In the second reading explanation the Attorney-General stated that there was not a great deal of call for the last print of the electoral roll and that the cost of printing it is not worth it. I would argue with that strongly. I do not believe that that is the case at all. I think that the *status quo* in regard to the electoral roll should remain. No valid argument has been put forward for restricting the sale of electoral rolls in this way. They are very useful for many people in the community and not just members of Parliament and political Parties. The Opposition will be voting against that clause when we get into Committee.

The second significant amendment is to clause 8, which provides for the expiation of the offence of failure to vote. We on this side strongly support compulsory voting. I will not go into the arguments of why compulsory voting should be enforced. However, it seems that this clause could be used in somewhat of a vindictive manner. At the moment if, for any reason, one fails to vote, one gets a notice asking for an explanation. When the explanation is given to the electoral office it then decides whether that explanation is satisfactory or not. If not, a summons is issued and the matter takes its course. It appears that people by and large who fail to vote make an explanation to the Returning Officer which is satisfactory. It is clear from the small number of people who are issued with a summons and taken to court that the system works well. The overwhelming majority of people attend the polling booths. A small minority, for a variety of reasons, fail to vote. The process is gone through and nobody seems to be terribly advantaged or disadvantaged by it. It seems to work very well indeed.

What happens if this amendment goes through? As I understand it, those people who fail to vote will now receive a notice from the Returning Officer notifying them that they have failed to vote and that they can expiate the offence by paying a fine. I believe that many people will now have to pay fines which have rarely been imposed before. I notice that the Hon. Mr Cameron is rubbing his fingers together in that wellknown signal which suggests money. That is a subject dear to his heart. If this provision is meant to be a revenue raising measure I hope the Attorney-General will come clean and admit that that is the intention so that we can deal with it on that basis. If people do not have the opportunity to explain why they failed to vote before sending in the expiation fee, then I believe that many people will be unnecessarily fined.

The Hon. M. B. Cameron: You mean that they will pay up instead of sending in a dishonest reason.

The Hon. FRANK BLEVINS: Obviously the Hon. Mr Cameron believes that the majority of people who fail to vote are dishonest.

The Hon. M. B. Cameron: Not at all. They can still send in their reasons, if they are genuine.

The Hon. FRANK BLEVINS: I am quite sure that the Returning Officer is capable of assessing whether a person who fails to vote is telling the truth or not when he presents an explanation to the Electoral Office.

The Hon. M. B. Cameron: There are thousands of them.

The Hon. FRANK BLEVINS: If the Returning Officer is of the opinion that the explanation offered is not sufficient he will issue a summons and the person concerned will have an opportunity to explain to the court.

The Hon. K. T. Griffin: They still have that option.

The Hon. FRANK BLEVINS: We will see. This is a serious matter but, unfortunately, it has not been satisfactorily explained in the Minister's second reading explanation.

The Hon. B. A. Chatterton: It's very thin.

The Hon. FRANK BLEVINS: Yes, and such explanations are becoming thinner. The Minister's second reading explanation states:

> Provision for expiation of the offence of failing to vote is included in the Bill.

That is obvious, if one reads the Bill. However, we are not told why this measure is necessary. What is wrong with the present procedure? How will the new provision be implemented? The Minister's second reading explanation should indicate why the provision is necessary. Why does the Government believe that this clause is necessary? The Opposition will certainly oppose clause 3. We do not believe that the present provision relating to electoral rolls should be changed. The Attorney-General will also have to give a very lengthy explanation of clause 8 before the Opposition will support it. The rest of the Bill appears to tidy up the principal Act, and the Opposition supports it.

The Hon. K. L. MILNE: I support the remarks made by the Hon. Mr Blevins. I would like to hear much more discussion about clauses 3 and 8. At the moment, very few people are prosecuted so I would like to know why this has become necessary. I will comment further in Committee.

The Hon. R. J. RITSON secured the adjournment of the debate.

CONSTITUTION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 10 February. Page 2724.)

The Hon. C. J. SUMNER (Leader of the Opposition): I congratulate the Government on taking this initiative. It is not very often that I congratulate the Government on some of its initiatives. On this occasion I agree with what the Government is trying to do, so I will make something of it and give the Government a pat on the back. Not only has the Government introduced a sensible Bill but also it has shown, albeit with some tardiness, that it is prepared to respond to reasonable representations made by members of Parliament. On 24 June 1980 I wrote to the Attorney-General and suggested that this matter needed clarification. I am pleased to see, albeit some 18 months after my initial request, that a Bill has now been introduced. I certainly would not wish to qualify my congratulations to the Government, but—

The Hon. M. B. Cameron: Were you ever Attorney-General?

The Hon. C. J. SUMNER: Not for long enough, as the honourable member would be aware. It was certainly a distinguished career, but it was not very long. There have been problems for some time about public servants standing for election. The Constitution provides that any person who holds an office of profit under the Crown cannot be a member of Parliament, as part of the proposition making the separation of the Legislature from the Executive and,

of course, it is related to the proposition that a member of Parliament should not be influenced in any way by having a position of profit under the Crown, whether it be as a public servant or whether it be for some contractual situation with the Crown and, at the same time, be a member of Parliament. The previous Government resolved this problem in relation to public servants and teachers by giving them an automatic right of reinstatement if they should lose at an election. Presently, public servants, although not required to resign, do as a matter of practice resign before the election and then, if they lose at the election, are reinstated almost as a right.

However, as the Attorney-General stated in his second reading explanation, that does not entirely overcome the problem and is not an entirely satisfactory way of resolving it. The Bill before us is an improvement to the present situation and deserves support. It in effect gives a person who holds an office of profit under the Crown, or a public servant, the option to resign his position before the poll is declared. Therefore, there is no compulsion on the person to resign before the election date or, indeed, before nomination, and the person is not required to take steps towards resignation until he knows whether or not he has been elected. So, the cut-off point is the date of declaration of the poll. I therefore support the Bill.

There are two questions I wish to ask the Attorney-General. One is in relation to employees of statutory authorities. It may be that they are covered by the Bill as holding offices of profit under the Crown. In some statutory authorities the employees may in effect be public servants. In previous correspondence, the Attorney-General said that he did not believe that there had ever been a problem in relation to employees of statutory authorities, but that is not the information I have. The question was raised of a person I know who is employed by the Electricity Trust of South Australia and who was, in effect, told to resign before the election. He resigned three or four weeks before the election and was then told he could be automatically re-employed. Can the Attorney-General provide a statement to this Chamber about the policy in relation to statutory authorities? It may be that this Bill overcomes the problem that previously existed, not just regarding public servants, but employees of statutory authorities.

I would like clarification of that, and I would like a statement of Government policy regarding employees of statutory authorities. It seems to be unfair that public servants will now be able to benefit from this legislation, but employees of statutory authorities will not. I cannot see why a statutory authority ought to compel a person to resign at some time prior to an election.

The Hon. K. T. Griffin: If it is a statutory authority that is an instrumentality of the Crown, the amendment covers that situation.

The Hon. C. J. SUMNER: I said that I imagined that to be the position, but would like the situation clarified as to whether statutory authorities are likely to be covered by this amendment, and if there are any statutory authorities that are not covered. It may be possible that the Legal Services Commission, being a statutory authority set up with a specific provision that it should be independent of the Government, has difficulties with employees in this situation. There may be other circumstances. I am not being critical when I am referring to employees of statutory authorities, but would like the situation clarified by the Attorney-General.

The Attorney-General referred, in response to previous representations I made on this matter and, indeed, in his second reading explanation also referred to the problems that a public servant may have under section 58 of the Public Service Act, which deals with discipline. In particular he referred to sections 58 *(i)* and 58 *(j)*. I concede that there may be some circumstances where a public servant, who has not resigned to campaign for an election, could get into difficulties with sections 58 *(i)* and 58 *(j)*. Section 58 *(i)* provides that a public servant should not disclose information acquired in the discharge of his duties, and section 58 *(j)* provides that an officer should not, without the permission of the Minister, make any communication or contribution or supply any information to any newspaper or publication on any matter affecting the Public Service or any department thereof or the business or the officers of the Public Service, and also provides that if a public servant contravenes those provisions then he shall be liable to punishment.

I do not think that there is likely to be any major difficulty with section 58 *(i)*, but it may be that section 58 *(j)* could provide difficulties because the formulation in that section deals with any matter affecting the Public Service or any department thereof. It may well be that that particular section is too broadly drawn in any event. While I can see some problems, I do not think, and neither does the Attorney-General, that there are problems which are insurmountable or which should negate or cause concern about this Bill. I have no doubt that a public servant, particularly a public servant at a high level and involved in policy matters, could find himself in difficulties in some circumstances and would have to exercise considerable discretion so as not to be caught by sections 58 *(i)* and 58 *(j)* of the Public Service Act. It may be that, if it was a head of a department or someone in a sensitive policy area, that person would have to resign in order to ensure that he did not come into conflict with sections 58 *(i)* or 58 *(j)*.

That point raises the question whether or not the passage of this Bill will mean that administrative instruction No. 275 which the Public Service Board has issued and which covers the present position will still remain. I believe that it ought to remain, because there may be some public servants who feel that they should resign before they contest an election because they believe that there is a potential conflict under section 58 (i) and *(j)* of the Public Service Act. If they do resign then the present provisions apply, that is, their virtual automatic reinstatement should still remain, although I would like the Attorney to clarify that as well.

Finally—and this is a matter of interpretation—I seek the Attorney's confirmation that the holding of an office of profit under the Crown and the reference to that under the Constitution applies to the holding of an office of profit under the Crown in the right of the State and in the right of the Commonwealth, so that this amendment would apply to both State public servants and Commonwealth public servants. It should, but it is a matter of whether the Crown in our State Constitution can also be taken to mean the Crown not just in South Australia but in relation to the Commonwealth as well.

The Hon. K. T. Griffin: One cannot really divide the Crown.

The Hon. C. J. SUMNER: Yes, that is the argument. A principle is involved and I assume that the Crown, where it is mentioned in this provision in relation to the holding of an office of profit under the Crown, refers to both the Crown in right of the Commonwealth and the State. Will the Attorney confirm that that is his understanding and that of his advisers? Is the Attorney prepared to take any action with his colleagues in the Federal Government to see that this matter is resolved there? I had some correspondence with the Federal Attorney-General (Senator Durack), who rightly advised me that to clarify this position federally requires an amendment to the Federal Constitution, which is a much more difficult process than amending our

own State Constitution. He indicated that the matter was the subject of an inquiry by the Senate Standing Committee on Constitutional Legal Affairs and he expected a report to be made available soon. That correspondence was dated 30 September 1980.

I do not wish to say that I have absolutely no influence with the present Federal Liberal Government or the Federal Attorney-General, but I feel absolutely sure that the present Government and its Attorney-General have much greater influence, and I would like the Attorney to say whether he is willing to follow up the matter with the Federal Attorney and to support similar constitutional change at the national level, because members of the State Public Service would still be in difficulties if they were running for Federal Parliament.

I emphasise that I am pleased that this Bill has been introduced. Subject to the queries I have raised, the Bill does amount to a sensible resolution of this difficulty which has been with us for a considerable time. I compliment the Government on the introduction of the Bill.

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

LONG SERVICE LEAVE (BUILDING INDUSTRY) ACT AMENDMENT BILL

In Committee.

(Continued from 16 February. Page 2845.)

Clause 2 passed.

Clause 3—'Definitions.'

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

Page 2, line 15—Leave out subparagraph (v) and insert:

(v) chimney stacks, cooling towers or silos, or the construction, improvement or alteration of docks, jetties, piers or wharves;

I would like to speak to all my amendments at once.

The CHAIRMAN: Other amendments come in between them, but the Minister can speak to his amendments collectively.

The Hon. J. C. BURDETT: First, in regard to the first amendment and the insertion of the new provision, honourable members will recall that, when the Bill for the principal Act was introduced by the previous Government, the situation was that previously, in regard to long service leave, such leave had been the obligation of the employer so that, if one served the required number of years of service with the employer, one was entitled to long service leave.

When the Bill for the principal Act was introduced by the previous Government it was said that, in regard to the building industry, it was not appropriate, that the industry was a special case. In regard to that industry it was said that the responsibility for long service leave should rest with the industry and not with employers, because it was said that the industry was in a special position, that it was a technical industry where quite commonly employees moved from one employer to another as the cycle of the industry progressed from time to time, but that workers also remained within the industry or were employed within it. It was claimed that, in order to be fair in those circumstances, instead of, as in normal circumstances, the responsibility for long service leave resting with the employer, it should rest with the industry. A situation of this kind was set up by the principal Act and was accepted by the Parliament. The present Government, because this was accepted by Parliament, accepts the principle.

There have been problems as to the definition of who is an employee in the building industry, and obviously there will be marginal cases. The Government still accepts the proposition put by the previous Government that, if a person is genuinely employed in the building industry, his long service leave has to be an industry obligation, not that of the particular employer. This amendment seeks to redress the situation regarding the definition of chimney stacks, cooling towers of silos, or the construction, improvement or alteration of docks, jetties, piers or wharves, especially in regard to the liquids proposal for Stony Point.

The Bill for the Stony Point indenture having passed Parliament, it is accepted that the development will be carried out by major employers who will be in the building industry, and a large part of the operation will be the construction of wharves, and so on. It has been accepted that those employees will be employees of the building industry and ought to be covered. Because you were kind enough, Mr Chairman, to give me leave to speak to my other amendments, I explain that the amendment to the definition of 'ordinary pay' is simply to clarify what is comprehended in the definition of 'ordinary pay'. The amendment to leave out paragraph *(g)* is self-explanatory.

The Hon. FRANK BLEVINS: The Opposition opposes this amendment. While we appreciate that it is an improvement to the Bill as it came before this Chamber, we believe that the original Bill was unduly restrictive. Examples were given of how the Bill would take out of the ambit of the Long Service Leave (Building Industry) Act workers who should be included. One example that we gave was on the question of Stony Point. At present there are no longer people working in the building industry in some of the classifications defined in the original Act. However, the amendment does not go far enough, because other workers could, in future, be in those positions.

One of the definitions going out relates to workers involved in pipelines or works for the drainage or irrigation of lands. I appreciate that there is not much of that but, if it is decided to put concrete drains down in the South-East, we feel that people doing that job should come under this Act. Another example is if further electrification was done of the line from Port Augusta to Adelaide. I know that there is no proposal for that now, but it could occur. We are taking out of the Act 'works for transmission of electricity or wireless or telegraphic communications'. Pylons to carry electrical transmission wires have a concrete base, which probably would be laid by builders labourers working for a building firm.

The Hon. J. E. Dunford: The Government would rather have ironworkers doing it.

The Hon. FRANK BLEVINS: Ironworkers would probably erect the tower but the concrete base probably would be laid by builders labourers. It seems quite unnecessary to amend the Bill in a way that could exclude those workers. While I appreciate that the amendments go part of the way, I still oppose them. My amendments will reinsert the definitions in the principal Act.

The Hon. J. C. BURDETT: As I think I have indicated, when the Bill for the principal Act was first introduced, the Liberal Party had some reservations. We acknowledged that the building industry strictly as such was a peculiar one and that there was some argument to say that, in what was really the building industry, the obligation for long service leave should rest with the industry because people regularly go from employer to employer, whereas in the past the obligation for long service leave rested with the individual employer.

One thing said by members of the Liberal Party when that Bill was before us was that it would be the thin end of the wedge. We said that there would be an attempt to extend that provision to other industries, and that it would involve more and more employers. The Hon. Mr Blevins has acknowledged that representations were made to the

Minister regarding Stony Point wharves. The definition ought to be extended to include them, but the other matters raised by the Hon. Mr Blevins proceed to all sorts of wider areas. These amendments do just what the Liberal Party feared at the time, namely, use of the original Act as the thin end of the wedge to extend industry responsibility instead of employer responsibility far beyond the original ambit. I oppose the amendments to be brought forward by the Hon. Mr Blevins.

The Hon. FRANK BLEVINS: The Minister does not appear to understand. He has accused the Opposition of using this Bill as the thin end of the wedge and accused me of trying to include in the Act classifications that were not there previously. He has got the wrong end of the stick. The Government is narrowing the ambit of the Act and the Opposition is attempting to keep the same definitions as are in the Act.

We are not extending it in any way. We are not trying to cover any additional workers. We are saying that the principal Act is fine, and we believe that the Government does not intend to exclude anyone who presently has the benefit of the Act. We say that that may happen because of this contraction of the classifications concerned. We can see no justification for it. Possibly the only justification the Minister can give is that some of these areas described in my amendment to the principal Act are areas which are not generally used and have not been used for some time. It seems that somebody has been looking at the Act and has said, 'We do not need this and that.' However, when we point out that, whilst we may not need it today but may need it tomorrow (for example, for Stony Point), the Minister says that it was not foreseen and that we will now include that area of work when Stony Point is being constructed.

So, the Minister is quite wrong in saying that the Opposition is trying to extend the ambit of this Act; we are not trying to do that at all. We are trying to hold the ground of the Act and not have it unnecessarily narrowed for no good and sufficient reason. Whilst we will oppose the Minister's amendment, I can see that it has come some way towards putting back into the Act what the Bill is attempting to remove.

The Hon. J. C. BURDETT: As I have said before, the Government is endeavouring to preserve what it believes is the spirit of the legislation, which was to acknowledge the principle of long service leave within the building industry. For employees of builders a special situation exists in regard to long service leave. It has long been recognised that the responsibility for long service leave rests with the employer, and that, to qualify, one has to be an employee of that employer for the prescribed period of years. It was acknowledged by the Parliament in the Bill for the principal Act that the building industry is a special one, as it is common for employees to change from builder to builder within the industry. In these special circumstances, as long as one works within the industry, it is proper that the industry should be responsible for long service leave. The principle on which the Government is operating is that it should be restricted, as was acknowledged by the previous Government in regard to the Bill for the principal Act, to people who really are employees of builders engaged in the building industry.

The foreshadowed amendments of the Hon. Mr Blevins would take it beyond that. It may be what was in the Act previously but it will be taken beyond that. The Bill should restrict the principle of long service leave to persons who are genuinely employees of builders. As a result of discussions, it has been agreed to make an extension to cover the kind of people who will be employed at Stony Point, because they will be employed by builders. For those reasons, I support the amendment and will oppose the amendment to be moved by the Hon. Mr Blevins.

The Hon. D. H. LAIDLAW: I was under the impression that the reason these categories were taken out was that the master builders have been trying to get as wide a coverage of employers as possible to contribute to defray the costs. They were trying to cover a number of employers that have nothing to do with the building industry. In the Federal Metal Trades Award there is shortly to be introduced a similar type of fund for long service leave to cover itinerate construction workers in the metal trades. It will cover workers under the Federal Metal Trades Award working on drilling rigs, gas holders, pipelines, navigational lights, beacons, markers and works for the storage of liquids, etc. Workers under these items (and I stress riggers, boilermakers, welders and fitters) will have their own funds for long service leave provided under a Federal scheme. That is why, as I understand it, these categories were taken out.

The Hon. K. L. MILNE: I have had some discussions on this Bill with both the Government and the Opposition. I do not get the impression that the trade union movement is trying to extend that facility for other areas of work. It is worth recapping why it is necessary to do this in the building industry: it is because so many jobs for workers in the building industry are for the life of a contract. They are taken on to undertake a contract and when it is finished they are put off. It is obviously a disadvantage to the people in that industry, compared to almost everyone else. From discussions I have had with both sides, it is almost impossible to place the net over everyone. The definitions are not an enormous bone of contention.

However, I believe the Bill has gone a long way to meeting the requests of the trade union movement in the building area, and it is worth getting through and seeing if there are injustices at that point. I have been given an assurance from a member of the Public Service that contractors who are not necessarily builders but who are engaged in the building industry for some reason on a temporary basis are liable to pay into the fund. Some have already registered and so do so, although they are not builders and do not intend to go on using building work. If there are anomalies in the legislation we can have another look at it. It seems that this provision is as near as possible to what both sides require, and I intend to vote for it.

The Hon. FRANK BLEVINS: I am at a loss to know what the Minister is on about. He keeps telling us what the principal Act is about. We all know that and I do not know what he is arguing about. If that is necessary to be stated it should be stated in the second reading explanation. It has nothing to do with this clause or the amendments before the Committee. I can only restate that I am trying to hold the *status quo* and not change the Act as regards this measure.

The Opposition is not trying to extend the definitions. On the other hand, the Government is attempting to narrow the definitions. The Government is attempting to narrow the scope of the Act; the Opposition is not attempting to broaden it. We believe that the definitions in this particular section are fine and should remain. We can give the Government many examples where it may be necessary to have such definitions in the future, and there was an example the other day with which the Government agreed. If this amendment is passed and the definitions are narrowed, there will be all kinds of problems in the future, because some people working in the industry will not be covered. The Government has given no reason for contracting the definitions.

The Opposition certainly does not want to extend the definitions. Obviously someone within the department or

somewhere else, probably not the Minister, decided few workers of a certain type were employed in the industry, so it was decided to delete them from the legislation. The Opposition is not attempting to expand the definitions and bring other workers within the ambit of the legislation.

The Hon. J. C. BURDETT: Simply because the honourable member is persisting I make perfectly clear that the Government believes that the previous Government, when it introduced the legislation, intended to ensure that, because of the peculiarities of the building industry, long service leave should be an industry responsibility. We believe that there are definitions in the principal Act where that provision could be extended to cover people who are not employed by builders. Discussions and consultations have taken place, as the Hon. Mr Blevins would know, because he was involved in them. Generally speaking, the trade union movement is not unhappy with the Bill. The principal matter raised by the trade union movement has been acceded to and is dealt with in the amendment.

The Government wishes to see that the principal Act is not extended to embrace those who do not employ people in the building industry. Many of the matters that have been raised are of a particular nature and deal with special circumstances which can be addressed in the future. If it is found in the future that people who ought to come within the Act have been omitted from the definitions, that matter will be addressed at that time. The amendment extends what is already contained in the Bill, not what is in the Act. It will cover the only case which has been brought to the Government's notice, where it appears that the definitions already in the legislation will be too restrictive.

The Committee divided on the amendment:

Ayes (11)—The Hons J. C. Burdett (teller), M. B. Cameron, J. A. Carnie, L. H. Davis, M. B. Dawkins, R. C. DeGaris, K. T. Griffin, C. M. Hill, D. H. Laidlaw, K. L. Milne, and R. J. Ritson.

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

Majority of 1 for the Ayes.

Amendment thus carried.

The Hon. FRANK BLEVINS: I move:

Page 2, after line 15—Insert subparagraphs as follows:

(vi) roadworks, railways, airfields or other works intended to facilitate the carriage or movement of persons, animals or goods;

(vii) breakwaters, docks, jetties, piers, wharves or works for the improvement or alteration of any harbour, river or watercourse for the purposes of navigation;

(viii) drilling rigs or gas holders;

(ix) pipelines or works for the drainage or irrigation of lands;

(x) navigational lights, beacons or markers;

(xi) works for the storage of liquids other than water, or for the storage of gases;

(xii) works for transmission of electricity or wireless or telegraphic communications;

This provision was extensively debated when the previous amendment was discussed. It appears that the Hon. Mr Milne has been persuaded to vote with the Government, so I will not call for a division.

Amendment negatived.

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

Page 3, line 11—After 'kind' insert ', including any rate or payment of a class declared by regulation to form part of ordinary pay in relation to work of that kind.'

This amendment is designed to clarify the definition of 'ordinary pay'. In a way, I think it will be more acceptable to both the employers and unions.

The Hon. FRANK BLEVINS: The Opposition supports the amendment. As the Minister said, it clarifies the position and adequately solves the problem.

Amendment carried.

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

Page 3, lines 30 and 31—Leave out paragraph *(g)*.

This is a further matter of clarification. This amendment has been circulated in both my name and the Hon. Mr Blevins's name, so it is unlikely that it will be debated.

Amendment carried; clause as amended passed.

Clauses 4 to 12 passed.

Clause 13—'Repeal of sections 27 to 30 and substitution of new sections.'

The Hon. FRANK BLEVINS: I move:

Page 7, line 23—Leave out 'within the period of twelve months'.

I understand that a great deal of tidying up has to be done regarding the administration of the Long Service Leave Act. Every employee within the building industry who has an entitlement will be notified of that entitlement. What concerns me is the inclusion of the words, 'within the period of 12 months'. We felt that, as the obligation was on the employer to notify the administrators, it seems rather harsh that if that employer did not fulfil his obligations then it would be the employee who would suffer. Whereas, if the employee did not notify the board within twelve months that he had some entitlement, bearing in mind the obligation is not with the employee, then the employee would lose those entitlements. To us that seemed rather hard.

If my amendment is carried, the provision is open-ended. In future, if an employee in the building industry finds out that his employer has not notified the board of that employee's entitlement, then it will still be counted, irrespective of how long ago it was that the employee worked for that particular employer who fell down in his obligations. I believe that the Minister has had a look at this and is favourably disposed to it. I stress again that it is never the intention, as far as we can see, for the Government to deprive anybody who was working in the industry of any entitlement. If my amendment is carried it will achieve the intention of not depriving any employee of an entitlement.

The Hon. J. C. BURDETT: The Government will accept the amendment.

Amendment carried.

The Hon. FRANK BLEVINS: I move:

Page 8, lines 43 and 44—Leave out 'ceases to be employed by the person' and insert 'resigns from the employment'.

There has also been a debate about this provision. I expect this amendment to correct what appears to be bad wording. The problem here is that it is a very complex industry. I will be brief because, however long I expound on the problem, it will not be fully clear to all members. An example was given to me of a cleaner working for a building firm for a period of 12 months and then being taken on as a builder's labourer with that period of 12 months where the employee was engaged as a cleaner being counted, although he was not strictly working as a builder's labourer but was in the building industry, not under a building classification. There seems no sufficient reason why that period of 12 months should not be counted towards that person's long service leave. However, by the very nature of the industry, where that employee then transfers to another building firm to work as a builder's labourer, not within the same firm but to another firm, then that employee cannot take the 12 months accrued at the time with him. It seems to me to unnecessarily deprive that particular employee of that period of service. We believe that, if an employee voluntarily leaves a firm where he has been in the circumstances I have outlined, then that really is up to him and perhaps the argument for him taking the credits with him is not so strong, although one could still make out a case for it.

If my amendment is carried, where a person ceases to be employed because he terminates his services and vol-

untarily leaves that employer, then he will lose that 12 months; but where the employer ceases to employ him for no reason associated with the employee, then he will take that 12 months accrual with him. This may affect only a very few people but it does seem to be a little harsh where, if an employee stays with an employer, he gets the accrual but if the employer dismisses him, he does not (and this does not necessarily mean that he dismisses him because of any failing on the part of the employee, just because of the nature of the industry).

The Hon. N. K. Foster: The job finishes.

The Hon. FRANK BLEVINS: Yes, the job finishes. He then loses that 12 months. We are happy with a situation where an employee gives notice and loses the 12 months accrual; that is the intent of the amendment. Where an employer terminates the employment, then the credits go with the employee to his next job and the relevant levy is paid into the fund.

The Hon. J. C. BURDETT: The Government opposes this amendment because it appears to be contrary to the principles of the Long Service Leave Act, which has been with us for a long time. The principles of that Act are that a person becomes entitled to long service leave because he has been employed by a particular employer for the prescribed period of time. This special exemption has been created in regard to the building industry under the principal Act, the Long Service Leave (Building Industry) Act. The amendment which has been moved could mean that a person who changes from that industry to another industry would still be entitled to long service leave, notwithstanding that he has not been employed for the required period of time by the particular employer. A person such as a cleaner, who may for a period be within the ambit of the Long Service Leave (Building Industry) Act and who leaves that industry and is no longer in that industry, could, under this amendment, notwithstanding that he has left not only the employer but also the industry and has not been employed by either the employer or the industry for the requisite period of time, be covered for long service leave. That, as we understand, was never intended and ought not to be comprehended at this particular time. For these reasons we oppose this amendment.

The Hon. FRANK BLEVINS: I have obviously failed to get the point across. Where a person voluntarily leaves an employer and moves to another employer, under my amendment he will not take the credits with him for the period of 12 months when he worked as a cleaner. The Opposition believes it is unjust that, if an employer has to lay off an employee through no fault of the employee (and perhaps even through no fault of the employer), the employee loses his entitlement. That is grossly unfair.

We anticipated the arguments that would be coming from the Government, that if a person chooses to leave an employer it is his business. We have allowed for that. If an employee leaves an employer in the circumstances I have outlined, where an entitlement is possible under this provision of the Act, that is too bad, and the employee should not have left, but it is harsh where an employer gets rid of an employee who then loses the entitlement.

The Hon. J. C. BURDETT: From the discussions that have been held, my understanding is that the Trades and Labor Council does not support this amendment.

The Hon. Frank Blevins: That's not true.

The Hon. J. C. BURDETT: That is my understanding. Apparently the Hon. Mr Blevins has consulted with other parts of the labour movement. The point I make concerns whether it is a voluntary or compulsory change, but that is not altogether the point, which is that long service leave is leave for long service. One does not get it unless one has given long service. It has been accepted for a long time that it applies to long service to an employer. A special case applies in the building industry. It has been accepted for that industry and that industry alone.

The Hon. Frank Blevins: We are talking about it.

The Hon. J. C. BURDETT: So am I. If it is within that industry, it has been accepted that the industry should carry the burden of long service leave. The Hon. Mr Blevins's amendment would mean that a person who had not been employed for the requisite period by the employer, nor by the industry, could be entitled to long service leave—

Members interjecting:

The Hon. J. C. BURDETT: He could have been a cleaner who moved from the industry to another industry. If the Hon. Mr Blevins wishes to have this matter further considered and so that it may be further considered, I will report progress.

Progress reported; Committee to sit again.

ADJOURNMENT

At 6.30 p.m. the Council adjourned until Thursday 18 February at 2.15 p.m.