LEGISLATIVE COUNCIL

Wednesday 24 February 1982

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

QUESTIONS

RIVERLAND CANNERY

The Hon. B. A. CHATTERTON: Has the Minister of Community Welfare an answer to a question I asked on 3 December 1981 about the Riverland cannery?

The Hon. J. C. BURDETT: The Government is honouring its commitments given to the receivers of the co-operative and the growers. That is not dependent on the Commonwealth's response.

COMPUTER LISTINGS

The Hon. C. J. SUMNER: Has the Attorney-General a reply to a question I asked on 2 December 1981 about computer listings?

The Hon. K. T. GRIFFIN: Most South Australian Government departments supply to banks, building societies and so on computer listings of amounts deducted from employees payroll and credited respectively to those banks, building societies and credit unions. These lists contain only names, account numbers and amounts deducted from payroll and credited to that institution. Similarly, standard deduction listings are forwarded to hospital benefit funds, unions, insurance companies and so on.

In accordance with the provisions of section 22 of the Public Service Act the Public Service Board arranges through the Government Printer the production every two years of the Public Service list. The information contained in the Public Service list, which is derived from computer files, consists of the names, ages, birthdates, sexes and salary ranges of public servants. The list may be purchased by any person or organisation from normal State Government information outlets.

The Department of Lands manages the computerised LOTS system, whereby persons upon payment of a fee may obtain information about individual land titles. Lists of sales of properties are also sold to real estate agents. The Education Department provides computer listings of school addresses to non-government sources.

The Corporate Affairs Commission supplies copies of its Companies Monthly Index (an alphabetical list of companies, business names, associations and industrial and provident societies which are registered in South Australia) to State Government departments, Commonwealth Government departments, professional bodies (credit organisations, accountants, solicitors) and large companies. While the index is distributed to State Government departments free of charge, Commonwealth departments and other non-government bodies are required to make written application and pay a subscription fee of $240 for 12 months in advance. Each application is carefully considered in terms of use proposed by the applicant. The commission has rejected numerous applications where it has been evident that the index would be used for mail selling campaigns or as the basis for profit making ventures. No other computer listings are sold or made available externally by any Government department.

LETTING AGENTS

The Hon. C. J. SUMNER: I seek leave to make a brief explanation before asking the Minister of Consumer Affairs a question about letting agents.

Leave granted.

The Hon. C. J. SUMNER: Yesterday, in the House of Assembly, the member for Brighton, Mr Glazbrook, raised the question of the virtual monopoly that certain letting agents have on people seeking rental accommodation in homes or flats. Mr Glazbrook criticised the fact that little service was provided for the payment of the $40 fee. I also raised this topic in correspondence with the Minister when I referred the matter of the Housing Referral Agency to him in October last year. However, the Minister chose to take no action.

Further, and much more seriously, the Government ignored the recommendations of a specialist committee which it established to review the Residential Tenancies Act and which reported on 30 May 1980. That report stated:

> The common complaint is that little or no effective service is offered for the fee paid. The agencies do not guarantee that premises will be found for the prospective tenant to inspect. Often premises are listed for days after they have been let to another person. The agencies do not require a fee from landlords or agents for their services, and appear to rely heavily on information contained in daily newspapers which is available to any member of the public. The advertising 'pitch' used by letting agencies is often misleading in that it implies that accommodation will be found.
>
> However, there is a need for this service where prospective tenants are unable to spend time seeking rental accommodation. To prohibit these activities may not therefore serve the best interests of the community. The working party is aware that the Land and Business Agents Board is in the process of examining the possibility of amending the Land and Business Agents Act to regulate letting agencies.

I strongly emphasise the following statement:

> The working party recommends that the regulation of the activities of letting agencies be achieved by amendment to the Land and Business Agents Act.

So, there was clearly a recommendation, which the Minister had in May 1980, to regulate letting agencies that he and the Government chose not to act on.

There is another disturbing aspect of this matter; I am afraid that once again a Minister of the Crown and again, in this case, the Hon. Mr Burdett, has been guilty of directly and deliberately misleading the Parliament. On 24 February 1981, whilst discussing amendments to the Residential Tenancies Act, I asked the Minister, 'Did the report make any recommendations on what to do about letting agencies?' The Minister's reply was, 'No, it did not.' As I was a bit confused at that stage, I further asked:

> Is it true that the working party made no report or recommendation about the letting agencies and whether there should be any attempts to regulate or control them, in view of the complaints and problems that the Minister has outlined? Was any recommendation made by the working party and, regardless of whether it was or not, in view of the Minister's comments, does he intend to take any action?

My question is taken from *Hansard*, dated 24 February 1981. The Minister's reply is clear and categorical:

> No recommendation was made and I do not intend to take any action, for the reason I have outlined . . .

I will repeat the recommendation of the working party to honourable members. It was as follows:

> The working party recommends that the regulation of the activities of letting agencies be achieved by amendment to the Land and Business Agents Act.

The Minister's response on two occasions was that that working party made no such recommendations. That was a straight-out and blatant lie. Why did the Minister mislead the Chamber on 24 February 1981, when he said that there was no recommendation relating to letting agencies in the working party report, when that is clearly untrue? Why did

the Minister not act on the recommendations of the working party?

The Hon. J. C. BURDETT: I will examine what were the recommendations of the working party. I presume that the Leader is referring to the working party on the Residential Tenancies Act. I will examine what the recommendations of that working party were and what the honourable member asked me when the Council was dealing with the Land and Business Agents Act—

The Hon. C. J. Sumner: We were dealing with the Residential Tenancies Act.

The Hon. J. C. BURDETT: All right. We have recently dealt with recommendations in regard to the Land and Business Agents Act. If the Leader is referring to recommendations made in regard to the Residential Tenancies Act, from what he has read, it was not recommended by that working party that any alterations or amendments be made to the Residential Tenancies Act but to the Land and Business Agents Act.

Members interjecting:

The PRESIDENT: Order! Honourable members need not all bellow to make a point.

The Hon. J. C. BURDETT: What I have said is perfectly true. It was suggested, from what the Leader read, that the recommendations concerned amendments to the Land and Business Agents Act and not the Residential Tenancies Act.

The Hon. J. R. Cornwall: That's not the way I heard it.

The Hon. J. C. BURDETT: It was. In any event, I will re-examine the report of the working party, re-examine what the Leader asked me at the time and what my reply was, and I will give him an answer.

HOSPITAL CHARGES

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 hospital charges.

Leave granted.

The Hon. J. R. CORNWALL: Recently, a constituent of mine went to Flinders Medical Centre for a series of routine checks for a chronic medical problem. My constituent is an insured patient who goes to the centre because all the facilities required to check and monitor her progress (and, I am pleased to say, her recovery) are available at the centre.

She attended by appointment and, on arrival, was told that the consultant with whom she had the appointment was away because of illness. My constituent was told that she could see another consultant (another specialist) but that there would be additional charges, which involved an additional sum for a primary specialist consultation (rather than a revisit, which would have been the normal procedure if she had been seeing her usual specialist) and a referral fee. Both of these charges seemed irregular to her.

Fortunately, and unlike most patients who attend an outpatient department, she was well enough to query the situation and was told that the referral fee involved a referring form from a general practitioner; she would not see a general practitioner, and, in fact, she did not have to see one, nor would she be physically examined by one, but she was told not to worry about that. She had to have the form but she was further told not to worry because she would get the money back from her health insurance fund. Unfortunately for the hospital authorities, the constituent of mine happened to be Miss Sue Stevens, who, most members would know, is secretary to Dr Neil Blewett, the Federal shadow Minister for Health.

Not only was Miss Stephens feeling quite well at the time but she also knows quite a lot about the system, so she did not cop it. She immediately said that she thought that that was most irregular and she also said less complimentary things. She asked to see the hospital Administrator. She saw the Administrator, who told her that it was normal practice; that is, that at Flinders Medical Centre patients are being referred and charged for referral services that are not rendered. They do not see a general practitioner and are not examined by one but are charged so that they can go to a specialist.

There is no doubt that that is soft fraud. In fact, some people may go further and leave out 'soft', saying it is just plain straight fraud on the system, and it is being carried out at one of our leading teaching hospitals, presumably with the knowledge of the Health Commission and the Minister of Health. Fortunately, as I have said, Miss Stevens was in quite good health at the time. She was there simply for a routine check-up. She was not going to be a party to this fraud and left the hospital rather than be in it. Will the Minister investigate these highly irregular practices and what appears to be a fraud that is condoned at Flinders Medical Centre?

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

WATER STORAGES

The Hon. M. B. DAWKINS: My question is directed to the Minister of Local Government, representing the Minister of Water Resources. Will the Minister obtain from his colleague particulars of the present amount of storage, as compared to total capacity, in the water storages in this State in both the metropolitan area and country districts? Will the Minister also endeavour to obtain some comment from the Engineering and Water Supply Department in regard to the present position and the amount of pumping that is envisaged?

The Hon. C. M. HILL: Yes.

PARLIAMENT HOUSE REVIEW

The Hon. FRANK BLEVINS: I seek leave to make a brief explanation before asking a question of you, Mr President, relating to the committee of inquiry, or whatever it is, that is going on in regard to Parliament House.

Leave granted.

The Hon. FRANK BLEVINS: All members are no doubt in receipt of a letter dated 22 February 1982, signed by both you, Mr President, and the Speaker of the House of Assembly, concerning the current review of organisational and staffing arrangements covering all staff working for the Parliament. Notwithstanding the fact that it is stated in the letter that 'the independence and right of each House to exercise control over its own affairs will be maintained', would you give an undertaking to this Council that neither you, nor, subsequently, the Clerk of the Council will implement any alteration or give any directions that alter the existing organisational, administrative or staffing arrangements of the Council that may affect its members or staff until any suggested change whatsoever has been referred to the Council for its approval? This would ensure that the Council was fully informed of any proposed changes and it would safeguard the Council's powers, functions, rights and privileges and those of its members.

The PRESIDENT: I thank the Hon. Mr Blevins for his keen interest in the affairs of both the House staff and also the inquiry committee. He has asked a lot of questions on

that matter. My answer is 'No'. I will not give that undertaking. I will consider what is placed before us, if anything, by the review committee and, if necessary, will, of course, discuss it with any member whom it could affect—it could be with the whole Council. No, I will not give that undertaking.

The Hon. N. K. FOSTER: I am disappointed in your reply, and that is no reflection upon the Chair. However, will you, as President of this Council, ensure that neither one nor both of the committees or any joint committees of the Parliament (all committees or any committee involved) reach any decision before the reports are brought before the elected members of this Chamber?

The PRESIDENT: I am sorry, but I am not quite sure what the honourable member requires.

The Hon. N. K. FOSTER: I will repeat my request. I am asking you, Mr President, to give an undertaking to the elected members of this Council, who in turn elected you to your high office—I pause here on purpose, not out of disrespect for the Chair but on the grounds that I anticipated a bit of a mumble from members on the other side of the Chamber. For that reason, I will rephrase my request so that it sounds more respectful. I therefore ask you, Mr President, to give an assurance to this Council that, during the time this Chamber is not sitting, there will be no report accepted by you or by any committee that this Chamber is involved in (that is, the Joint House Committee or the Library Committee, to name but two) until a report is given to this Council assembled. In other words, we do not want to be told by letter placed in our boxes and we do not want any decision made by the Speaker of the House of Assembly, whilst we are in recess. That is the purport of my request.

The PRESIDENT: That sounds a reasonable request. The only point I would make to the honourable member is that, since all staff have representation on the committee—

The Hon. N. K. Foster: I am sorry, they have not.

The PRESIDENT: They have been invited to have it. There are four members now representing the staff. The review committee will also have a representative of their association on it. Since I am only one member, I can hardly stop that committee reaching a decision whether we be in recess or not. The answer to the latter part of your question is 'Yes. I will endeavour to see that no action is taken on the recommendation until members generally know what the purport of the committee's findings is.'

The Hon. N. K. FOSTER: Further to that, if I may, I thank you for the latter portion of your reply. However, I have always been of the understanding that in all Parliaments under the Westminster system, where there is a bicameral system, there are two authorities, one vested in the Lower House (if I may use that term) in the Speaker of that House, and one vested in the President in the Upper House. I am aware, and may I draw this to your attention, Mr President, that shortly before its rising from the Christmas recess the Australian Senate deliberated on not dissimilar matters and passed a motion in its own right, at the behest of the President of the Senate. Your authority, Sir, is absolute on this side of the Chamber and you have the right to refuse them either audience on this side of the Parliament or entry to this side of the building if that be your wish. I would think that that type of almost extreme action is necessary to preserve the rights of elected members of this Chamber.

The PRESIDENT: I think, in my reply to the honourable member, I did give some assurance that nothing would take place to affect the structure of our staffing or the members without my absolute consent. The point you make, of course, that the Assembly looks after its own affairs, is quite pertinent.

The Hon. N. K. Foster: Tell them to get off our back.

The PRESIDENT: Indeed, I will preserve the right to do exactly the same on this side of the Parliament.

PORT LINCOLN FISHING FLEET

The Hon. J. A. CARNIE: I seek leave to make a brief explanation before asking the Minister of Local Government, representing the Minister of Fisheries, a question about the fishing fleet at Port Lincoln.

Leave granted.

The Hon. J. A. CARNIE: I last raised this matter when speaking to the Address in Reply on 23 July last year. The value of the fishing fleet at Port Lincoln would be about $40 000 000. It is a valuable industry not only in relation to the value of the fleet itself, but also in returns to Port Lincoln and to the State of South Australia as a whole. In my speech last year I referred to the fact that hardly a winter passes without a vessel breaking its moorings and going aground. For example, on 1 June last year two fishing boats were washed ashore; one broke adrift and was saved from being washed ashore; two yachts were sunk and two went aground; and a tuna clipper tied to the main shipping wharf broke its stern line, swung around and severely damaged the wharf.

On 6 October, after I had spoken in the Address in Reply debate, another fishing vessel was washed ashore. I have little doubt that this winter more boats will be blown from their moorings. I recognise the fact that not only this Government but former Governments have looked at this matter. One reason why nothing has been done is that there is a lack of agreement between the fishermen themselves concerning the most suitable type of breakwater and the most suitable position. Nevertheless, will the Minister as a matter of urgency take the initiative and consult with the fishermen in Port Lincoln with a view to constructing a shelter for this valuable fleet?

The Hon. C. M. HILL: I will refer that question to the Minister and bring down a reply.

WOMENS SHELTERS

The Hon. ANNE LEVY: I seek leave to make a brief statement before asking the Minister of Community Welfare a question about womens shelters.

Leave granted.

The Hon. ANNE LEVY: It is over a week since the Minister announced the cessation of funding for the Naomi Womens Shelter and indicated that, despite this, there would be no diminution in the sums allocated to womens shelters this financial year. He suggested that a new womens shelter would be established to function as from 1 April and that it would receive the money which otherwise would have gone to the Naomi Womens Shelter. Naturally, I am concerned about the fate of the women and children who have been accommodated and who are still being accommodated at the Naomi Womens Shelter.

The balance of the $94 000 which was initially allocated to Naomi is, I understand, a recurrent balance and would be required for recurrent purposes at any shelter set up as from 1 April. However, I am sure that the Minister would realise that a womens shelter cannot be established without certain capital expenditure and without certain capital facilities being provided. If it were necessary to use this recurrent funding for capital purposes, that would inevitably mean that the total recurrent expenditure for womens shelters in this State would be decreased over what had been intended.

Will the new shelter proposed by the Minister to exist from 1 April have new premises provided for it? Will the

new shelter receive a capital grant over and above the recurrent grant which would otherwise have gone to Naomi? Is the Minister satisfied that the same number of places as currently exist will be available in womens shelters throughout South Australia? Will the entire remainder of Naomi's recurrent grant go to the new shelter or will it be distributed amongst the other existing shelters?

The Hon. J. C. BURDETT: The remaining part of the recurrent grant to Naomi will not be distributed to other womens shelters. It will all be used for the proposed new shelter. On the other hand, I assure the honourable member that the grants to other womens shelters have been made and will in no way be reduced. In relation to the question about whether or not the same number of places will be maintained, the Government has never been quite sure what number of places have been available at Naomi, because the figures and the returns have not been provided promptly and we have not been satisfied about their accuracy. There is also the question about the women who are presently living at Kumanka. The Naomi Womens Shelter—

The Hon. J. R. Cornwall: What are you going to do about Kumanka?

The Hon. J. C. BURDETT: It does not belong to us. The Naomi Womens Shelter has assured us that Kumanka has a separate existence and that it has nothing to do with Naomi. We certainly intend to see that there is an adequate number of places available for women in shelters. In relation to the possibility raised by the honourable member that additional funding may be necessary for capital equipment, I have indicated in previous statements to the Council and elsewhere that it may be necessary to consider whether some additional funding may have to be provided.

I am pleased to assure the honourable member that today I received a report from a departmental officer who was present when the Womens Shelter Advisory Committee met recently. That committee appears to be working very well towards the establishment of the proposed new shelter. Certainly, I have already been alerted to the fact that some additional funding will be necessary and that representatives of shelters, including shelters outside of Adelaide, are involved. I have also been alerted to the fact that I will have to provide some funding for travelling expenses while those representatives attend the initial meetings required in order to set up the new shelter.

In relation to any possible capital expenditure, I have already made it clear that that may have to be considered. Whether or not it will be necessary depends on the workings of the committee, what it finds to be necessary and what it recommends. The honourable member also referred to women who otherwise may have been placed in Naomi and what can be done about them in the meantime. At the present time, as I understand it, Naomi is still operating and, of course, it is still being funded. However, we have contingency plans to place any women who may otherwise be disadvantaged in the event that the Naomi shelter ceases to operate before the date when funding ceases.

TOPLESS WAITERS AND WAITRESSES

The Hon. G. L. BRUCE: I seek leave to make a short explanation before asking the Minister of Community Welfare a question about topless waiters and waitresses.

Leave granted.

The Hon. G. L. BRUCE: Over 18 months ago, I raised the matter of topless waiters and waitresses serving in eating and drinking establishments in Adelaide. In his reply, the Minister indicated that the Commissioner, under the Sex Discrimination Act, had considered the practice and that it was regarded as discriminatory employment. My views are well known on this matter; it is blatant exploitation of the work force. I have been watching and monitoring the situation. Last Thursday, in an article in the *Advertiser*—

The Hon. C. M. Hill: What have you been watching?

The Hon. G. L. BRUCE: The advertisements in the *Advertiser* on the entertainment pages, advertising for waiters and waitresses in these establishments. It seems to me that this practice is spreading and is not doing the industry any good. In last Thursday's *Advertiser* an advertisement appeared as follows:

> Waitress/Waiter wanted TOPLESS for casual day work. Excellent pay. Excellent conditions. 3 days work guaranteed.

This advertisement gave an address where persons interested could apply. Another advertisement was as follows:

> Waitress/waiter wanted for top see-through restaurant.

This advertisement gave an address where people interested could apply. These advertisements are appearing virtually every week. This is blatant discrimination against the work force. I am not opposed to people being topless. If they are wanted as entertainers, let them be topless, bottomless or anything else—that is all right. They are paid for doing the job as entertainers. However, I believe that it is not a part of the role of the work force of waiters and waitresses to be topless or to wear see-through gear. If it is good enough for waiters and waitresses to dress in this way in restaurants, it is good enough for employees in Coles or Woolworths or any other establishment to do the same, and that would not be condoned by the Minister. Can the Minister say how many males, in relation to females, are employed as topless or see-through waiters in eating or drinking establishments in Adelaide? If the answer is none, as I suspect it is, does the Minister consider this blatant discrimination against the male section of the community and a situation that the Commissioner of the Sex Discrimination Board should take action to correct? If the Minister does not agree with the above statement, would he not agree that the advertisements I have quoted make a farce of the Sex Discrimination Act?

The Hon. J. C. BURDETT: These matters were covered in my previous answer. The Commissioner of Equal Opportunity at that time expressed the opinion that, where there were advertisements of this kind calling for topless waitresses, it was a discriminatory practice. The Commissioner also pointed out that there was nothing that she was able to do in terms of the Sex Discrimination Act unless a complaint was made to her. If a complaint was made to her, she had the power to conciliate in the matter between the two parties concerned. That remains the fact. The Commissioner has expressed the view that the practice is discriminatory, but she does not have power to do anything about it in terms of the Sex Discrimination Act (which was introduced by the previous Government and which seems to have been a fairly well conceived piece of legislation) unless some complaint is made to her.

DIETICIAN'S APPOINTMENT

The Hon. J. E. DUNFORD: Has the Minister of Community Welfare answers to questions I asked on 16 February and 17 February regarding a dietician's appointment?

The Hon. J. R. Cornwall: That came back quickly; I have been waiting for answers for five months.

The Hon. J. C. BURDETT: Mr Dunford is lucky. In answer to the three questions asked by the honourable member on 16 February the Minister of Health has informed me as follows:

1. Mrs Tonkin was appointed to the temporary part-time position on 9 February 1982;

2. There were four applicants for the position;

3. The position was advertised in the following ways:
   By notice on the Flinders Medical Centre notice board;
   Other Government hospitals were contacted and made aware of the vacancy;
   Names were obtained of dieticians seeking a position;
   The South Australian Nutrition and Dieticians Association as well as interstate branches of the Association were advised of the vacancy.

In answer to the honourable member's question on 17 February, the reply is as follows:

Upon immediate inquiry, the Minister of Health was advised by the Administrator of the Flinders Medical Centre that the temporary position of senior dietician was advertised. The position was advertised in several ways. A notice was placed on the hospital notice board; other Government hospitals were contacted and made aware of the vacancy; and names obtained of dieticians seeking a position.

The South Australian Nutrition and Dieticians Association, as well as interstate branches of the association, was advised that the vacancy existed, and asked that any members interested be advised to apply. The position is a part-time one, involving 27½ hours a week. The salary is $194 per week gross. There were a total of four applicants for the position. Two of these applicants later withdrew, and the remaining two were interviewed.

RAPE

The Hon. BARBARA WIESE: Has the Attorney-General a reply to the question I asked on 1 December about rape?

The Hon. K. T. GRIFFIN: The Crown Prosecutor has advised me that it is true that the victim gave her evidence, apart from some initial matters, in a closed court. That was at her request because of the nature of the matters she had to relate to the court. The press were included in the closed court order. It is also true that apart from the victim's evidence the rest of her evidence was given in open court.

The Crown Prosecutor agrees that press reports tended, perhaps inevitably, to highlight the evidence (ultimately found to be untruthful) of the accused. His Honour the trial judge tried to redress that imbalance in his remarks on sentence when he requested that the press prominently publish that the jury verdicts meant that the victim's story was true. That was done.

It is also true that any member of the public was able to walk into the court to hear the evidence and to hear the victim identified because her name was used several times a day during the course of the proceeding. Unfortunately, a rape case cannot be conducted without the defendants being aware of the name of the victim and without the victim's name being mentioned from time to time in the course of the trial. If members of the public choose to go into a court then of course they will learn the name of the complainant if it happens to be mentioned whilst they are there. The only way to prevent that is to close the court for the whole trial, an action which runs counter to the whole policy of justice being administered in the open.

This particular case was in some ways exceptional in that it generated a lot of public interest and there were more spectators than is usual. In my opinion and that of the Crown Prosecutor, whilst one can appreciate the deep distress of the victim and her family, in fact to most members of the public the mere mention of her name would mean nothing and would certainly not identify her as a particular person from a particular place.

It has been said that threats were made to the victim and perhaps her family. That sort of thing, reprehensible as it is, is difficult if not impossible to curb. It would not have been difficult for friends of the accused to find out who the victim was and where she lived. Therefore it would not have helped if the court had been closed throughout the trial.

The suggestion to close courts to the public but not to the press in rape cases—excluding any in camera evidence of the complainant—is not in my opinion a practical solution. The courts should be open to the public at large not just to the press. Further consideration will be given to the difficulty.

REPLIES TO QUESTIONS

The Hon. J. C. BURDETT: I seek leave to table and have incorporated in *Hansard* replies to four questions which were unanswered at the time Parliament rose but which have since been answered by letter.

Leave granted.

VINDANA WINERY

In reply to the **Hon. B. A. CHATTERTON** (5 August 1981).

An investigation has been made into claims that Monash Winery Pty Ltd had accepted wine grapes from Riverland growers during the 1981 vintage even though apparently related companies Vindana Wines Pty Ltd and Vindana (1980) Pty Ltd had not paid growers for deliveries made in early vintages. Inquiries made at the winery established that Mr Morgen, who has been a director of each of the companies, did not purchase any grapes during 1981 but crushed a quantity from his own vineyard and also a small quantity provided by three other growers, one of whom is Mr Morgen's son-in-law. These grapes were stated to be surplus which could not be sold to other wineries. The intention is apparently that the growers concerned will each claim their own wine in due course, it is not being sold on their behalf by Monash Winery. In the circumstances the provisions of section 22aa (2) have not been breached but should the winery eventually sell the wine on behalf of the growers then a breach may well occur. This fact is apparently understood by the company secretary.

It was established that Monash Winery is selling wine but this is from stocks previously processed by Vindana and is being sold with the knowledge and authority of the receiver. No official complaint has been received by the Department of Public and Consumer Affairs concerning the operations of Monash Winery Pty Ltd particularly in regard to its purchasing wine grapes during the 1981 vintage. The investigation has not revealed any infringements of section 22aa (2) or 22a (7) of the Prices Act, 1948-1980.

BUILDERS APPELLATE AND DISCIPLINARY TRIBUNAL

In reply to the **Hon. FRANK BLEVINS** (18 August 1981).

The membership of the tribunal was primarily expanded to allow more than one division of the tribunal to sit concurrently in order to cope with the continuing number of matters lodged. None of the current members of the tribunal are involved as parties to an action before the tribunal. The honourable member supplied the names of two people, but both are no longer members of the tribunal. At the time the appointments were made proceedings had been issued against both before the Builders Licensing Board. The complaints against one of the named persons were resolved without the issue of formal orders by the Board. Two of

the complaints against the other were the subject of proceedings before the tribunal. In one case the tribunal decided it had no jurisdiction and the other had not been heard.

Merely because proceedings have been issued in respect of the holder of a builder's licence or a company with which he is associated or he has otherwise been the subject of proceedings before the Builders Licensing Board or the Builders Appellate and Disciplinary Tribunal is not sufficient reason to preclude his appointment to the tribunal. It would, however, be proper for such a person to disqualify himself from hearing a case in which he was involved.

BREAD DISCOUNTING

In reply to the **Hon. C. J. SUMNER** (1 December 1981).

In general it would be fair to say that the Government's aim to hold retail discounting of bread to 5 cents per loaf has been working reasonably well. However, it must be admitted that there are a few pockets where excessive discounting has continued in spite of approaches made by officers of the Department of Public and Consumer Affairs. Generally, an independent supermarket operator is the instigator of such excessive discounting although in one or two instances a delicatessen owner has been involved and has refused to raise prices when requested. In these cases no objection can be raised to other resellers including large chain stores in the immediate area meeting such competition. In an endeavour to resolve the problem I have written to Associated Grocers Co-operative Ltd, pointing out that legislation may have to be considered unless discounting is contained to a reasonable level, that is, within 5 cents. On 20 November that company drew the attention of all its members to my letter and I am grateful for the co-operation extended by the management of that company.

Other aspects of concern in the bread industry revolve around excessive discounts being given at the wholesale level. Obviously, extra money margins gained act as fuel to retail discounting and also enable inroads to be made into country districts where small bakers are unable to meet the level of discounts being offered and so lose sales. This fall off in trade can be a threat to employment in the towns involved and also can be detrimental from a tourist point of view if the bakeries are forced to close. The whole question of bread pricing is currently being examined to see if a satisfactory solution to the problem can be found.

FIRE INSURANCE CONTRACTS

In reply to the **Hon. FRANK BLEVINS** (9 December 1981).

The matter has been investigated and no need for legislative action has been demonstrated. With assistance from the Insurance Council of Australia, all the properties concerned in Hindley Street now have adequate insurance cover. As far as the need for compulsory public risk insurance is concerned, the Places of Public Entertainment Act sets down standards which must be maintained in places of public entertainment for the safety and convenience of members of the public and employees.

TRANSPORT CONCESSIONS

The Hon. ANNE LEVY: I seek leave to make a brief statement before asking the Attorney-General, representing the Minister of Transport, a question about pensioner concessions.

Leave granted.

The Hon. ANNE LEVY: I am sure that all members are aware that the State Transport Authority gives concessions to pensioners and to people holding pension cards. The concession is that on all S.T.A. transport there is free travel between the hours of 9 a.m. and 3 p.m. from Monday to Friday, and at other times pensioners can travel for a flat rate of 20c a journey. It is also true that children aged between four and 15 years pay 20c a journey on S.T.A. transport. This leads to a rather absurd situation in which a pensioner with dependent children is, when travelling at certain times of the day, elegible to travel free, but has to pay for her (and it is usually a 'her') children.

Many supporting parents ensure that their travel is confined between the hours of 9 a.m. and 3 p.m. so that they are elegible for free travel. However, if they take their children with them, as very often they have to do, having no child care available, they have to pay for the children, although they themselves can travel free. This seems quite anachronistic. Will the Minister consider granting the same concession to the dependants of pensioners so that they have the same concessions as their parents, even if this were limited to situations where such dependants were travelling with the pensioner on whom they were dependent and who was benefiting from the S.T.A. concession?

The Hon. K. T. GRIFFIN: I will refer that question to the Minister of Transport and bring down a reply.

EXTRAMAN

The Hon. G. L. BRUCE: I seek leave to make a short statement before asking the Minister of Community Welfare, representing the Minister of Industrial Affairs, a question about the firm Extraman.

Leave granted.

The Hon. G. L. BRUCE: Some time ago, I asked a question about the firm Extraman, which was advertising labour. Two parts to the answer that I received previously are relevant, although I do not think that the reply that I received earlier was in any way satisfactory. Indeed, I do not know why I bother to ask questions, so rarely do I get satisfactory answers. In reply to my earlier question the Minister stated:

> The advertisement indicates that Extraman has a pool of workers who can be hired by any person who has work to be done. In this context, the advertisement does not contain any unfair statements.
>
> The majority of workers held in the pool by Extraman are unskilled.

Those two paragraphs raise a paradox. From the way Extraman advertises, I understand that it offers skilled labour. Reference is made to skilled labour, but the two paragraphs are contradictory. This is what Extraman advertises:

> Extraman—Adelaide's industrial work force. Labourers, factory hands, tradesmen who really want to work ... when you need them. Factory hands, carpenters, cleaners, painters, storemen and packers, warehouse personnel, general labourers, truck and forklift drivers.

That advertisement indicates to me a skilled work force, yet in his reply the Minister states that he does not believe there are any unfair statements made. It is said in the advertisement that no retainer is taken by the company from these employees. Employees are covered by Extraman for workers compensation, pay-roll tax, taxation, holiday pay, etc. Extraman covers its own workers, yet it is able to advertise labour at cheaper rates.

I would like a reasonable reply to my question. Does Extraman supply casual, weekly or monthly labour to industries on work covered by Federal or State awards and, if it does, how can contract casual labour be advertised as being cheaper if award conditions are followed and complied with? What extra percentage is charged on hourly rates to

cover workers compensation, pay-roll tax, taxation and holiday pay? If Extraman covers these areas, how can it still provide cheaper labour to industries, as advertised, without underpaying its employees for the work that they perform?

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

TRANSPORT CONCESSIONS

The Hon. R. J. RITSON: I seek leave to make a short statement before asking the Attorney-General, representing the Minister of Transport a question which has been prompted by the question asked by the Hon. Anne Levy and which is about concessions on bus fares.

Leave granted.

The Hon. R. J. RITSON: As a result of a most unfortunate mechanical defect in my motor car, I am currently using the S.T.A. bus service.

The Hon. Frank Blevins interjecting:

The Hon. R. J. RITSON: Being a gentleman of leisure who does not work quite as hard as Ministers, I often leave home after 9 a.m. and have been struck by the fact that, on these trips into town shortly after 9 o'clock, almost no-one seems to pay any fare at all on the buses. Indeed, when someone pays, it is an unusual event.

The Hon. Frank Blevins: Did you use your gold pass?

The Hon. R. J. RITSON: In fact, I used my gold pass, but I started to feel that perhaps, out of an act of charity, I should pay the fare because nobody else seems to do so. This question is no reflection on the recipients of benefits.

The Hon. Frank Blevins: What about the unemployed?

The PRESIDENT: Order! The Hon. Mr Blevins should desist from interjecting, or I will name him. The Hon. Dr Ritson.

The Hon. R. J. RITSON: Can the Minister indicate to the Council the extent to which further concessions can be given before the point is reached where the cost of printing tickets and administering the income of the S.T.A. no longer becomes worth while, because a point will be reached at which the whole system may simply need to be declared a social service and run for nothing, at a cost to the taxpayer? Can the Minister say how close to that point the S.T.A. has come?

The Hon. K. T. GRIFFIN: I will refer that question to the Minister of Transport and bring down a reply.

HOOLIGANISM

The Hon. J. E. DUNFORD: I seek leave to make a short statement before asking a question of the Minister of Local Government about hooliganism at Hackney.

Leave granted.

The Hon. J. E. DUNFORD: I have received a letter from Mrs Jane Henzell. At the foot of her letter she says that she is sending a copy of her letter to the Premier, the Chief Secretary, me, the Town Clerk of St Peters and Mr Crafter. In her letter she refers to the *Advertiser* report of 11 February 1982 headed 'Fifty residents ask council to oppose hotel hours'. The letter is addressed to the Hon. Mr Hill. It assumes that the Minister has been correctly reported in saying:

> Acts of hooliganism were no more common near Hackney Hotel than near licensed premises in the metropolitan area.

The Hon. R. J. Ritson: It is comparable—

The Hon. J. E. DUNFORD: Do you want to ask the question or shall I? I checked the Minister's reply and I am pleased to say that he did say this. In his reply to me he went further and said that, based on reported complaints, the Hackney situation was not as serious as suggested by the newspaper.

This lady's letter is dated 15 February, and she states that she has voted for the Liberals for more than 30 years. She has had confidence in the Liberals all her life but now she is very disappointed in them. The Minister must have received this letter, since it is addressed to him. She pointed out her observations of activities near the Hackney Hotel in the early hours of the morning, activities which the Minister states in his reply to me are not as serious as newspaper statements suggest. She outlines a few things that have happened, as follows:

> 1. Four car-loads of youths shouting obscenities at 2.45 a.m., two of them leaving their car to urinate on my front porch, and one defecating on the water table opposite, with comments on where the evening had just been spent.
>
> 2. A car proceeding approximately 15 metres on my driveway, reversing and destroying the Engineering and Water Supply Department water metre (cost to me $45).
>
> 3. Every Saturday morning between 2.30 and 3 a.m. noisy cars drive into this street, which is a cul-de-sac and suitably labelled 'No through road', so I assume that this is a means of enjoyment and excitement to the occupants of the cars or that they are too drunk to see or read the sign.
>
> 4. I did not witness the following but I have reliable information that sexual intercourse has taken place on the front fence of a house adjacent to the hotel (Hackney) at 1.30 a.m. on another occasion.

Mr Hill is in hysterics. Mrs Henzell will not be too happy, after voting for him for 30 years, at his laughing like that. Mr Dawkins is also laughing. This lady also states:

> When you mention 'few calls for police attention near Hackney Hotel', I ask you would it be practical, considering the time element in the instances that I state, to contact the police?

She asks you, Mr Hill (and I am asking you), this question:

> Also, is this the kind of behaviour that you ask us to expect?

Something has to be done about this matter. I have brought it up but the Minister does not seem really concerned about it. I ask the Minister whether he will take some action to see that people in the Hackney area are protected against these obscenities? Will he ask the Chief Secretary whether this sort of thing is going on? Further, will the Minister ask the Chief Secretary to clean up such activity all over the metropolitan area?

The Hon. C. M. HILL: My first reaction when I received the letter was that I had better make a personal inspection. Seriously, the situation is that the Hon. Mr Dunford, in quite good faith, asked questions about the issue of hooliganism near Hackney Hotel. I referred the questions to the Chief Secretary, whose reply indicated that the police had informed him that, based on statistics, the degree of hooliganism in that area was not worse than the position in some other areas. Therefore, in the Chief Secretary's view, perhaps the articles that had led to the Hon. Mr Dunford's questions put the position a little too strongly. When the Hon. Mr Dunford was out of the Chamber, his colleague on the front bench took up the cudgels for the *Advertiser* reporter and, in a very sensitive way, sought some kind of apology from the Government on account of the reply.

The fact is that, in the view of the Chief Secretary, while no-one wishes to minimise the problems that do arise from some late-night hooliganism in the vicinity of any hotel, particularly Hackney Hotel, the position there was not as bad as had been envisaged in the original question. However, I have received the letter to which the Hon. Mr Dunford has referred and I inform the honourable member and the Council that, as a result of that letter and the obvious sincerity of the writer, I have already put in train a further inquiry about this matter to find out whether the situation there is as serious as the writer—

The Hon. N. K. Foster: Some of the houses there come within your jurisdiction.

The PRESIDENT: Order!

The Hon. C. M. HILL: I do not know what you are talking about. I have put in train a further inquiry to see whether the situation is as serious as the writer had said it is. I assure the Hon. Mr Dunford that the matter will be further examined, and I shall be pleased to bring back a report on this investigation.

PETROL RATIONING

Adjourned debate on the motion of Hon. G. L. Bruce:

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

(a) The system of petrol rationing implemented by the Government during periods of threatening 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.

(Continued from 17 February. Page 2900.)

The Hon. K. T. GRIFFIN (Attorney-General): The thrust of the honourable member's proposal is that the Select Committee that he seeks to establish should be appointed to seek information on particular aspects of rationing, including its effectiveness and its effects, and to consider and report on departmental administrative arrangements and on future contingency plans. Much of the information on which the honourable member has relied to support the motion is based on media reports, some of which are distorted and exaggerated. I do not blame the honourable member for relying on these reports, but I think it important that he and other members of the Council recognise that some of those reports are inaccurate, some are distorted, and some are exaggerated.

Organisation and contingency plans in the event of a petrol shortage in future were the subject of a detailed review by the Energy Division of the Department of Mines and Energy last year, and a detailed report has been provided to the Minister of Mines and Energy for his consideration. Some decisions have been taken.

During the course of the conduct of that review, and since the report to the Minister, there have been a number of consultations with a range of user and employer bodies to discuss the conclusions reached by that review. In undertaking the review, the following have been consulted and involved: the staff who manned the issuing centres have been debriefed; representations from the public and others have been considered; consultations have been held with service station proprietors and the S.A. Automobile Chamber of Commerce; Police Department and Telecom have been consulted about future arrangements and communications; the use of a greater number of motor registries and improved arrangements have been discussed with the Motor Registration Division of the Department of Transport; and discussions have been held with oil companies and further detailed discussions are to take place.

The PRESIDENT: Order! I ask honourable members to decrease the volume of their voices. The honourable Minister of Local Government would assist by sitting next to the Hon. Mr Milne if he wishes to talk to him.

The Hon. K. T. GRIFFIN: Discussions have been held with the Australian Petroleum Agents and Distributors Association. Finally, the Liquid Fuels Utilisation Consultative Committee, the expert body appointed in 1980 to advise on these matters, has reviewed the Energy Division proposals. It may be helpful for honourable members to know that the Liquid Fuels Utilisation Consultative Committee is a body which is representative of essential users, and its membership is generally wide ranging, including: Australia Post; Australian Chamber of Shipping; Australian Fishing Industry Council; Australian National; Building Owners and Managers Association; Bus Proprietors Association; Chamber of Commerce and Industry; General Aviation Association of Australia; Metal Trades Industry Association; Metropolitan Taxi-cab Board; Road Transport Association; Royal Automobile Association; RAAF Edinburgh (representing the Combined Military Services); S.A. Automobile Chamber of Commerce; S.A. Chamber of Mines; State Transport Authority; Telecom; and United Farmers and Stockowners.

It will be seen, therefore, that the consideration by that committee of the Energy Division's proposals, as well as the groups and people who have been consulted by the Energy Division, indicate that there has been a comprehensive review of the procedures that ought to be followed during a time of fuel shortage. I submit to the Council that, in light of that review, a Select Committee would merely be repeating the work that has already been done and would, in fact, be reviewing administrative procedures which are the responsibility of the Government department. It would not be making any significant contribution to that review process but would be duplicating work which has already been done.

There are a number of matters in the Hon. Mr Bruce's speech to which I would refer by way of comment. The first is his reference to a suggestion that when petrol rationing was operating there were blatant abuses of the rationing system. The Government was certainly aware that there were blatant abuses of the system. However, where these abuses were reported to the department and warnings were issued to the proprietors involved, these proprietors subsequently complied with the directions issued in almost all cases. Few reports were received about retailers abusing the system for a second time after a warning had been issued. It may be of interest to the honourable member to know that some breaches of the petrol rationing restrictions were reported and prosecutions were commenced.

The next issue in that same category to which the honourable member referred was related to the amount of fuel sold during the odds and evens period. It is known that the odds and evens system, as it applied during the September 1981 shortage, did not cut petrol sales below what might be regarded as normal but, since the odds and evens system was not introduced until some evidence of panic buying had been observed, there is little doubt that it contained sales, as compared with what they might have been had restrictions not been introduced.

The Hon. G. L. Bruce: Sales were up on normal trade?

The Hon. K. T. GRIFFIN: Yes, I will give figures. The latest estimate made by the division, based on a sample of 33 service stations, indicates that sales for the odds and evens period from 16 to 19 September 1981 were only approximately 2 per cent above sales for the same period one year earlier. Experience with the odds and evens system in New South Wales suggests that this system of restriction is significantly more effective in reducing sales if combined with a system of restricted retail trading hours.

The next matter to which I refer is a reference by the Hon. Mr Bruce to an article relating to Mr Smith, as follows:

> 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.

The decision to implement restrictions was dependant on many factors including: the level of stocks at bulk terminals which were unusually low owing to planned maintenance at the Port Stanvac refinery some weeks before; the closure of the Port Stanvac refinery beginning Sunday 13 September owing to the level of fuel oil stocks rising to maximum capacity (fuel oil stocks were high because of shipping delays caused by bad weather in earlier weeks); the continuation of the strike by members of the Australian Institute of Marine and Power Engineers which prevented the export of fuel oil, resulting in the closure of the Port Stanvac refinery and prevented the import of refined products; and, the degree of panic buying. The only purpose of Government action in introducing the odds and evens system on Wednesday 16 September was to contain panic buying. In the early afternoon of Tuesday 15 September, it appeared that there was little panic buying, but this situation changed rapidly during the later afternoon, very largely because of media speculation, necessitating the introduction of the odds and evens system.

The next matter to which the honourable member referred was a newspaper article of 20 September 1981 which stated that South Australian businesses had lost millions of dollars during the petrol crisis. He then went on to quote from a statement from Mr Bill Dawson, who is the Retail Traders Association President, identifying the estimated losses as a result of that period of petrol shortage. I think it has to be recognised that problems which were identified in that article were caused not by rationing being introduced but by South Australia being in the grip of a fuel shortage.

In that same quote the honourable member referred to tourism resources and said that some $400 000 a day was being lost at the height of the crisis. He also referred to a comment by the South Australian Automobile Chamber of Commerce Executive Director, Mr Richard Flashman, who was reported to have said that the crisis would hit petrol retailers who had paid cash on delivery for fuel but were unable to dispose of it. That is true during a period of rationing, but those same retailers had an advantage after the restrictions were lifted because of the long delays in resupplying outlets. Retailers who did not have large stocks found themselves without fuel before they could be resupplied.

The honourable member said he believed that it is relevant for a Select Committee to look into the effect on employment and the loss of income to employees including casuals, because those effects can be very widespread during a fuel crisis of this magnitude. The only response I can make is to say that a system of rationing can only minimise the loss that is inflicted by a fuel shortage. It can do nothing more than that. A contingency plan which the department is now well advanced in preparing is designed to do just that, namely, minimise the loss inflicted by a fuel shortage.

The next matter referred to by the honourable member was the question of insufficient staff and telephone breakdowns. There were some inaccuracies in the reports mentioned by the honourable member. When the petrol rationing telephone inquiry number was operating on Monday 21 September, the number of telephone inquiry officers was quickly increased to 15, plus one supervisor. At the Motor Registration Division there were about 20 issuing officers plus two supervisors when the doors opened on Monday 21 September. The only time when about 400 people queued at the Motor Registration Division and only two staff members were on duty when the doors opened was on Sunday 20 September, which was a day of total restriction and not rationing. On that day additional staff members were quickly arranged to cope with the situation.

It is important to recognise that on that day permits and coupons were not issued. Many of those who attended to obtain permits and coupons had misunderstood the advertisement. Nevertheless, all those who qualified under the criteria enforced at the time were issued with an exemption and were able to obtain fuel at a city service station.

The honourable member then referred to his belief that a Select Committee should inquire into the role that the Government should play in any future fuel crises. I do not think that anyone would deny that the Government has a key role to play in any fuel crisis. In the reviews that have been undertaken the Government has made best use of the experience gained as a result of the September 1981 shortage and has devised a procedure which would do away with a situation where people have to queue for up to six hours to obtain petrol permits.

I think I should emphasise that the Government cannot completely eliminate the inconvenience and costs of a fuel shortage. These crises build up over a relatively short period, but the situation is constantly monitored by the Government and its officers. Often, decisions must be made at short notice to deal with a rapidly changing situation. It should be recognised that, no matter how much publicity is given to the restrictions or the rationing, there will always be people who may not fully understand the significance of the publicity; there will always be people who try to beat the system; and there will always be people who are anxious about fuel supplies and who join queues.

As a result of the experience of September 1981 and the extended petrol shortages in New South Wales, the Government has prepared a contingency plan. I do not believe it is appropriate to go into great detail about all aspects of that contingency plan, but a number of objectives have been addressed in that plan. In the short-term contingency plan the objective of Government involvement is really twofold: first, to ensure that essential services such as ambulances, fire brigades, police, doctors, nurses and other hospital staff have sufficient fuel to attend to their essential duties; and, secondly, to provide an equitable and efficient basis for distributing fuel not required by essential users to the public.

The essence of the contingency plan that is being developed is in accordance with these objectives. It also aims to ensure that the measures adopted will adequately deal with the changing situation during the course of a supply restriction. There are additional and perhaps ancillary objectives of a proposed short-term contingency plan: first, to provide an incentive to service station proprietors to maximise stock holdings; secondly, to delay the need for full-scale rationing to essential users only; thirdly, to reduce the size of queues at permit and coupon issuing centres while at the same time avoiding long queues at service stations; and, fourthly, to enable better control over the distribution of permits and

coupons and, therefore, over the distribution of fuel to essential users.

Of course, there are two stages during any petroleum shortage: first, a situation of restriction and, secondly, as any such crisis deepens, a rationing stage. Necessarily, part of the contingency plan involves a variety of administrative arrangements focusing on issuing centres, the bulk issue of permits and coupons, the advance preparation of permits and coupons and other related matters. In relation to issuing centres, I think it can be said that in the contingency plan the Government has expanded the number of issuing centres which are likely to be used for the issuing of permits and coupons. In the designated Adelaide area they will include all the 10 Motor Registration Division offices, the Stirling police station and other police stations as required; in country areas, where they are included in restrictions, Motor Registration Division offices will be opened where they exist and police stations where required.

The emphasis will be on the bulk issue of permits and coupons, particularly to essential user organisations. A redesigned permit and coupon will be used in order to reduce the administrative burden of the old system and to increase flexibility. There will also be simplified essential user lists to more readily deal with the requirements of essential users. There will be significant improvements to telephone communication facilities with additional telephone lines and the maximum use of the telex system. There will also be improved liaison. They are but a few of the matters to which the Government has given its attention since the September 1981 petrol shortage period. They should indicate to the honourable member and to the Council generally that since that emergency the Government has not been idle and that it has undertaken a thorough review. Not only has it undertaken that review but also its proposals have been reviewed by the Liquid Fuels Utilisation Committee, which is a broadly representative committee.

When the next petrol shortage occurs, as it will undoubtedly occur at some time in the future, the Government will be adequately prepared to deal with this emergency situation and will be able to put into effect revised contingency plans which have been developed by the Energy Division of the Department of Mines and Energy since September last year.

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

COMPANIES (ACQUISITION OF SHARES) (APPLICATION OF LAWS) ACT

Order of the Day, Private Business, No. 4: The Hon. J. A. Carnie to move:

That regulations under the Companies (Acquisition of Shares) (Application of Laws) Act, 1981, in respect of various amendments, made on 1 October 1981, and laid on the table of this Council on 20 October 1981, be disallowed.

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

That this Order of the Day be discharged.

Order of the Day discharged.

SECURITIES INDUSTRY (APPLICATION OF LAWS) ACT

Order of the Day, Private Business, No. 5: *The Hon. J. A. Carnie* to move:

That regulations under the Securities Industry (Application of Laws) Act, 1981, in respect of various amendments, made on 1 October 1981, and laid on the table of this Council on 20 October 1981 be disallowed.

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

That this Order of the Day be discharged.

Order of the Day discharged.

MEMBERS OF PARLIAMENT (DISCLOSURE OF INTERESTS) BILL

Adjourned debate on second reading.

(Continued from 17 February. Page 2902.)

The Hon. R. C. DeGARIS: My view on this particular Bill and matters of this nature has been placed before this Chamber on previous occasions. With some brevity I shall place my views before this Chamber again. The question of the pecuniary interests of members of Parliament is covered in our Standing Orders. It is also covered under matters of procedure in books such as that by Erskine May, as to what the question of pecuniary interest means as far as a member of Parliament is concerned. Our Standing Orders provide that when a matter is before the Chamber a member, if he has a pecuniary interest relating to that particular Bill or matter, must declare that pecuniary interest to the Chamber. That is the only provision we have at the moment in relation to the question of pecuniary interest. Since I have been a member of Parliament, members have stood in their place and declared their interest in matters on a number of occasions. I do not think that it can be said that any member has cast a vote in this Chamber—since I have been here anyway—in which he has had a direct pecuniary interest and has voted for his own particular interest in that matter.

The Hon. Frank Blevins: That is the point; that is only your opinion. Neither you or the public can actually know this.

The Hon. R. C. DeGARIS: I am coming to that. I assure the honourable member that I shall cover the point he is making. At this stage I am purely giving to the Chamber the position in regard to the question of the declaration of pecuniary interest as far as this Chamber is concerned.

The Hon. Frank Blevins: Not the position; what you think the position is.

The Hon. R. C. DeGARIS: No, it is the actual position. The requirement is there under Standing Orders for a member to declare his pecuniary interests. Since I have been in Parliament that has been done on many occasions. That is the position.

The Hon. Frank Blevins: But that wasn't what you said.

The Hon. R. C. DeGARIS: It is exactly what I said. The only case that there is to justify a register of pecuniary interests is to allow the Presiding Officer to have available to him information in relation to what pecuniary interests a member may have. The only advantage is that it does not leave it to the honour of a member to stand in his place and declare his pecuniary interest, but it does allow the Presiding Officer to know the pecuniary interest that a member has.

When any Bill comes in, if this Bill is passed, the Presiding Officer will know whether any person in the Chamber has a pecuniary interest in that particular matter. Any interest that an honourable member has which cannot be classified as a pecuniary interest should not be included in that proposed register. No-one can make a case relating to our Standing Orders for a declaration at any time of anything that cannot be a pecuniary interest under our Standing Orders. The second point I want to stress is that the register should be in the hands of the Presiding Officer, for that person's information and that person's information only.

Once we go beyond the requirement of our existing Standing Orders, there is no guideline as to what should be exposed to public gaze. The point I am making is that if we decide in legislation to require members to state publicly pecuniary interests that are not required under our Standing Orders ever to be declared, then we are moving into cloud cuckoo land in relation to what should be declared to the public.

If we go beyond our Standing Orders, then one must question the reason for such disclosure and, if members of Parliament feel that there should be disclosures beyond what our Standing Orders provide for now, there is no line one can draw as to what should not be disclosed—not only pecuniary interests but other matters as well. One would have to examine the need for public disclosure for all people who make public decisions. Once one goes beyond our Standing Orders, one cannot any longer restrict this question to members of Parliament. One then has to look at the question of councillors, public servants and any person who makes any decision on behalf of the public—whether there should be public disclosure of their pecuniary interests and of interests other than pecuniary interests.

I have spoken on this matter on many occasions before and, as I had said, I do not intend to make a long speech at this stage. However, I do not object to the question of a register. I do not object to that register containing the information that may at some stage in the future be covered by our existing Standing Orders.

I do not agree that it should be a public register, but I agree that it should be in your hands, Mr President, so that you are informed at any time a matter comes before the Council whether any member has a pecuniary interest. As I pointed out earlier, if we go beyond that point we are in cloud cuckoo land about what should be declared in the public interest about members of Parliament and about any other person who makes public decisions in our community. Therefore, I cannot support the principles in this Bill, but I do support the question of a register which contains those interests covered by members and which should reside in the hands of the Presiding Officers of both Houses of Parliament.

The Hon. C. M. HILL secured the adjournment of the debate.

REAL PROPERTY ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.
(Continued from 2 December. Page 2219.)

The Hon. K. T. GRIFFIN (Attorney-General): The matters raised in this Bill are particularly complex. Successive Governments in this State have been considering what to do in respect of the concept of cluster titles. The previous Government was considering this question and could reach no quick answer on it. I have been giving some consideration to the way in which the concept should be embodied in legislation, but have not regarded it as a matter of high priority, because it would require much work by officers on a matter of considerable complexity. Therefore, I commend the Hon. Mr Chatterton for having grasped the nettle and brought this private member's Bill before the Council for consideration. He has been kind enough to indicate that, having introduced the Bill in December, the Government should have some reasonable time to consider the matters with which it seeks to deal.

We have been able to give consideration to it and, whilst the concept is supported, I fear that the Bill does not grasp or come to grips with the difficulties which are likely to be met in implementing this sort of scheme. I suppose that it is no surprise that that should be so because, although in Victoria I understand that there is cluster title legislation, it has proven to be an almost unworkable concept under the legislation as drafted in that State. Whilst we can have some regard to the Victorian legislation, we cannot rely on the way in which it has been brought into effect in that State, although we can learn by the difficulties faced in that State.

I now refer to the concept of the Bill, because it does seek to introduce the concept of a cluster plan which refers to a parcel of land being divided into three or more cluster units, that is, allotments for separate occupation, with common property of not less than two hectares to be shared by the participants. The application for approval of the cluster plan must be accompanied by a development scheme which outlines the buildings and structures to be approved as part of the whole scheme. Buildings and structures cannot be erected on a unit or on common property except in accordance with plans and specifications contained in the development scheme, or amended plans and specifications approved by local council. The plan is to be administered by a corporation with perpetual succession, comprised of the individual registered proprietors of the units, and various administrative rules to enable such a corporation to function are outlined in the Bill.

There is some experience with strata titles, which obviously has been drawn upon in preparing the Bill, although there are differences between the two concepts. Naturally enough, there are some planning implications in the Bill that we are considering. Before a local council issues a certificate of approval for such a scheme it must have regard to the provisions of the authorised development plan; the aesthetic and environmental effects of the cluster scheme; and any other relevant practice.

It is interesting to note that no consent or approval is required under the Planning and Development Act in respect of division of land by means of a deposited cluster plan, or the carrying out of development in accordance with a development scheme approved under the Bill. However, a council must consult the State Planning Authority before granting a certificate of approval and shall not grant this approval unless the State Planning Authority concurs.

The principal concerns with the Bill as drafted fall into three categories. First, there are the planning concerns. The Bill relates to the existing planning situation, that is, the Planning and Development Act and the State Planning Authority. We all know that last year new planning legislation was passed and that we are presently considering amendments to the Real Property Act which runs in tandem with that new planning legislation. I think that the proposal in this Bill needs to be reviewed in the light of the proposed new planning system.

With respect to planning, the question of appeal rights and third party objections needs to be clarified. I think that the impact of these proposals on sensitive development areas such as watershed areas needs to be investigated. The question that immediately comes to mind is whether these proposals allow these developments to be approved without effective controls to prevent pollution. Also, with respect to planning, some authorised development plans provide limited guidance on the assessment of land division applications. Control is achieved through the provisions of the Planning and Development Act and the regulations. The proposal contained in the Bill could establish a system where there would be no grounds for assessing applications in that context.

There are also some registration concerns. We should deal with many of them in Committee but I will deal with some now. There are problems with the manner in which the Bill envisages the creation of easements and also the

idea of having an easement benefiting only a portion of the land. In the clause that seeks to enact section 224h, provision is made for a council to approve additions and substitutions to the plan but no provision is made for changes to the plan as deposited. This could have a serious effect on titles if the deposited plan showed one version and the council subsequently approved a different version. There is no provision for the cancellation of a deposited cluster plan. If common property is mortgaged, there is no provision for an easement to be covered by a collateral mortgage.

There are other areas of concern. By proposed new section 224n the Bill provides that at meetings of the statutory corporation incorporated by the division of land by a deposited cluster plan, one vote is exercisable in respect of each unit and may be exercised only by the member registered as the proprietor of the unit. There is no provision for a registered mortgagee to exercise the voting power of a member. I could refer members to section 223ng of the Real Property Act, which allows mortgagees this right in relation to a meeting of a strata title corporation. It is a point that the Associated Banks in South Australia have drawn to my attention and one about which they have expressed concern.

In proposed new section 224k (4), the Bill provides that common property cannot be mortgaged or charged unless the mortgage over the common property extends to all units. If an individual mortgagee over a unit exercised his power of sale, subsequent mortgages would be defeated and the purpose of the section would be therefore defeated. It may also be difficult to obtain mortgage finance for common property development. In the provisions, no partial discharge relating to the portion of the charge against one unit holder seems to be possible.

They are just a few of the matters to which I want to draw attention in the hope that the Hon. Mr Chatterton will be able to give consideration to them when the Bill reaches the Committee stage. As I said when I began speaking, this is a Bill the principle of which the Government is in agreement about but there are a number of technical difficulties in the way in which the Bill has been drafted that certainly need more examination, and it is in that context that I am prepared to indicate my support of the second reading to enable the measure to be considered in more detail in the Committee stage.

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

JUSTICES ACT AMENDMENT BILL (1982)

The Hon. K. T. GRIFFIN (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Justices Act, 1921-1981. Read a first time.

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

That this Bill be now read a second time.

The present procedures under which a person may be bound over to keep the peace are grounded in ancient common law and, in a number of respects, do not provide an adequate remedy against violent and threatening behaviour. This Bill seeks to replace the existing procedures with a system for the obtaining of restraining orders against persons whose violent or threatening behaviour constitutes a threat to others. The Bill will have particular relevance to situations of domestic violence where the inadequacies of the present law have been found to be particularly acute.

In 1979 a Domestic Violence Committee was set up to investigate the necessity for reform of the law which bears upon the occurrence of violence in a domestic situation. The committee's report indicates that there is grave concern for many women and children who appear to be trapped in violent and threatening situations but appear to be unable to achieve adequate legal redress. The recommendations of the committee focused upon legislative reform which would provide immediate protection and prevent further harm. The Government believes that this is a constructive approach in which elements of punishment and retribution will be subordinated to the more positive aspects of achieving a solution to a difficult situation.

Since the work of the committee related purely to domestic violence, the Government has varied a number of the recommendations in order to arrive at legislation of more general application. This will not, however, detract from the impact of the legislation on situations of domestic violence. To afford adequate protection in such situations is obviously a primary object of the Bill.

It is hoped that the amendments proposed in the Bill will provide a more effective remedy and speedier enforcement. The complaint may be made by the person affected by the violent behaviour or by a member of the Police Force. In order to cater for situations of emergency, the complaint may be made and heard on an *ex parte* basis, but, in that event, the defendant must be summoned and given an opportunity to show cause why the order should not continue in force. The order will not continue in force after the conclusion of the hearing to which the defendant is summoned unless the defendant does not appear at that hearing in obedience to the summons or the court having considered the evidence of the defendant and any other evidence adduced by him confirms the order. In deciding whether an order should be made excluding the defendant from his usual place of residence, the court must consider the effect of the exclusion or non-exclusion of the defendant on the accommodation needs of persons affected by the proceedings and also the effect upon children of, or in the care of, those persons. The onus which a complainant must satisfy in order to obtain an order is an onus based upon the balance of probabilities; in other words, he is not required to satisfy the difficult criminal onus of proof beyond reasonable doubt. Any party may apply at any time to the court for variation or revocation of an order.

If a person against whom an order has been made contravenes or fails to comply with the order then he will be liable for imprisonment for up to six months. Rather than the complainant being required to issue a fresh complaint as applies under the peace complaint procedure (in order that a peace order might be enforced) this Bill provides that the person suspected of a breach may be arrested without warrant and brought before the court to answer the allegation. This must generally be done within 24 hours of his arrest.

Both the frequency and degree of violence occurring in domestic situations must be reduced. The Government hopes that by ensuring that the law is available to protect persons from harm and increasing public awareness of the remedy then much can be achieved to improve the circumstances under which many people presently have to exist. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1, 2 and 3 are formal. Clause 4 repeals the present provisions of the principal Act dealing with binding over to keep the peace and substitutes a new section. Subsection (1) of the proposed new section 99 sets out the grounds on which a restraining order may be made. These are as follows:

(a) that—

(i) the defendant has caused personal injury, or damage to property; and

(ii) that the defendant is, unless restrained, likely again to cause personal injury or damage to property;

(b) that—

(i) the defendant has threatened to cause personal injury or damage to property; and

(ii) the defendant is, unless restrained, likely to carry out that threat;

or

(c) that—

(i) the defendant has behaved in a provocative or offensive manner;

(ii) the behaviour is such as is likely to lead to a breach of the peace; and

(iii) the defendant is, unless restrained, likely again to behave in the same or a similar manner.

Subsection (2) provides that a complaint may be made by a member of the Police Force or a person affected by the impugned behaviour. Subsections (3) and (4) deal with the right of the court to act on an *ex parte* basis. Subsection (5) requires the court in certain cases to have regard to the effect of a proposed order on the accommodation needs of the parties and on any children who may be affected. Subsection (6) makes contravention of the order an offence. Subsections (7), (8) and (9) provide for the arrest of a person suspected of an offence under subsection (6) and the manner in which he is to be dealt with. Subsection (10) provides for variation or revocation of orders. Subsections (11) and (12) provide for the Commissioner of Police and interested parties to be informed of orders, or the variation or revocation of orders, under the new provision.

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

SOUTH AUSTRALIAN ETHNIC AFFAIRS COMMISSION ACT AMENDMENT BILL

The Hon. C. M. HILL (Minister of Local Government) obtained leave and introduced a Bill for an Act to amend the South Australian Ethnic Affairs Commission Act, 1980. Read a first time.

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

That this Bill be now read a second time.

The South Australian Ethnic Affairs Commission Act presently provides that one function of the commission is to provide services (including interpreting, translating and information services) approved by the Minister to ethnic groups. This function is stated rather too narrowly because, while the commission does provide interpreting and translating services for ethnic groups, it also provides interpreting and translating services for the courts, Government agencies and instrumentalities and the general community. The present Bill accordingly removes the reference to ethnic groups from the relevant provision (section 13 (1) *(e)*) of the principal Act.

The Hon. C. J. Sumner: Why are you doing that?

The Hon. C. M. HILL: The honourable member could not have heard what I said. Thus, it extends the ambit of the function as stated in the Act so that it accords more accurately with the functions actually undertaken by the commission. Clause 1 is formal. Clause 2 removes the reference to ethnic groups from section 13 (1) *(e)* of the principal Act.

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

CONSTITUTION ACT AMENDMENT BILL (1982)

Returned from the House of Assembly without amendment.

ELECTORAL ACT AMENDMENT BILL (1982)

Returned from the House of Assembly without amendment.

JUSTICES ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

COMPANIES (ADMINISTRATION) BILL

Returned from the House of Assembly without amendment.

COMPANIES (APPLICATION OF LAWS) BILL

Returned from the House of Assembly without amendment.

COMPANIES (CONSEQUENTIAL AMENDMENTS) BILL

Returned from the House of Assembly without amendment.

COLLECTIONS FOR CHARITABLE PURPOSES ACT AMENDMENT BILL

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

RURAL ADVANCES GUARANTEE ACT AMENDMENT BILL

Read a third time and passed.

REAL PROPERTY ACT AMENDMENT BILL

In Committee.

(Continued from 8 December. Page 2377.)

Clauses 2 to 5 passed.

Clause 6—'Interpretation.'

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

Page 3, after line 20—Insert definition as follows:

'Metropolitan Adelaide' means Metropolitan Adelaide as defined in the Development Plan:

The 1967 Planning and Development Act introduced for the first time the concept of the Government receiving a monetary payment for open space from subdividers. For large subdivisions (more than 20 allotments) councils receive 12½ per cent of the land, but for smaller subdivisions the

subdivider has the choice of either providing 12½ per cent of the land to the council, or paying $300 per allotment to the Government. Outside the Metropolitan Planning Area, the subdivider pays only $40 per allotment. Rarely is land provided to councils in the smaller subdivisions; it is cheaper for the applicant to pay money to the Government and councils usually do not want small pieces of land. No open space contributions are made when the size of the new allotments exceeds one hectare.

The Bill as drafted does not distinguish between allotments created in metropolitan and country areas. Instead, it proposes that open space contributions be paid on the basis of the size of the proposed allotment—$500 for allotments which are 2 000 square metres or less, and $250 for allotments which are larger than 2 000 square metres but are smaller than one hectare, irrespective of the location of the proposed subdivision.

The most significant change that would occur if this clause were retained would be that subdivisions creating 20 allotments or less in 'country' areas (that is outside what is currently known as the Metropolitan Planning Area) would attract a levy of $500 per allotment in lieu of a land contribution if the allotments are 2 000 square metres or less. This is a significant increase above the $40 per allotment currently prevailing, although it should be remembered that this levy has stood at $40 since 1967. Some increase is therefore warranted. Within what has been known as the Metropolitan Planning Area, the Bill proposes an increase from $300 to $500 per allotment where the allotment is 2 000 square metres or less. Most subdivisions in metropolitan Adelaide create allotments less than 2 000 square metres in size and the amount of contribution has stood at $300 since 1972. Since then, costs have more than trebled.

Since the Bill was first introduced, representations have been made about the proposed increases, particularly concerning the effects that such increases are likely to have on the cost of land, especially in regard to land in the country and the fact that the amount of $500 in lieu of $40 would increase costs too greatly. I think that there are two factors to be considered. First, the amount is arbitrary in any event, but to increase the contributions too much would mean that developments would be inhibited, and that would be contrary to the Government's plan for development in this State. Secondly, the cost of land would increase.

In subdivisions the land will mainly be used for residential purposes and, particularly at this time, the Government does not want to contribute to any increase in the cost of land, thereby increasing the cost of housing. Representations having been made to the Government about this matter, the Government acknowledges the reasonableness of the representations and wishes to accede to them.

I note that the Hon. Miss Levy has placed on file an amendment to my amendment which proposes, instead of $100 in the country and $400 in the city, the figures be $200 in the country and $500 in the city. As I have said, the figures are arbitrary, but the Government believes that it should accede to the reasonable requests that have been made not to inhibit developments too much and, more particularly, not to increase the cost of land in subdivisions, particularly the cost of land that will be used for residential purposes. Therefore, I support the figures that are proposed in my amendment. The Government now believes that new section 223 li (3) should be amended so that open space contributions—

The CHAIRMAN: Order! I think the Minister is speaking to his second amendment.

The Hon. J. C. BURDETT: No, I am talking to my first amendment in relation to open-space contributions. The figures mentioned are $100 and $400. I have referred to the fact that the Hon. Miss Levy has placed on file an amendment to my amendment.

The CHAIRMAN: That is the Minister's second amendment. The Minister's first amendment is to insert a definition.

The Hon. J. C. BURDETT: I am coming to that. I have explained my amendment in this way to indicate to the Committee the whole point of the first amendment. I have no doubt that my first amendment will not be opposed. The point I am coming to is that the Government believes that new section 223 li (3) should be amended so that open-space contributions continue to be levied in accordance with the location of the subdivision, either within or outside the metropolitan area, and that contributions in the metropolitan area be set at $400 per allotment, and $100 per allotment outside the metropolitan area. As you have said, Mr Chairman, the amendment involves introducing a definition of 'metropolitan Adelaide'. It is because two different figures are to be used that it is necessary to introduce the changed definition, and that is why I have explained my amendment in this way.

The Hon. ANNE LEVY: The Committee is currently dealing with the insertion of the definition of 'metropolitan Adelaide'. I support the amendment, but I wonder whether the distinction is as important as the Minister seems to suggest. Of course, the purpose of such a definition is to distinguish between two categories of contributions to the Planning and Development Fund. The definition in the original legislation was in terms of the areas of the allotments rather than their locations. I imagine that there would be some correspondence between the area of the allotment and its location. Those in metropolitan Adelaide are likely to be allotments less than 2 000 square metres, and allotments that occur outside the metropolitan area are likely to be more than 2 000 square metres. However, I presume that there would be allotments less than 2 000 square metres in country towns which, on the current definitions in the Bill, would be charged the same amount as was paid on allotments in the metropolitan area.

It is true that the value of land in some of these country towns does not differ markedly from that in the metropolitan area. I have obtained the average land prices for 1981 from the Valuation Department and, in the country town of Gawler, the price was $11 800; in Murray Bridge it was $10 100; and in Port Lincoln it was $10 300. However, these examples may not be typical of the prices paid for land in other areas outside of the metropolitan area that are smaller than the places I have mentioned—Gawler, Murray Bridge and Port Lincoln.

While I feel that the distinction between metropolitan areas and non-metropolitan areas may not be as important as the Minister is suggesting, it is clear that some form of demarcation is desirable. To have metropolitan areas versus non-metropolitan areas as opposed to the size of the allotment probably does not make very much difference in practical terms; it seems as good a way of defining two categories of allotment as any other. We support the amendment.

Amendment carried.

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

Page 9, lines 33 to 37—Leave out subsection (3) and insert subsection as follows:

(3) Subject to subsection (4), the prescribed contribution in respect of open space is—

(a) where the land to which the plan of division applies is within Metropolitan Adelaide—four hundred dollars for each new allotment delineated on the plan that does not exceed one hectare in area; and

(b) where the land to which the plan of division applies is outside Metropolitan Adelaide—one hundred dollars for each new allotment delineated on the plan that does not exceed one hectare in area.

I have already spoken to this amendment and will not repeat my remarks.

The Hon. ANNE LEVY: I move:

Page 9—Amendment to amendment to be moved by the Minister of Community Welfare—Leave out from paragraph *(a)* of proposed subsection (3) 'four' and insert 'five'.

This amendment merely changes the amounts of money referred to as being paid into the Planning and Development Fund. Following my amendment, I suggest that, where the allotments are within metropolitan Adelaide, instead of the amount's being $400 per allotment, it should be $500 and, likewise, where it is outside metropolitan Adelaide, it should be $200 and not $100. My reasons for this are numerous. The current amount for an allotment in metropolitan Adelaide is $300, and that has not changed since 1972. In the past 10 years, it seems to me that land prices have risen a good deal more than 25 per cent and it is likely that $500 is considerably less than it should be, but at least it is a more accurate reflection of changes in land values since 1972 than is $400. Likewise, the sum for country allotments, which currently pay $40 into the Planning and Development Fund, has not changed since 1966. It can be claimed that to increase the amount from $40 to $100 does not nearly reflect the changes in land values that have occurred in the past 16 years.

I agree with the Minister that to some extent the figure which is chosen is arbitrary. However, there can be some justification developed for particular amounts. The purpose of this amount is to establish open-space areas in any residential development. Our community has woken up to the necessity of having open spaces provided whenever there is a subdivision. People in any civilised living area need not only their own house and garden, but parks, playgrounds and community open space as well.

When large developments are carried out of more than 20 allotments, the developer himself must allocate 12½ per cent of the total area for open space. When small developments are carried out of up to 20 allotments, it is felt that about 12½ per cent would not give a worthwile open space, but would result in little pockets of open space which, each one by itself, would not be very valuable. Instead, the developer is there required to pay this money into the Planning and Development Fund which can then be used to purchase open space for the particular development that is occurring. Perhaps when there are more than 20 allotments, but with several groups of allotments, then one open space can be purchased and developed with that money for the people living in that area.

One of the keys to this idea is that where there are more than 20 allotments the developer must put aside 12½ per cent of the area, that is, one-eighth of the total area. Under my amendment, considering a metropolitan subdivision first, if the developer has to pay $500 per allotment and would have to do this for a maximum of 20 different allotments, this would give a total sum of $10 000 as a maximum he would have to pay into the Planning and Development Fund. This is designed to correspond to one-eighth of the area of the allotments which have been subdivided. I say this on the basis that a developer of fewer than 20 allotments should not have a considerable advantage over a developer of more than 20 allotments, who must provide one-eighth of the total area. One-eighth of 20 allotments would be equivalent to 2½ allotments and, if 2½ allotments are to equate to a maximum payment into the fund of $10 000, this is equivalent to saying that an allotment cost $4 000.

If the average price of an allotment in the metropolitan area was $4 000, we would then have the result that, where the developer put one-eighth of the total land aside for open space, or paid $500 per allotment into the fund, the cost to him would be the same in both cases. I am sure—and members will agree—that allotments now cost more than $4 000 in the metropolitan area. The latest information I was able to obtain was from July of last year, where the average price for an allotment in the metropolitan area was $9 973. There were, of course, considerable variations according to locations. The cheapest allotment quoted is at Noarlunga, at $6 728; Marion is $9 967; and Munno Para is $7 155. It is clear that to calculate the value of an allotment at $4 000 for the purpose of paying into the fund is really underestimating the cost of land and, consequently, a subdivider of the smaller number of allotments is benefiting, compared to the subdivider of a larger number of allotments.

A developer creating 30 allotments has to provide one-eighth of that area for open space. The developer with fewer than 20 allotments either gives one-eighth or gives a sum per block. If there is not to be a discrepancy between the two types of developer, the cost per block, over the 20 allotments, should represent the cost of about 2½ allotments, that is, one-eighth of the total.

As I say, by proposing $500 per allomeni, as occurs in my amendment, this is still equivalent to saying that a block costs $4 000, which is an underestimate, as all honourable members would agree. In fact, it should be greater than $500, but Opposition members do not wish to increase the price of land too much or to affect adversely the housing industry. To say that it should be $500 in the metropolitan area is not an extreme figure. In fact, it is an underestimate of what it should be, but it will provide more for the Planning and Development Fund than would the Minister's proposal. It is important that this fund not be allowed to fall too low, because it is from this fund that open space is provided for areas of subdivision that are subdivided in small parcels. If the fund falls too low, adequate provision cannot be made for people who live in those areas.

A $500 payment into the fund for each allotment will still not be able to provide one-eighth open space at current land costs, so that the people in those allotments will be worse off than those where a large subdivision has been undertaken and one-eighth of the area has been compulsorily put aside for open space.

The same sort of arguments apply in relation to country areas. The setting of $200 an allotment means, in regard to 20 allotments, that the maximum the developer could pay is $4 000. If this is equivalent to one-eighth of that area, which is 2½ allotments, it means that one is implying that the price of an allotment is only $1 600. I doubt that there would be any area where subdivision is occurring in South Australia where an allotment is worth as little as $1 600. Certainly, the major country towns about which I have quoted figures are well above that figure.

The figures that I am suggesting of $500 and $200 rather than $400 and $100 are underestimates of what the amount should be if one is to equate the sum paid with one-eighth of the area of land. However, they are more realistic in terms of the value of land than are the figures proposed by the Minister. They are more realistic in terms of updating the amounts currently applying, sums which have not changed for 10 years in the case of metropolitan blocks and 16 years in the case of country areas. I hope that these amounts will provide more adequately for the Planning and Development Fund, which needs this money if it is adequately to provide open space in growing areas of development.

The Hon. K. L. MILNE: I support the amendment and agree entirely with the Hon. Miss Levy that the figures of $500 and $200 are quite inadequate. In fact, they should be at least double. First, I wish to comment on the situation as a matter of principle. I cannot understand why arbitrary figures are fixed. Why do we simply not say that a developer will donate (one way or the other, either cash or land) 12½ per cent of the value of that development. It is silly to be

selling blocks in a development at $10 000, with the developer paying the same as someone selling land worth $15 000 or $20 000 a block. It just does not make sense.

The original figure was arrived at in fear and trembling that it was rather wicked to ask a developer to contribute at all. What developers are really doing, and what has happened in a much worse situation on the Australian east coast is that big developers, simply because they can persuade a council one way or another to change the zoning in relation to the use of the land, can make a fortune and forever after young people have to pay increased land prices, while the developer who has contributed little, if anything, to the country makes a fortune and land for everyone becomes more expensive. That is bad in principle.

Further, as an overall picture, it is foolish to try to set an arbitrary amount. Surely it would be better if developers knew the proportion of land that they would have to contribute. It may be 5 per cent, 10 per cent or 12½ per cent. Perhaps it should fluctuate with the value of the development and the likely profit that will be made from it. I undertook sums on a basis of 16 allotments, because it was too difficult to do it on 20 allotments. In regard to 16 allotments, 12½ per cent comprises one-eighth of the total and is equal to two allotments. They would be worth at least $20 000 in the metropolitan area. I am talking about freehold titles. They are worth $10 000 at Victor Harbor, let alone in the metropolitan area.

The Hon. J. C. Burdett: To the purchaser.

The Hon. K. L. MILNE: I have a block at Victor, and I am charged land tax on $11 000. I am not the consumer but the owner. Since two allotments are involved, the developer would have to contribute about $20 000 on that basis but, under the system of paying $500 a block, he would contribute only $8 000.

The fact is that the developers would prefer to pay cash and organise their work. It is very much in their interests to do so and it is not in the interests of the State for them to do so. With strata titles, the cost of a unit in the metropolitan area would probably be about $30 000. One could get very little for less. I think that $500 a unit would be a flea bite in the calculations of the enterprise.

I think the Hon. Miss Levy is right in regard to the country areas. Blocks in country towns are very much sought after by retiring farmers and others who have lived in the town and who want a bigger or smaller house. The cost is high and $200 is nothing for a developer in a country town. It is quite insignificant.

I understand that there is very little money in the Planning and Development Fund. What is the use of having this system at all if there is nothing in the fund to purchase land that it was intended to purchase? These figures may rectify that position a little but I do not think they will rectify it sufficiently to ensure that those spending can do what they would like to do in areas where the fund is supposed to apply. I seriously support the amendment. I only wish that the figures could be higher but to deal with that would delay the Bill and I do not want to do that. I support the Bill in principle and support this amendment in particular.

The Hon. J. C. BURDETT: I suggest that the arguments in relation to price that have been used by the Hon. Miss Levy and the Hon. Mr Milne are based on a false premise, because in the figures quoted by the Hon. Miss Levy she was talking about what a block would cost the purchaser if he wanted to buy it. The Hon. Mr Milne was talking about himself as a taxpayer, and the value applied to his land by the Valuer-General for land tax purposes. That is the market value of that block.

When we are talking about a development and about 12.5 per cent it is not realistic to place any figures on price to the purchaser or on market value, because the developer is dealing with raw land and, if we were to have figures about what 12.5 per cent amounted to and what it would cost the developer per block, we should have had those figures. If a person has raw land, before it is settled the land has to be surveyed and subdivided. There is the cost of survey and development and the cost of services.

The kinds of figure that the Hon. Miss Levy and the Hon. Mr Milne were talking about related to blocks where the cost of subdivision and development was incurred with a reasonable profit for the developer, and where there was a cost of providing services. When we are talking about 12.5 per cent we are talking about 12.5 per cent of the raw land, undeveloped. Sometimes the land has to be cleared, particularly in the country areas. Earthworks may have to be carried out. Roads and services have to be provided and there has to be some margin of profit for the developer.

I do not think it would be reasonable to consider otherwise. This matter still comes down to something arbitrary, because the Hon. Miss Levy has acknowledged that the Opposition does not want to increase the price of land too much and does not want to increase the costs applying to the housing industry too much. That certainly has been the wish of the Government. Even small figures such as we have been talking about can increase the cost to the person who wants to build a house on the land, and the figures are large when they are multiplied for a large number of blocks.

The Government has tried to accede to the representations that have been made to it. This applies particularly in the country areas. Although it is a fact that in major provincial cities and larger country towns the price of blocks is relatively high, in some areas where there is a need to subdivide that is not the case. A large number of representations have been received from the country, complaining about an increase of even $100, let alone $200. The Bill has been on the table for some time and a number of representations have been made.

The Government has tried to accede to those representations while retaining a reasonable balance between the final cost to the home builder and to the housing industry on one hand and providing for open space on the other. The Government has tried to accede to those representations. If it is frustrated in its resolve and in what it has tried to do, that is not the fault of the Government. It is because the figures that have been used are not realistic. If we talk about percentage we talk about raw land, not the final price or the market value.

The Hon. ANNE LEVY: I appreciate the difference between the price of developed land and that of undeveloped land, but I think I have shown that basing the figure on $500 a block is equivalent to saying that the raw land is costing $4 000 a block. Unless the Minister can produce evidence to the contrary, I think that that is not an unreasonable sum to ask of the developers. Where developers have the choice, they do prefer to pay the sum of money rather than to give 12.5 per cent of the land. The reason is obvious. Money does not cover the cost of the land at one-eighth of the total value. To me, the figure is fair.

I appreciate that representations have been made to the Minister but it seems to me that people who are complaining about the price of a country allotment increasing from $40 to $100 are ignoring the fact that that was set over 16 years ago, and the position now is totally different. Those people have been on a very good wicket and have not been providing open space land.

The $200 suggested in the amendment for country land is equivalent to the raw cost of country land being only $1 600 an allotment and I suggest that the Minister cannot say that the raw cost is less than $1 600. I say that my figures are realistic. There is a degree of arbitrariness,

obviously, but my figures are more realistic than those that the Minister has suggested.

The Hon. J. C. BURDETT: Neither side has produced figures about raw costs, so the cost figure has not been properly debated in the Committee.

The Hon. Anne Levy: Tell us what they are.

The Hon. J. C. BURDETT: I do not know the cost. Neither side has produced that, so the figures that have been debated in Committee have been debated on a false premise. On the basis on 20 allotments, a difference of $100 per allotment is $2 000, so we are back to an entirely arbitrary figure. What the Government is suggesting is that it is trying to accede to reasonable representations which have been made to it.

The Hon. K. L. MILNE: I think we have to realise that, with the developer being required to make his contribution, the people buying land, or the house which eventually goes on that land, are aware that there will be open space in the area and that therefore the price of their block increases. The people buying know very well that the value of their house and property increases because open space is available to make the area a pleasant one.

The Committee divided on the amendment to the amendment:

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

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

Pair—Aye—The Hon. C. J. Sumner. No—The Hon. R. C. DeGaris.

Majority of 1 for the Ayes.

Amendment thus carried.

The Hon. ANNE LEVY: I move:

Page 9—Amendment to amendment moved by the Minister of Community Welfare: Leave out from paragraph *(b)* of proposed subsection (3) 'one' and insert 'two'.

I have already spoken to this amendment in conjunction with my first amendment, which it follows.

The Hon. J. C. BURDETT: I oppose the amendment in principle for the reasons I have already given, but I accept the vote on the previous amendment because the two were tied together.

Amendment carried; the Hon. J. C. Burdett's amendment as amended carried.

Clause as amended passed.

Clause 7—'Certificate in relation to strata plan.'

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

Page 13, lines 19 to 33—Leave out paragraphs *(a)*, *(b)* and *(c)* and insert: by striking out subsection (6) and substituting the following subsection:

(6) The Commission shall not grant an application under subsection (2) unless the applicant has paid to it for the credit of the Planning and Development fund a contribution calculated on the basis set forth in section 223li (3) and (4) as if the strata plan were a plan of division and the units delineated on the plan were new allotments.

The reason for this amendment and the following amendment to the schedule is to bring the contribution in strata title subdivisions in line with the contribution for open planning subdivisions.

The Hon. ANNE LEVY: I support the amendment. Whatever figures are chosen for open plan development, it would seem appropriate that exactly the same figures apply for strata titles.

Amendment carried; clause as amended passed.

Clauses 8 and 9 passed.

Schedule.

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

Page 14—Leave out the amendments relating to section 223md (6).

This is part of the same principle that I mentioned before making my contribution about open spaces with regard to strata title applications. The same reasons apply in connection with the schedule.

Amendment carried; schedule as amended passed.

Title passed.

Bill read a third time and passed.

CORRECTIONAL SERVICES BILL

Adjourned debate on second reading.

(Continued from 23 February. Page 3009.)

The Hon. C. J. SUMNER (Leader of the Opposition): The Opposition supports this Bill, which is essentially a Committee Bill. There is broad agreement on the fundamentals of the legislation. That is not surprising, because the Bill was prepared under the previous Labor Government by the then Chief Secretary, Mr Simmons. In fact, in most respects the Bill is absolutely identical in its drafting to that Bill, which was ready for introduction at the time of the last election. It has taken the Liberal Government some 2½ years to finally get around to introducing the Bill which, as I have said, is in almost precisely the same terms as those available to the Government when it won the last election.

As I have said, it is not surprising that there is broad agreement on this Bill. There is general agreement on the need for a complete revision of the legislation, the Act and regulations governing South Australian prisons. The need for this, if it was not already obvious, was made more certain by allegations made during the Royal Commission into prisons and the recommendations stemming from that Royal Commission. In particular, it was established that there had been in the past a disregard for prison regulations and, in particular, a disregard for those regulations relating to the separation of different categories of prisoners, particularly between those on remand and those who have been convicted, and the regulations relating to the number of prisoners who were permitted to be held in cells.

I will not enter into a general debate about the effectiveness of prisons in achieving the objectives that are claimed for imprisonment in the penal system. Unfortunately, prisons are necessary in society. However, I do not think we should get too carried away about the effectiveness of terms of imprisonment in achieving the objectives. The objectives are usually stated as punishment, protection of the public, deterrence, and rehabilitation. I think it is generally agreed that the only objective that is really served by imprisonment is the protection of the public, that is, the direct protection of the public from those recidivist criminals who happen to be in prison at the time. I think it is generally conceded that, in terms of punishment, deterrence and rehabilitation, the system of imprisonment has not been particularly successful.

I commend to honourable members an article that appeared in the *Australian Law Journal* in September 1981 by Mr Justice Everett, a judge of the Supreme Court of Tasmania, entitled 'The prison system—should it continue?' Much of the recent literature on the effectiveness or otherwise of imprisonment is reviewed in that article. If honourable members read that article I am sure that they will come to the conclusion that many of the claims that are made in favour of imprisonment and heavy penalties do not stand up to analysis. I will mention one or two sections of

the article with which I wholeheartedly agree. First, His Honor states:

> There is no room for Party-political ideology in the interaction of political activism and penal reform.

In some respects honourable members opposite tried to make the question of law and order and penal reform a direct Party-political issue at the last election. They made many quite outrageous accusations about the crime rate in this State and made many claims about the effectiveness of imprisonment as a remedy. As I have pointed out in this Council before, they played on the prejudices of people and did absolutely nothing to increase informed public debate about crime and the penal system.

The article also refers to a quote from Mr Justice Nagle, the Royal Commissioner into prisons in New South Wales. In a subsequent article he stated:

> The first step in obtaining a worthwhile discussion is the creation of an informed public opinion.

Again, I can only agree with that wholeheartedly. Once again, I must condemn members of the Government who did not opt for informed public debate on this topic but decided to try and score electoral points by making quite wild accusations about what had happened to the crime rate in this State over the last few years. As Attorney-General I issued a booklet which was distributed to groups in the community. The booklet tried to set out the situation relating to law and order, crime and the criminal justice system in this State, to enable public debate to be conducted in a reasonable fashion.

If we are to achieve a sensible approach and a continuing bi-partisan approach to crime and the problem of how to deal with it in this community it can only come about through an elevation of the standard of public debate in the community, just as was suggested by Mr Justice Nagle. It would be interesting to make the Council aware of some of the statements which are made in this article and which should disabuse anyone who has the impression that imprisonment is a particularly successful means of achieving the objectives that are claimed for it, that is, public protection, deterrence and rehabilitation. This is a quote from the final part of the article by Mr Justice Everett, who states:

> To the sceptics who consider that no case has been made out by 1981 for penal reform, I simply leave them to ponder the following published views, selected from a mass of similar judgments:
>
> > Apart from death, imprisonment is the most drastic sentence imposed by law. It is the most costly, whether measured from the economic, social or psychological point of view. In our view the courts should not resort to imprisonment unless convinced that no other sanction can achieve the objectives contemplated by the law.

That was a quote from the Law Reform Commission of Canada 'Imprisonment and Release', 1975. He then quotes:

> The failure of major institutions to reduce crime is incontestable. Recidivism rates are notoriously high. Institutions do succeed in punishing, but they do not deter. They protect the community, but that protection is only temporary. They relieve of responsibility by removing the offender, but they make successful reintegration into the community unlikely. They change the committed offender, but the change is more likely to be negative than positive. It is no surprise that institutions have not been successful in reducing crime. The mystery is that they have not contributed even more to increasing crime. Correctional history has demonstrated clearly that tinkering with the system by changing specific programme areas without attention to the larger problems can achieve only incidental and haphazard improvement.

That is a quote from the United States Advisory Commission on Criminal Justice Standards and Goals, 1973. His final quote is as follows:

> To sentence a person to imprisonment is to order him to be deprived of his liberty by confinement. In our form of society, the deprivation of freedom is one of the severest methods of punishments we can employ. Moreover, it is widely held, and the quotations above reflect this, that imprisonment is in many ways an unsatisfactory form of punishment. *This view is shared by the Commission.* Neither the history of the use of imprisonment nor contemporary research lends any support to the persistent belief that the use of imprisonment leads to the diminution of crime either by way of deterrence or rehabilitation. Imprisonment as a sanction should be used only as a punishment of the last resort.

That quote was from the 1980 Australian Law Reform Commission. I quote those statements to the Council and commend the article to honourable members. Again, I make a plea for informed debate in this area of law and order, crime and our penal system, and trust that honourable members opposite will not, as they have in the past, try to degrade that debate and whip up emotion and fear about it in the community.

Those quotes indicate that reform is necessary and that it is probably true to say that it is long overdue. Although this Bill may not go as far as many people would like, it is certainly a significant reform measure which deserves the Council's support. I would now like to make some further brief comments. First, it is unfortunate that Mr Rodda had to herald this Bill as a major reform which was all his doing. I have no doubt that some of the responsibility and the compliments for this legislation must go to him, albeit with some help most of the time from the Attorney-General. The Chief Secretary tried to say that it was 'All my good work'. I have pointed out to the Council before that that is just nonsense. Basically, the Bill was available to him when he became Minister.

The Hon. C. M. Hill: Which one? There were six floating around.

The Hon. C. J. SUMNER: There were a number of drafts.

The Hon. L. H. Davis: How far back would they have gone?

The Hon. C. J. SUMNER: I do not know how far back they would have gone. I have one dated 1979 which, in most respects, is the same as the Bill that we are debating.

The Hon. C. M. Hill: Who is the author of that Bill?

The Hon. C. J. SUMNER: Mr Simmons.

The Hon. C. M. Hill: What about Mr Duncan's Bill?

The Hon. C. J. SUMNER: He was not responsible for the implementation of legislation in this area. I have the Bill from May 1979 which in most material respects is the same as this Bill. The Government clearly cannot claim all the credit for this measure, and I would like to say that the former Chief Secretary (Hon. D. W. Simmons) deserves considerable credit for the drafting of the Bill that went on under his supervision, and after he had done extensive research into the general area.

Secondly, in regard to the remand centre, the Government has apparently decided that that centre will be situated in the Bowden-Brompton area. When this Government took office, a site had been chosen for the remand centre. There were plans, but we have now had a 2½ year delay in the implementation of that measure. Thirdly, for some curious reason, the Bill passed last year implementing community work orders has not been proclaimed, and I understand that it will not be proclaimed until the next financial year, because the Government has not got any money. That is a fairly appalling state of affairs. The Government introduced a Bill, again a major reform (it claimed) to increase the sentencing options last year and we now find that it has not been implemented.

It has not been implemented yet and it will not be implemented until the next financial year. If the Government is in as bad a financial situation when the new Budget comes in as it is now, that legislation probably will not be implemented then. It is inexplicable that the Government should introduce such legislation, herald it as important and of major reform significance and then lamely admit that it has insufficient money to implement it.

Fourthly, I refer to the proposals for a high security area at Yatala. I would like to warn the Council and the Government that there were specific recommendations against such a high security section like that at Katingal in New South Wales in the report into the prison system in that State. The Government seems to have gone down that track and perhaps it will have to reverse later. Finally, the Government could consider another sentencing option which has not been implemented—that is, the option of periodic detention. Community work orders simply mean that an offender can be ordered to do community work but is not at any stage confined to an institution. Periodic detention is a further option where the prisoner can be released to go about his normal work during the week but may have a period of detention over the weekend in an institution. That is a further sentencing option that should be looked at. It would be a useful reform.

A further reform which is not included in the legislation but which ought to be looked at is the question of some kind of work release scheme for prisoners. This would involve prisoners who are coming to the end of their sentence in working outside the prison during the day, thereby gaining some work experience and experience in the outside world before their final release from prison. I think that that reform could be very useful in the case of long-term prisoners who have spent a lot of time in the present institution and who may have great difficulty in adapting to life outside.

I believe a number of reforms that have not been included could be added to this Bill. Nevertheless, the measure deserves bipartisanship. I compliment the former Chief Secretary, Mr Simmons, for the work that he did in this area. In so far as the present Chief Secretary, and not the Attorney-General, was responsible for it, I compliment him on introducing the Bill. The Opposition will move a number of amendments, but I will leave reference to them until the Committee stage.

The Hon. L. H. DAVIS: The Hon. Mr Sumner has already noted the bipartisan support that this Bill has received. It comes to this Council with some amendments that were made in another place, but it represents the culmination of many years of effort. The Honourable Mr Sumner and his colleagues in another place have alleged that this is not a Liberal Bill, saying that in reality it had its conception in the bowels of the Labor Government in the mid-1970s.

The Hon. Mr Sumner is mistaken in his view that it had its origin when Mr Simmons was Chief Secretary. He denied an interjection from the Hon. Mr Hill that Mr Duncan had anything to do with the Bill. He said, 'No, it was not Mr Duncan. It was Mr Simmons.' Perhaps I could enlighten the Leader of the Opposition. As reported at page 2889 of *Hansard* of 16 February 1982, Mr Duncan, speaking in another place, said:

> ... although this Bill has been described (rightly in my view) as the Simmons Bill or the swansong for Rodda, and various other things, in fact the first draft of the Bill was prepared under my instructions in about 1976. Shortly after that, the matter was taken out of my hands and, apart from a passing interest in the matter as a member of the Cabinet, from that time on I did not have general carriage of the issue.

Mr Mathwin interjected, I think correctly, and said, 'You sat on it.' That has been the history of this legislation. The allegedly reformist Labor Government in the 1970s did little in this field. It is not good enough for the Opposition to say that the Liberal Party should not take any credit for the initiatives. This is one of the initiatives of the Liberal Government.

It is interesting to go back in time and look at the history of correctional services in South Australia. I think it appropriate to commence with a reference to the 1973 Mitchell Committee Report on Criminal Law and Penal Methods Reform. In that report, South Australia's gaols and the activities in them were described as deplorable and indefensible. That was said at the end of six months of investigation in a report of 245 pages, with 178 recommendations. That report called for the repeal of the Prisons Act and the regulations under it. Assurances were given at the time and later that changes would be made by the then Government.

In the same period, 1973, the Institute of Social Welfare, in a report, condemned Yatala and said that no modern zoo would keep animals in a place like Yatala Labour Prison. In 1975 there was a Royal Commission into Yatala Labour Prison incidents, under Judge Johnston. In February 1975, the then Chief Secretary, Mr Kneebone, indicated that prisoners at Yatala Labour Prison could shortly expect to receive better conditions, that his officers were redrafting the Prisons Act, and that these amendments would largely cover the recommendations of the Mitchell Committee of 1973.

There is a long chronology of non-action by the Labor Government and eventually a draft Bill, admitted to by Mr Dunstan, was flying around the place in 1976. No-one is sure how long it had been in existence at that stage. The shadow Chief Secretary in another place, Mr Keneally, admits that the area of correctional services did not figure highly in the reforms of the early years of the Dunstan Government. As reported at page 2878 of *Hansard,* he said:

> With hindsight, we would all wish that correctional services had figured prominently in the reforms of the Dunstan Government.

I feel it necessary to say these things because there has been a consistent and at times unwarranted and vicious attack on the present Chief Secretary, Mr Rodda, yet his record leaves all the actions of other Chief Secretaries in the Labor Government during the 1970s well behind in terms of achieving penal reform. We saw again from the debate in another place that the former Chief Secretary, Mr Simmons, was appointed in 1977 and that he presumably was given a draft Bill on this merry-go-round in the Labor Party, which at the time was coping with the other great jewels in the Dunstan crown, such as Monarto, the Frozen Food Factory, and the Land Commission.

Mr Simmons, in a letter to the Editor which was not printed but which was quoted at length by the shadow Chief Secretary in another place, Mr Keneally, stated to Mr Dunstan that he was not quite ready for the Bill, that he had to adjust to his new portfolio, and that he would prefer to introduce the Bill at a later date. That was said in October 1977. Eventually, when the Liberal Government came into office in September 1979, we had a draft Bill that the Hon. Mr Sumner says was dated May 1979, and one can only imagine that that was one of many draft Bills which the Labor Party had for three years and which were supposed to put into effect the recommendations of the Mitchell Committee, which had first reported in 1973.

It is hardly an impressive record, yet we see here a Liberal Government which, having amended the Prisons Act last year, has now incorporated those provisions where appropriate in the Correctional Services Bill now before us. The Government, in response to a lot of criticism and perhaps disquiet on the part of certain Labor members and some of the unions, formed the Clarkson Royal Commission into prisons, which was established in October 1980 and eventually reported in October 1981. It also sought a review of the South Australian Department of Correctional Services by Touche Ross. That report was commissioned in December 1981 and was reported on in April 1982. Touche Ross looked at such areas as management structures within the prisons system, decision-making processes, the adequacy of

existing security measures, the adequacy of training and the cost effectiveness of the prisons system.

The third in this record of far-reaching reviews into correctional services in South Australia initiated by the Chief Secretary was a joint Public Service Board and Department of Correctional Services review, in conjunction with the Public Service Association and the Australian Government Workers Association (which is now the F.M.W.A.), into the adequacy of custodial and prison industry staff levels. So this Government, in its first 12 to 18 months in office, after being out of office for nearly a decade, took very positive measures to ensure that it was in full possession of all the facts regarding correctional services. It not only commissioned reports, as indeed the previous Labor Government had done, but it acted on them, and its many positive initiatives reflect what it has done.

The Hon. C. J. Sumner: Did you want the Royal Commission?

The Hon. L. H. DAVIS: The Hon. Mr Sumner asks whether the Liberal Government wanted that Royal Commission. Many Labor members at the time were screaming for a Royal Commission yet, if one reads the reports that have come out following that Royal Commission, many of them are now saying that it was a waste of time and was not necessary. They are having a bob each way in fairly typical fashion. They cannot have it both ways, because the report from the Royal Commission, along with all the other reports from the early 1970s from the Labor period in Government, together with the Touche Ross Report and other departmental inquiries, are reflected in the Bill now before us and also in management and other changes in the Department of Correctional Services.

I want to look quickly at one aspect of the Bill which is of particular interest to me. During the 1970s, despite the inaction of the Labor Government, there was little public comment on the adequacy or inadequacy of the Department of Correctional Services, or the prison system as a whole. The unions seemed to be happy, the public at large was reasonably happy, and there was very little comment in the media about them day by day. However, within a short period of the Liberal Government's taking office all hell literally broke loose. We had the Public Service Association, the Australian Government Workers Association and, indeed, the Labor Party, up in arms. I refer specifically to evidence which was taken by the Joint Committee on Subordinate Legislation with respect to regulations 67 and 70 under the Prisons Act to highlight the point I am making.

The minutes of evidence in this matter were tabled in another place on 3 March 1981. Members are no doubt aware that regulations 67 and 70 provide for the practice of doubling up, whereby there can be two prisoners to a cell in certain circumstances. Evidence was given that accommodation at Adelaide Gaol in the early 1970s had become acute. It had also been the case in Yatala from time to time. In fact, the practice of doubling up had been common for 10, 15 or 20 years, but it became a matter of great controversy, as members will be aware, in late 1980.

As I have said previously, not only were members of the Labor Party critical, but so, too, were members of the Public Service Association and the Australian Government Workers Association (now the Federated Miscellaneous Workers Union). In fact, on 12 November 1980 there was a report of a statement from the Public Service Association as follows:

> The physical facilities in South Australian prisons are hopelessly inadequate and massively understaffed. It is scandalous that Adelaide Gaol, which was built in the 1850s, is still in use. Cells designed for single prisoners in those days are now being used for two prisoners. The facilities are hopelessly overcrowded and do not provide conditions which would meet the standards recognised by criminologists and penologists as being fair and appropriate in these modern days.

The statement continues later:

> Yatala labour prison is not much better. It is time the veil was lifted from the South Australian, prisons system so the public can understand the reasons behind recent allegations and public complaints. The fault lies with the Government of the day, not the Public Service.

That was the Public Service Association making a statement about a situation which had existed for 10, perhaps even 15 years. It made a further comment on 28 November 1980, through the General Secretary, Mr Ian Fraser. The following report appeared in a newspaper:

> Mr Fraser said the Attorney-General, Mr Griffin, was out of touch with what was going on in prisons. Mr Griffin was turning his back on prison abuses which stood at the base of the union opposition to the Government's prisons policies.

I find that absolutely remarkable, because the evidence given by Mr Fraser confirmed the absolute neglect of the Public Service Association and the total lack of awareness of that association of what was happening in the prisons. The minutes of evidence tabled in another place on 3 March 1981 in relation to regulations 67 and 70 (these regulation deal with the practice of doubling up in prisons, notably Yatala and Adelaide Gaol) show that a member of the committee asked Mr Stewart, Director, Department of Correctional Services, the following question:

> Could you tell the committee whether this doubling up situation which you say has existed for the past 15 to 30 years was a situation that was well known?

Mr Stewart replied:

> Yes, it was well known to the administration. In fact, we have probably enjoyed visitations by all the Chief Secretaries in their day.

That would include at least three Labor Chief Secretaries during that time. The transcript continues:

> Since I have been there they have gone around and inspected the cells and there are often two beds in a cell. It may not have been documented to them but it was well known by visitation.
>
> Did you have strong protests lodged about this practice from the A.G.W.A. and the P.S.A.?- - -None at all.
>
> It is true to say that the A.G.W.A. and the P.S.A. are now objecting strongly to this practice?- - -Yes.
>
> Do you mean to say that the Australian Government Workers' Association and the Public Service Association who are objecting to this practice have not gone to you, as the Director of the Department of Correctional Services, to discuss this matter? . . . I have never spoken to Mr Fraser either on the phone or personally.
>
> Do you find that situation unusual? . . . I think it is extremely unusual. I could have given them the information that I have given you this morning. Since we have had this problem we have set about trying to overcome it as I have outlined. Prior to that we had no complaint whatsoever about two people being housed in one cell. On occasions people have complained that two security risks may have found themselves in the same cell and that is an obvious complaint from a security minded prison officer.
>
> The Chairman: You said, 'Since we have had this problem.' Are you referring to the time since strong complaints have been made about the practice? . . . Yes. I think it is since the commencement of the Royal Commission or thereabouts.

Therefore, members should be able to see that the Royal Commission brought all interested persons on to the scene. We had a situation where Mr Stewart, as Director of Correctional Services, had never received a complaint from anyone about the practice of doubling up prisoners until the time of the Royal Commission, with all its attendant publicity. Only then were charges paraded by the Labor Party, the Public Service Association and the A.G.W.A.

On page 21 of the transcript, the Secretary of the Public Service Association, Mr Fraser, appears as a witness. The transcript states:

> **The Chairman:** You, on behalf of your association, express great concern about regulations 67 and 70. In the past, have both of those regulations been adhered to strictly within the correctional services institutions? . . . Not for many years.
>
> Has that concerned your association deeply? . . . The association has not been aware of that. It became aware of it only prior to the Royal Commission, when we did our homework.

The Hon. L. H. Davis: The P.S.A. should explain what is its interest in correctional services?... We represent the senior staff in the institutions, and we also represent the clerical, office and administrative staff in the institutions.

Later, Mr Fraser made observations about how the Mitchell Report recommendations regarding complete enforcement of the regulations had been abused down through the years and the fact that nothing had been done about it. Before the Royal Commission, which was first established in October 1980, we had a situation in which the prison officers, the Public Service Association (representing a large number of prison officials), the Australian Government Workers' Association and the Labor Party were not making any noise at all about the state of the prisons. It was only when it became a political matter that those groups moved to publicly attack the Liberal Government for a practice which had been in existence for over a decade. I think it is relevant to say that, although this Bill has bipartisan support, prison politics have been well to the fore, especially during the 1980s.

Before moving on to the Bill in detail, I will reflect on what the Labor Government did in this area. Certainly, there has been controversy about the proposed remand centre at Brompton. That is not surprising, because when the Labor Government announced that a remand centre would be built at Regency Park the media was full of attacks from people living nearby. Members opposite will be aware that the Enfield council was particularly concerned about the location. The fact is that prisons are not popular institutions. Wherever they are sited there will be criticism of the site chosen.

In addition to the remand centre at Brompton, the Government has upgraded education facilities and put in a swimming pool at Cadell. There is a new officers mess at Yatala and a new maximum security centre is also planned for Yatala. The Port Augusta Gaol and the Northfield Security Hospital Infirmary have both been upgraded. In a very short time, the Government has made a concerted effort to upgrade the prison system in South Australia after a decade of neglect. I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

[Sitting suspended from 5.58 to 7.45 p.m.]

STAMP DUTIES ACT AMENDMENT BILL (1982)

Adjourned debate on second reading.

(Continued from 23 February. Page 3014.)

The Hon. C. J. SUMNER (Leader of the Opposition): Mr President, I draw your attention to the state of the Council.

A quorum having been formed:

The Hon. C. J. SUMNER: The introduction of this Bill into Parliament marks a watershed in the political life of the Premier and his Government. Any remaining doubts have now been dispelled. The Premier is no longer a credible political figure. The dissatisfaction with the Premier's vacillating incompetence epitomised in this stamp duty issue means that he will not be Premier and leader of the Liberal Party at the next election.

Unless the Premier's stocks improve dramatically (and this is unlikely) a challenge will be mounted, probably by the Minister of Industrial Affairs, Dean Brown, in approximately October this year. The signs are unmistakeable. The Liberals simply cannot win the next election with David Tonkin as Premier. I suggest to honourable members opposite that they take this seriously. If they do not take it seriously, they are engaging in greater self-delusion than I expected that they would. Liberals cannot win the next election with David Tonkin as Premier. He has gone past the point of no return; he cannot be revived; he will be forced to move.

Let us look at the signs. The poll evidence of the past six months is now consistently showing the Liberals with about 36 per cent of the vote in South Australia.

Members interjecting:

The PRESIDENT: Order! I hope that the honourable Leader can develop this story to fit in with the Stamp Duties Act Amendment Bill.

The Hon. C. J. SUMNER: There is absolutely no question of that.

The PRESIDENT: What the Leader is saying does not seem to be relevant at this stage.

The Hon. C. J. SUMNER: The Stamp Duties Act Amendment Bill that we are debating represents a culmination of 2½ years of gross incompetence on the part of the Premier. I will repeat the signs and suggest honourable members opposite consider them. The poll evidence of the past six months is now consistently showing the Liberals with about 36 per cent of the vote in South Australia. The Minister of Industrial Affairs, Dean Brown, is taking a more prominent public posture, including the contrived use of his family to soften his image. Anyone with his ear to the ground will know that the rumblings have already commenced.

The Hon. K. T. GRIFFIN: I rise on a point of order. This matter is totally irrelevant and in any event specious. I ask you, Sir, to draw the honourable member's attention to that matter.

The PRESIDENT: I take that point of order, and I am pleased the honourable Attorney has raised it. I ask the honourable Leader to leave that point and refer to the Bill.

The Hon. C. J. SUMNER: The Premier was heckled and booed at a meeting of the Liberal Party State Council on 12 February and was only saved by the member for Rocky River, Mr John Olson.

Members interjecting:

The Hon. C. J. SUMNER: Do you deny it? The Premier has not moved against the Chief Secretary, Mr Rodda, because he needs his support in the Liberal Party room.

The PRESIDENT: This is quite irrelevant.

The Hon. C. J. SUMNER: There is no doubt that this Bill

The Hon. L. H. DAVIS: I rise on a point of order. The Leader of the Opposition's remarks are simply not relevant to the Bill.

The PRESIDENT: That is what I was telling the Leader. I ask him now to refer to the Bill.

The Hon. C. J. SUMNER: There is no doubt that this Bill represents the culmination of 2½ years of complete dithering, indecisiveness and incompetence on the part of the Premier. There is no doubt that Mr Rodda was one of Mr Tonkin's staunchest supporters when he defeated Mr Eastick in 1975. Mr Tonkin cannot alienate him or his position will be further weakened.

The PRESIDENT: Order!

The Hon. K. T. GRIFFIN: I rise on a point of order. This has nothing at all to do with the subject matter of the Bill.

The PRESIDENT: The Attorney-General's point is quite right. I hope that the Leader will now speak to the Bill because what he has said up to this time is not relevant to it. If his remarks are repetitious or irrelevant, they cannot be tolerated, as the Leader well knows.

The Hon. C. J. SUMNER: I appreciate what you say, Mr President. The business community is appalled by the Premier. The business establishment in this State and the Liberal Party will force Mr Tonkin out, just as similar bodies in Victoria forced the resignation of Mr Hamer. If,

as is likely, the Liberal Party is still recording 36 per cent of the vote later in the year, Mr Tonkin will be overthrown.

The Hon. J. C. BURDETT: I rise on a point of order. This again is irrelevant to the Bill. The irrelevancies have gone on for far too long. I suggest, with respect, that the Leader must get to the Bill.

The PRESIDENT: I draw the honourable Leader's attention to Standing Order 186 under which he will have to desist or lose his opportunity to speak on the Bill, if he does not now refer to the Bill.

The Hon. C. J. SUMNER: I am sorry if I have been irrelevant up to the present time, but I am sure that, if you, Mr President, will listen for a few moments, you will clearly see the relevance and the intent of what I have to say, and will see the main thrust of my argument, which is clearly related to this Bill. If members opposite do not want to hear it or do not want to recognise it, they are sillier than I think. The business community in this State is absolutely appalled by the actions of the Government, particularly the Premier, over this stamp duty issue. That is the point I am making and developing. If that is not relevant to this Bill, I do not know what is.

The business community is fed up with the Premier's bumbling indecisiveness. One example is the oil companies. Ask them what they think of the Premier over the petrol price fiasco, where his indecisive vacillation and phoney political one-upmanship left the oil companies with price control 1c greater than those in New South Wales?

Another example is the construction industry. Ask the construction industry what it thinks of having had $80 000 000 withdrawn from capital works programmes in two years because the Premier bungled the Budget and was forced to transfer capital works moneys to prop up his current account.

The PRESIDENT: Order! I can understand the Leader's trying to get all this in print. Really, it has little to do with the Bill at this stage. Although the Leader promised that he would show relevance, he has not. I do not want to invoke that Standing Order.

The Hon. C. J. SUMNER: Mr President, I appreciate that you would not want to invoke it, because we would take strong objection to it.

The PRESIDENT: If there is some sort of challenge, I will take the honourable member up on that.

The Hon. C. J. SUMNER: The fact is that I have tried to explain to the Council and to you, Mr President, that, if this is not an important issue as far as the business community in this State is concerned, then I do not know what is. The fact is that people, the finance houses, and the banks have been made to look idiots by the Premier of this State. He lied about the assurances that were given and he has misrepresented—

The Hon. K. T. GRIFFIN: On a point of order, Mr President, I ask that the honourable member withdraw that remark.

The PRESIDENT: The Leader should withdraw that remark.

The Hon. C. J. SUMNER: Mr President, would you care to indicate what is the problem in regard to my statement?

The PRESIDENT: In this Council when an apology has been requested in regard to the matter of untruthfulness or lies, we have upheld the point that the member so requested will withdraw.

The Hon. C. J. SUMNER: I will withdraw the specific word. The fact is, and it is obvious to anyone—

The PRESIDENT: The honourable member must withdraw to the satisfaction of the honourable member who asked for the withdrawal. You have withdrawn one word. Is that what the Attorney-General wanted?

The Hon. K. T. Griffin: I objected to the allegation that the Premier was a liar. The member should withdraw that.

The Hon. C. J. SUMNER: I withdraw that word, but in no way can I withdraw the accusation that the Premier has deliberately misled not only Parliament but the public and the financial institutions in this State.

The Hon. R. J. RITSON: I rise on a point of order, Mr President. The honourable member is making injurious reflections on a member in another place.

The PRESIDENT: The Leader should direct his attention to the Bill.

The Hon. C. J. SUMNER: I am coming to the Bill.

The PRESIDENT: You have not come to it at all. You have reflected on the Premier.

The Hon. C. J. SUMNER: On his incompetence, and I intend to continue doing that. It is the main thrust of my speech.

The PRESIDENT: You will have to limit it to the Bill; otherwise you will have to resume your seat.

The Hon. C. J. SUMNER: I have referred to examples where the business community is concerned about the Premier's actions. I ask honouarble members to contemplate what is being said in the banks and financial institutions in this State about the Premier and his handling of this issue, not just in this State but interstate. The Premier has become a laughing stock amongst those people. The Liberals are realists and will not go quietly to defeat. With poll ratings of 36 per cent they could not win and, therefore, there will not be an early election. Before the end of the year there will be a new Liberal Leader—one with whom the Liberals think they can win and who will be given time to revive Liberal Party's fortunes before the next election.

The Hon. J. C. BURDETT: I rise on a point of order, Mr President. The matter is still totally irrelevant. The Bill in its terms has nothing whatever to do with the next election. The Leader is not relating his remarks to the Bill. I refer to Standing Order 186. I refer to the repeated manner in which the honourable member has flaunted that Standing Order. In regard to the point of order I suggest that he should no longer be heard on this Bill.

The PRESIDENT: I have tried to impress on the Leader that it would be remiss of him to have Standing Order 186 invoked. As a last resort, I will do that. The Leader is close to it. Unless he stops right now and talks about the Bill I will ask him to resume his seat.

The Hon. C. J. SUMNER: I appreciate what you have said, Mr President. I can say only that I believe that what has been said—and I do not wish to get into any argument on it—is of direct relevance, because of what has happened. The fact that we are here now about to debate two clauses that we took out of the Bill in October 1981 against our wishes, the fact that we are now within that short time again debating that matter is directly related to the fact that the Premier is a fool and has absolutely no idea of what went on when the Bill was initially introduced. He did not understand the Bill; I suspect that he still does not understand it.

Therefore, it is on that basis that my remarks are relevant to a consideration of this Bill. It is impossible to consider this Bill independently of the Premier's actions in relation to it. I am surprised that honourable members opposite do not have a sense of *deja vu* about this legislation. In October 1981 we took out of the Stamp Duties Act these precise clauses yet, within five months, we are now putting them back in. Frankly, I rest my case against the Premier at that point.

The Premier simply does not know what he is doing. That could perhaps be excused on the grounds of plain incompetence, but there is much more to it. There have been deceptive, misleading and contradictory statements

and anyone who has studied this issue with any seriousness over the last couple of weeks and who still believes that the Premier is fit to lead this State must need some kind of examination as well.

What is the history of this legislation? It is contained initially in the remarks that the Premier made on 22 October 1981 in introducing this Bill, when he stated:

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

That was the initial rationale for the action that the Government took. What was the Opposition's response? On 27 October Mr Bannon responded to Mr Tonkin as follows:

> I am not satisfied, from what is said in the second reading explanation, that it is necessary to repeal both sections. They represent, on the face of the Act, a protection to the consumer. It may be, as the Premier has said, that they achieve little in practice, but, even if it is only little that they achieve, the fact that they are on the Statute Book indicates some intention of the Legislature in this area.
>
> The Premier says that the Government has obtained assurances from credit providers that consumers will not be disadvantaged by the repeal of those provisions. I would like more evidence of those assurances; more particularly, I would like to ask whether the Premier can demonstrate that consumers will not be disadvantaged by the repeal of the provisions.

In reply, the Premier said:

> The question of the repeal of sections 31*l* and 31p of the Act which apply in South Australia only is quite straightforward.

If it was straightforward, why are we now debating the clauses again? The Premier also said:

> It may be that that cost will in a small way be transmitted to the consumer if these provisions are repealed. I see no reason why that should not occur.

What sort of idiot is this that we are dealing with? One minute he said the consumer would not be disadvantaged and the next minute he said that it might be passed on. That was said in the space of one debate. In response, Mr Bannon said:

> Will the Premier provide us with the evidence that this has no impact and no effect as far as consumers are concerned? What precise evidence has he got in this regard?

The Premier said:

> The Leader asks a question that he knows cannot be answered.

We know that it cannot be answered. The Premier has been floundering around trying to answer it. He went on:

> It is a hypothetical question, and I see little point in taking it further.

When he was pressed further about what he meant when he said that it would not disadvantage consumers, he said:

> I understand that they are verbal assurances.

The vote was taken in the House of Assembly and the clauses were deleted with the support of Mr Millhouse, who apparently is quite prepared to see consumers done in the eye. Then the Bill came to the Legislative Council. The Hon. Mr Blevins appealed on behalf of the Labor Party to the Hon. Mr Milne to do the right thing. That appeal went unheeded. The Hon. Mr Blevins made an appeal to the Hon. Mr Burdett, who said that he did not really think that the credit providers would place these charges on consumers. Once again the Minister of Consumer Affairs has been caught out giving incorrect information to the Council. The Attorney said:

> Other credit providing agencies have indicated that there will certainly not be an increase in the payments due by debtors as a result of the passage of this legislation . . . The Government does not see any disadvantage to the consumer as a result of the repeal of section 31*l* and 31p.
>
> I can appreciate the concern which he has expressed, but I suggest to the Committee that I have adequately covered the ground to reassure members that consumers will not be at risk as a result of the repeal of these two sections.

If the Government did not see any disadvantage to consumers, why are we considering this Bill now? Then we heard nothing about the issue until the Premier made a Ministerial statement on 17 February 1982, in which he said:

> The lending institutions gave assurances that the removal of the restriction would have very little, if any, impact on consumers.

He repeated the assurance that he said he had got when the Bill was introduced. What was the immediate response of the bankcard organisation and the banks to that? In a report in the *Advertiser* of 18 February, at the bottom of the report of Mr Tonkin's Ministerial statement, Mr R. J. Pitman, bankcard Chief Executive, is reported to have said:

> 'With respect to the Premier, he ought to tell people where he got those assurances and who gave them to him,' he said. 'We can't follow it' . . . 'If the Premier wants to send us copies of the assurances he says he has, we would be delighted to look at them to get to the bottom of it,' Mr Pitman said.

I think everyone in Parliament and all members of the public would be delighted to get to the bottom of those assurances. The fact is that they do not exist. They were a fabrication by the Premier. An urgency motion was moved in another place on 18 February, and the extent to which the Government stooped to try to justify the Premier's action can be seen by what Mr Goldsworthy said. Defending the Premier, he said that Mr Pitman's remarks can be discounted, because he represents the bankcard organisation, and it is really the banks that provide the credit, so we have to look to the banks. A report in the *News* that afternoon referred to the banks.

We see the South Australian Associated Banks Chairman, Mr Ron McDonald, saying that the Association had given no such assurance to Mr Tonkin. So much for Mr Goldsworthy's puerile argument! That was repeated in the *News* on 19 February, because I suspect that the Government had said that individual banks had given assurances. The article in the *News* states:

> Individual South Australian banks had given no assurance to the Premier, Mr Tonkin, that stamp duty charges would not be passed on, it was claimed today.

All the way through—the bankcard organisation the banks association, individual banks—no assurances are given. We then move to what the Deputy Premier was reported as saying in the urgency debate, as follows:

> The assurances had been given during discussions between the Government and banks and credit unions over some time.

According to the Premier, assurances were given—not, however, according to the banks, the bankcard organisation or the banks association. Then we look at what the Premier had to say on 22 February, which was reported as follows:

> Assurances that bankcard customers would not be charged stamp duty had not been in writing, the Premier, Mr Tonkin said yesterday.

Then someone thought of the bright idea of asking the silly fellow why he bothered to repeal the legislation if he had assurances that the charges were not going to be passed on and he said that the charges were already being passed on to consumers by the banks simply adjusting the interest rate

That is clearly misleading, because the bankcard organisation was not, in fact, adjusting its interest rate to take account of the charges that existed in South Australia. The Premier, quite simply, did not understand. On 23 February we get the announcement that the Government will legislate. What does he say on this occasion? He has completely changed his mind. Before, there were assurances; they were

verbal—they were in writing. There was every sort of assurance under the sun. On 23 February a press report stated:

Mr Tonkin said no specific assurances that charges would not be passed on to consumers had been given by specific banks.

He had had assurances from the major bodies representing credit providers.

Later, a press report stated:

The chief manager for South Australia and the Northern Territory of the Bank of New South Wales, Mr E. A. Griffith said after has meeting with the Premier that his bank had given no assurances to the Government that it would not pass on stamp duty charges.

'We have our position as a bank and I do not think I should elaborate on that.' he said.

What have we got? We have assurances in the second reading explanation. We have the fact that consumers will not be disadvantaged. We have verbal assurances from the banks and we have no verbal assurances from the banks. What did the Premier say on Channel 9 on Wednesday 17 February in the light of what I have just said? Any honourable member in this Chamber who can take the Premier seriously after this statement is really deluding himself. The conversation went as follows:

Tonkin: Oh, the assurances are quite tangible, they're on paper. I don't think there's any . . .

Interviewer: They were not verbal assurances?

Tonkin: I don't think there's any question of having tangible assurances, they're both verbal and written.

What sort of idiot is this that we are dealing with? He is a nincompoop! There can be no other explanation for the Premier's carry-on about this. We have been through every sort of assurance in the world, on Channel 9, verbal and written, tangible. Of course, we ended up with the *Advertiser* article on 23 February stating that there were no specific assurances.

In a letter from the Australian Finance Conference on 23 July 1981 (the Premier had apparently asked it whether those assurances it had earlier given would be adhered to) it specifically repudiated that statement in the following terms:

We can now give that assurance in relation to the majority of transactions where interests rates have been adjusted to compensate for stamp duty. However, in a significant minority of transactions companies have absorbed the stamp duty and we would not expect their interest rates to change. Therefore, in these cases if the pass-on right were granted there would be some increase in the overall cost to the South Austalian consumer.

Not only were no overall assurances given that the credit charges would not be applied, but a specific statement was made by the Australian Finance Conference in a letter from its Federal Chairman, Mr Baglin, on 23 July 1981 that in certain cases there would be some increase in the overall cost to South Australian consumers. I would have thought that that history would indicate the confusion that the Government has found itself in.

During the whole debate on the issue we have gone from no increase to South Australian consumers to some increases to South Australian consumers—and all that appeared in one debate in the House of Assembly. That is what this fool said! Assurances were given; no, no assurances were given; assurances were verbal; no, they were not verbal; they were verbal and in writing. Then, 'No, sorry, no specific assurances were given.' I challenge any member of this Council to define what an assurance is after that performance, after the gyrations of the Premier on this issue. The only assurance that the Parliament and South Australians have is that the Premier, once again, has been found not to know what he is talking about.

If the Premier had been genuine about this issue, if the Premier had been honest about this issue, he could have tabled the correspondence in Parliament right from the first day that this issue was raised over a week ago. He could have given the Parliament tangible information in the form of written assurances that he said he had. He could have enabled the Parliament to study that correspondence to see whether or not what he had said was correct, but he has not, quite simply, had the guts to do it because he knows that right from the start of this issue he has been misleading the Parliment. He knows that he has not been honest.

The Hon. K. T. Griffin: He has not misled Parliament.

The Hon. C. J. SUMNER: The Attorney interjects and says that the Premier has not been misleading the Parliament. How does he, as a lawyer who must have some notion, one would think, of what is the truth, some capacity to assess the facts, sit in this Chamber as Attorney-General and say that the Parliament was not misled when I have gone through chapter and verse of the incredible gyrations of the Premier?

The Hon. K. T. Griffin: I can sit here quite comfortably.

The Hon. C. J. SUMNER: You may, because you are not in the hot seat. I really think that the poor Attorney-General has too many things to do. He, in fact, misled the Chamber, here; there is no question about that. The only thing I can say in his defence, and I suppose I need to be charitable with him because he sits reasonably close to me, is that the Premier gave him a complete bum steer. There is no doubt that the Attorney-General told the Council that there would be no disadvantage to consumers. He told the Council there would be no increase in charges. If that is the case, why are we debating this legislation at present?

I challenge the Premier, and the Attorney-General, to table the relevant correspondence. If they are in the clear, if the Premier is in the clear, and if he has been honest, then he can table the correspondence with complete tranquility.

The Hon. L. H. Davis: Aren't you going to tell us about Mr Bannon?f

The Hon. K. T. Griffin: There is nothing to tell about him.

The PRESIDENT: Order!

The Hon. C. J. SUMNER: I can assure the honourable member that there is.

The Hon. L. H. Davis: He—

The PRESIDENT: Order! There is enough trouble without interjections.

The Hon. C. J. SUMNER: The approval ratings of Mr Bannon are very good. The standing of the Liberal Party is appalling. Any member of the Liberal Party who can sit in this Parliament complacently and defend the Premier when he knows that for six months in poll after poll taken in this State the Liberal Party is getting 36 per cent of the vote must have absolutely no sense of self-survival because the Liberal Party cannot win with 36 per cent.

The PRESIDENT: Order! If the Leader wants to go through that story, it is quite irrelevant to this Bill.

The Hon. C. J. SUMNER: I was provoked, Mr President, by the Hon. Mr Davis.

The PRESIDENT: Order! We are back to a very stupid situation.

The Hon. C. J. SUMNER: The Hon. Mr Davis did interject and did refer to Mr Bannon. Of course, Mr Bannon's role in this has been perfectly consistent and straight forward. He opposed the deletion of the clauses in the Lower House and we opposed the deletion here. Our position on this matter, as opposed to that of the Liberals or Democrats, is quite clear. I am afraid that the debate has to revolve around the Premier simply because his position has been quite unclear, quite confused in his own mind, and I suggest to the Council quite dishonest.

I repeat to those honourable members opposite who may have some feeling for their own survival at the next election that if they do not believe me I suggest they discuss the issue perhaps with one of these genlemen from the banks

association. Did they see Mr Griffith on television after his conference with the Premier? He looked sick; he did not want to talk to anyone. He was asked whether he had given any assurances and, or course, he and the Premier had cooked up this euphemism for a complete stuff-up—a 'misunderstanding'. They are the facts and, if honourable members opposite talk with oil company representatives, building industry representatives, banks, the business community, or anyone in the community of South Austalia, they will realise that the Premier's stocks are absolutely rock bottom and that this has been the crowning glory. With that, I support the Bill.

The Hon. FRANK BLEVINS: It would be impossible to improve on the Hon. Mr Sumner's speech, and I will certainly not attempt to do that. What role has the Minister of Consumer Affairs played in this matter? So far in this debate and in the debate in the press about the events surrounding this Bill the Hon. Mr Burdett has been silent. Last year on 28 October when speaking to this Bill on behalf of the Opposition I made a strong protest and invited the Hon. Mr Burdett to enter the debate. In fact, I specifically referred to the fact that this measure was consumer protection legislation which was being reviewed by the Council. Page 1648 of *Hansard* states:

> This is consumer protection alone, and it has not raised any revenue for the Government. In fact, it can only raise—
>
> **The Hon. K. T. Griffin:** How is that?
>
> **The Hon. FRANK BLEVINS:** I will tell the Attorney. It will act to the detriment of consumers if these provisions are repealed. Finance companies will be able to charge consumers.
>
> **The Hon. K. T. Griffin:** But they do it indirectly now.
>
> **The Hon. FRANK BLEVINS:** I ask the Attorney to wait just a moment. They can put these charges on consumers.
>
> **The Hon. J. C. Burdett:** Not really.

Apart from being the Minister responsible for the protection of consumers in this State, the Hon. Mr Burdett is also a lawyer. I will give the Hon. Mr Burdett the benefit of the doubt and suggest that he read the Bill. I will further stretch the bounds of credibility, give him the benefit of the doubt again and suggest that he understood the Bill. If he did read and understand the Bill, how was he able to answer me by saying that suppliers of credit could not put these charges on consumers? It simply does not add up, because it is quite clear in the Bill that that can happen.

The Opposition told the Council that that could occur. The Minister told the Council that it could not happen. Tens of thousands of consumers in this State have now suffered as a result. Apart from the stupidity and the duplicity of the Premier and the Attorney-General, we have the Hon. Mr Burdett's contribution on behalf of consumers in this State. The Minister stated quite categorically that finance companies could not put these charges on. I will welcome the Hon. Mr Burdett's entry into this debate to explain how and why he misled the Council if he had read and understood the Bill.

The Hon. C. J. Sumner: Why do you think they produced the Bill when they had assurances that charges were not going to be imposed?

The Hon. FRANK BLEVINS: That is a good point. I specifically referred to that in the debate. I said that some time ago the Legislature had decided for very good reasons that these provisions were necessary. I asked quite clearly in the debate: if they were necessary, can the Government tell me what has changed? Nothing had changed whatsoever. If the Government received assurances from the suppliers of credit that they would not pass on these charges, what was wrong with having a provision stopping them from doing that? I made that point in the debate. It is quite obvious that this measure is simply legislative padding.

Throughout the last two years the Government has been attempting to give the impression that it has a legislative programme. However, it just does not have a legislative programme. Parliament is dealing with trivia. Obviously, the Ministers have told their departments that any legislation they can sweep up will be put before Parliament. All this padding looks like a legislative programme. The Bill was obviously one of those items that someone in the Minister's department swept up. That is all it is—legislative padding. The Government has a mania for padding the Notice Paper with so called deregulation legislation.

It is obvious that no-one bothered to properly consider this legislation. Instead of saying that it was a minor measure and did not mean anything, Government members stood up and lied by saying that they had thoroughly investigated it. No-one has investigated this legislation, and members opposite know that. Members opposite stood up with faces glowing and pompously said they had investigated it. They said they had received assurances left, right and centre, but they had done nothing. They received no verbal assurances and had nothing in writing. It was a fantasy plucked out of the air.

Everyone makes mistakes. If the Premier had said that he had made a mistake, that he was very sorry, that he would correct the legislation and make it retrospective, he would have earned a measure of respect. However, members of the Government are not big enough to do that. I am quite certain that when the Attorney gets to his feet we will see just how small he is. When speaking to the earlier Bill on behalf of the Opposition my aim was to have a conference. When my Party was in Government I sat in this Chamber for four years and listened to members opposite who said that this place had some substance, that it had a role to play in reviewing legislation and that when the two Houses got together and came to some agreement we got the best legislation. During debate last year I said:

> On this occasion, the Labor Party is not satisfied with the explanation given, and it may well be that, if a conference is arranged between the Houses, some agreement can be reached that satisfies both Parties.
>
> Surely, it is in the interests of the State to have both Parties satisfied in relation to areas such as this when there is a slight conflict between them. I strongly urge the Committee to reject these amendments so that we can get to a position where both sides can get to a conference away from the debating floor and thrash out the matter in a rational manner, and hopefully come to a conclusion that retains the protection for the consumer against providers of credit, some of whom, as members know, are very powerful organisations, which are right on top in the economic world. To take away this protection for the consumer without a great deal more consideration would, in the Labor Party's opinion, be very wrong.

That is all we asked for—a conference. Of course, when the Labor Party asks for a conference, unless we receive support from the Democrats, we do not achieve that. Obviously, the Democrats have a great role to play in this Chamber. Certainly, the role of the Australian Democrats is referred to quite often in the press. The Hon. Mr Milne has, on occasion, referred to himself as being the balance of reason.

Honourable members should remember that this is a very simple, straightforward Bill. It is not a complicated document comprising 100 pages: it is a very simple, straightforward Bill that anyone could understand. On page 1646 of *Hansard* I appealed to the Australian Democrats as follows:

> Knowing that the Democrats give some lip service to consumer protection, and that this is the type of issue that they claim to have some sympathy with, I am confident that the Democrats will not let the people of this State down and will support the deletion of these particular provisions.

There then appear in *Hansard* some interjections. The report continues:

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

I thought that that was a rude remark. The report continues:

> **The Hon. FRANK BLEVINS:** I have every confidence that the Democrats will dishcharge their duty to the people of the State

by being in this council when required and voting to protect the public by supporting the Opposition's proposition in this particular measure.

This shows a very trusting, nice kind of guy. As reported on page 1648 of *Hansard*, I made a direct appeal to the Hon. Mr Milne. It was a simple appeal that anybody could understand. I said:

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

I am sure that the Australian Democrats, in line with their philosophy of protecting the little people from the ravages of big business, will not permit this clause to pass.

The record, on the next page, showed the division list. The Hon. Mr Milne did not make any response to my appeal. It was a simple appeal; there was nothing complicated about it and anybody could understand it. When it came to the division, without in any way telling the Council his views on the issue, he voted with the Government. I appealed to him for a conference and for discussion of a matter that was giving the Opposition some concern, and quite rightly so.

Assurances given in the House of Assembly were also given in this Chamber. Those assurances were given to me by the Attorney-General and they were also, by way of interjection, given by the Hon. Mr Burdett. I take legislating seriously. I do not lie in this Chamber. I like to think I am a person of integrity, and to concede to others the same integrity. It is rather difficult to do that when the two Ministers of the Crown have lied to the Parliament.

The Hon. K. T. GRIFFIN: I rise on a point of order. I take exception to that remark and ask that the honourable member withdraw it and apologise.

The PRESIDENT: I ask the Hon. Mr Frank Blevins to withdraw that remark.

The Hon. FRANK BLEVINS: Since the word has been ruled unparliamentary, I withdraw it. It is clear that the two Ministers of the Crown told untruths. I do not like that and find it highly offensive. It is absolutely disgraceful that in this Parliament over the past few months we have had documented evidence, as well as the evidence of our own eyes and ears, that the Ministers are telling blatant untruths. It brings the whole of Parliament into disrepute when Ministers do that; it is certainly unworthy of a Parliament in South Australia.

I support the second reading of this Bill. I am delighted that after all this time the Opposition is vindicated, and I am proud of the strong attack the Opposition made on this measure when we debated it in October.

The Hon. C. J. Sumner: Don't you think it has all been a waste of Parliamentary time?

The Hon. FRANK BLEVINS: The original idea was to waste Parliament's time with measures such as this, because that is all the Government can dredge up as Parlimentary programme. The fact that it is a waste of time is nothing new. Every assurance was given about this legislation. The Opposition, to its credit, did not believe the assurances, and I do not think we will believe any more after this. The second reading should be supported. I look forward to the Hon. Mr Burdett's telling me why he told such blatant untruths, and also look foward to the Hon. Mr Milne enlightening the Chamber as to why the little people, tens of thousands of them, have been slugged by rapacious money-lenders. What role does he see for the Democrats in protecting the little people?

The Hon. K. L. MILNE: The Opposition is arguing about a situation that existed before the Attorney-General foreshadowed his amendments to what had been proposed earlier. The whole matter may have been mishandled. It probably was. We have had to decide the best thing to do, because the problem still remains.

The Hon. C. J. Sumner: Who created it?

The Hon. K. L. MILNE: No amount of shouting and screaming will alter that. The problem does not revolve around the Premier. The problem is still there and we have to solve it as best we can.

The Hon. C. J. Sumner: You don't think the Premier was at fault?

The PRESIDENT: Order! I did not hear the Hon. Mr Milne interjecting while other honourable members were speaking. I am asking for no interjections.

The Hon. K. L. MILNE: Section 311 of the Stamp Duties Act prohibits a lender from adding the cost of stamp duty on the loan (or rental business) to any amount payable. Let us be practical and realistic about the effect of that provision. Stamp duty becomes part of the costs of the lender, be it a financial company or whatever, and is passed on through higher interest charges. That is what happens. The stamp duty implicit in the contract is hidden from the customer in the interest rates, because the real interest and the tax are combined in one figure on the client's documents. No other State in Australia has that same requirement. All other States who had similar provisions repealed them years ago. In South Australia, the rate of duty is 1.8 per cent and applies to credit and rental business where the interest rate exceeds to 17.75 per cent. Why it is 17.75 per cent I do not know. That is what it says.

I have some questions to ask. Should a Government hide its taxes? Should South Australia be uniform with the other States in this area? Should lenders who gave undertakings to reduce their interest rates to compensate for charging stamp duty be penalised by the actions of other lenders? The people who gave those assurances were not the banks; I do not think they were the banks. They were members of the finance conference. Not all of them gave assurances, but most of them did, and they reduced their interest rates so that the total paid by the consumer was approximately the same.

This Bill will not necessarily answer those questions to everyone's satisfaction, but it will go a long way towards it. I believe there are no circumstances in which Governments should hide taxes from the ultimate taxpayer. That is why I do not like indirect taxation. The tax that is being levied should be identifiable specifically in any transaction. The Campbell report made the following recommendations in paragraph 16.40 (page 262):

The agreement of the States be sought at an early date to abolish the existing system of stamp duties on financial transactions and instruments and replace it with a uniform and Australia-wide duty for similar kinds of financial transactions and instruments.

If such an agreement cannot be reached, the States be at least encouraged to achieve greater uniformity of duty as between loans, advances and securities and as between the States along the lines suggested in paragraphs 16.36 and 16.37.

Again, some organisations made special provision by adjusting their rates and reducing them to the extent of the duty payable. Other organisations had been using a national rate and decided to continue. In that area, bankcard and those associated with bankcard were the worst offenders. I am certain that neither the Government nor anyone else foresaw that bankcard would behave in that manner.

The Opposition talks about the little people. What about the thousands of little people using bankcard? They are the ones who are paying extra. They are paying the tax and interest at 18 per cent. Now the Goverment is introducing legislation to make those companies reduce their interest rate or otherwise they will be caught under the amendment that the Attorney has foreshadowed.

If the bankcard organisation had not handled this matter with sensitivity the size of elephant's skin, it could have been handled properly. A few finance companies are in the same situation. In these cases the repeal of section 311 will simply lead to an increase in costs to borrow. What the bankcard organisation did and has done is to increase the cost to the borrower. The Government has asked that, if one is going to set out on a document what the tax is, the interest rate be reduced accordingly, and the bankcard organisation did not do it.

The Hon. C. J. Sumner: Bankcard did not say that it was going to do it: the Premier assured Parliament that it would.

The Hon. K. L. MILNE: The Leader has had a wonderful time. I thought the festival had begun a week early when I came in. Let us now sort out the problem. I am merely trying to define it.

The Hon. C. J. Sumner: You created it in the first place.

The Hon. K. L. MILNE: How could I create it?

Members interjecting:

The PRESIDENT: Order!

The Hon. K. L. MILNE: If we were wrong, we are tying to rectify it now. The Opposition should not wreck it now. It is a matter of political judgment whether this immediate cost of moving to a more rational and uniform system is warranted. The other States believed that it was. An important issue in the present circumstances is that the bankcard organisation refused to reduce its rate to compensate for the right to quote the amount of stamp duty. Clearly, for the reasons that I mentioned earlier, the bankcard organisation wished to preserve its national rate and was intransigent about it. The reintroduction of the original section 311 would penalise other lenders who gave and maintained undertakings for the actions of the banks. They gave undertakings to reduce their interest rate and did so, and now they can be named by the Government, and those organisations who do not do so can also be named.

In our view—I have discussed the matter with Mr Millhouse—the introduction of section 311 to apply only to prescribed lenders would enable a fair compromise to be reached. It would be only a compromise situation, and it is untidy, but it is better than nothing.

The Hon. C. J. Sumner: Untidy! It's an absolute bloody mess!

The PRESIDENT: Order! I ask the honourable Leader not to use unparliamentary language, whether by interjection or otherwise.

The Hon. C. J. Sumner: I am sorry about that. I thought the festival had begun, but I did not know that Benny Hill had been invited.

The PRESIDENT: Order! The Hon. Mr Milne.

The Hon. K. L. MILNE: I remind this Council that in my view this legislation would enable a fair compromise to be reached, untidy though it is, and I therefore support it.

The Hon. J. C. BURDETT (Minister of Community Welfare): I rise briefly to speak in the debate. I would not have done so had it not been for the fact that the Hon. Mr Blevins sought to latch on to an interjection that I made in October. First, in all conscience, if all members of this Council, particularly members of the Opposition, were taken to task for their interjections, I do not know where it would all end. The Hon. Mr Milne in his short but good speech covered all the relevant matters. First, South Australia is the only State which does prohibit the passing on of such duty. Even that enlightened State of New South Wales—

The Hon. K. T. Griffin: Enlightened?

The Hon. J. C. BURDETT: Yes. It allows the passing on of such charges. The Hon. Mr Milne also pointed out that when one considers the consumer—that is what the Hon. Mr Blevins talked about when he referred to me—one must look not only at the passing on of duty to which the credit provided is subjected but also one must look to the interest rate. As the Hon. Mr Milne indicated, some credit providers, because they were able to pass on the charges (and as a matter of principle that is a reasonable thing to be able to do, as is acknowledged by the other States)—

The Hon. Frank Blevins: Why didn't you say that in the debate?

The Hon. J. C. BURDETT: I simply made an interjection, which was a short way of covering all these things.

The Hon. Frank Blevins: Why didn't you stand up and say—

The PRESIDENT: Order!

The Hon. J. C. BURDETT: It is not incumbent on me to speak in every debate. The matters were well canvassed in October. I made one interjection and, in all conscience, if people are taken to task for all the interjections that they made in this place it would be a tragic situation. The matters that were in my mind were those to which I am now referring. First, when one considers the consumer one has to acknowledge that South Australia is the only State which did not allow those duties to be passed on. Secondly, as the Hon. Mr Milne said, many of the credit providers did reduce their credit charges because they were able to pass on the duty. Thirdly, the Hon. Mr Blevins said that tens of thousands of South Australians have suffered, but that is not correct. On the first occasion when it appeared that some South Australians might suffer, namely, the holders of bankcards, the Government, because the charges were to be passed on, expressed concern at once and took immediate action.

The reason why this has occurred is that the interest rates for bankcard are fixed nationally, and in all other States the duty can be passed on. That is why the bankcard organisation took this course, but to say that tens of thousands of consumers in South Australia have suffered is simply not true. As I have said, on the first occassion when it appeared that some consumers, namely, the holders of bankcards, might suffer, the Government introduced this Bill.

The Hon. N. K. FOSTER: The crocodile tears shed by members opposite are not necessary and not very sincere. One art that the Minister of Community Welfare has is that he can take the physical posture that he has taken tonight, and put his hand over his mouth and say that something is not true. We are here to correct the position that the Government has got itself into. If the Government had taken the advice of the Hon. Mr Blevins, it would not have got into that situation. To hear that an amendment cannot be accepted because it is an Opposition amendment rings true, but those who govern do not have a monopoly on brains amongst the members of Parliament.

I refer now to the Australian Finance Conference. It is said this is not a matter of the banks; it is like saying that the Australian Council of Trade Unions does not represent unions. Further, A.G.C. is owned by the Bank of New South Wales. Esanda and all the other finance companies represent banks. They came in following a proposal that Prime Minister Chifley had when the Labor Party was in Government late in 1949. At that time interest rates charged were higher than could be applied by the parent body. When I got a loan from the Bank of Adelaide, I had to sign a document that stated that so much money would be available from that bank and that I had to get the remainder from A.F.C., a wholly-owned subsidiary of the Bank of Adelaide. In Franklin Street, we see an old two-storey bank building with the giant complex of the wholly-owned subsidiary alongside.

This Government is getting into a tangle about a small amount of interest, when the cost of money is becoming

prohibitive to the mainstream of consumers. Although money is available, the economic system is slowly dying. The secondary lending institutions have waxed fat at the expense of the consumer, through the credit system. Huge amounts of money are taken from one country to another and from one international bank to another. We did not have a merchant bank in Adelaide until a few years ago. Saturation point has been reached with advertising to the effect that people can get money better from a building society.

The Bill before us does not correct that situation. It is only minute in that form, and the Bill is before us as a matter of political expediency. It is a matter of stupidity by the Premier. He was taken to task by his Party, but that is not likely to be seen in the press. One can see the haste with which the matter was dealt and the attempt to cover up, when honesty should have prevailed and corrected the situation. If the Government wants to boast that it has power beyond that of any other State, let it introduce a measure to protect consumers and those whose level of salary forced them to the lending market. That market is diverse but it is aimed at extracting money from the people, and not only homes are involved.

Let the Government introduce a Bill on charges from interest rates, stamp duty, conveyancing fees, and whatever else, in reltion to charges on money. Those who need finance are frightened to go to lending institutions because they face almost monetary and financial extinction as a result of not being able to meet the repayments forced on them. Six months ago, in the Dernancourt area, the average income was comparable to the income of people in the Davenport electorate, people in the silver-tail area of Burnside, where the people have probably the highest income in urban Adelaide. However, a survey in Dernancourt last week or the week before revealed a startling situation. I challenge the Minister of Housing to throw away his tit-bits that do nothing. He talks about a few sheets of galvanised iron, when we ought to be dealing—

The PRESIDENT: Order!

The Hon. N. K. FOSTER:—with the explosion—

The PRESIDENT: I ask the honourable Mr Foster to relate his remarks to the Bill.

The Hon. N. K. FOSTER: I will sit down. This Bill does not go far enough and I challenge the Government to do something on the basis of its statement that it has more power than the other States have. It should do something for the small people who are concerned in this matter. The Government has made a complete balls up of the situation because of its stupidity.

The PRESIDENT: Order! I warn the honourable member that that type of language will not be tolerated in this Council.

The Hon. N. K. FOSTER: Why?

The PRESIDENT: Because I deem it unparliamentary.

The Hon. N. K. FOSTER: Will somebody tell me what is wrong with that? Any unfortunate connotation is only in the minds of people who like to take it that way. There is nothing wrong with it.

The PRESIDENT: Order! The Hon. Mr DeGaris.

The Hon. R. C. DeGARIS: The A.L.P. is lying in a difficult position because the Government has taken action to correct a mistake. What has happened in this particular regard, however, is that the amendment that was passed did reduce interest rates to a number of people in South Australia.

The Hon. Anne Levy: Not me.

The Hon. R. C. DeGARIS: Maybe not, but in certain areas of second mortgages, and so on, there has been a reduction because of the amendments.

The Hon. Frank Blevins: In overall payments?

The Hon. R. C. DeGARIS: Let me finish. Unfortunately, the bankcard issue was overlooked. I think that is a reasonable statement to make.

The Hon. Frank Blevins: We agree, but why did they lie?

The Hon. R. C. DeGARIS: I am not taking that point at all. What I am saying is that the Labor Party is in a difficult position with this Bill.

The Hon. Frank Blevins: You agree with people lying, do you?

The PRESIDENT: Order! The honourable member can ask a question, but to keep on repeating the same interjection does not help at all.

The Hon. R. C. DeGARIS: I am saying that the position is quite clear. Because of the amendment made in October many people in the community have benefited through a reduction in interest rates.

The Hon. Frank Blevins: Not in overall payments.

The Hon. R. C. DeGARIS: Yes, in overall payments. There are quite a number of them. The unfortunate position is that in South Australia there are some 280 000 bankcards, 250 000 of which are active. Because the banks have, quite legally passed on, under the changes in the rules, stamp duty charges there has been a reaction in the community against the Government for that happening, and that is quite clear and admitted. But do not let us overlook the fact that many consumers in the community have benefited because of the action that the Government took.

The Hon. Frank Blevins: How many?

The Hon. R. C. DeGARIS: I do not know, but it would be a considerable number. Since the two sections, 31 l and 31 p are being restored, I am concerned whether those people who received a benefit because of the October amendment are to be protected in this legislation. I think that that is an important question that the Government should answer, because there is no doubt that there has been a benefit to a number of credit users from that amendment.

The Hon. Frank Blevins: Tens, 100s or 1 000s?

The Hon. R. C. DeGARIS: I do not know how many people there are in the community who use high interest money on second mortgage, but I would say that most people buying their first house have used that type of finance. The actual drop in the interest rate was not inconsiderable because of that amendment.

The Hon. Anne Levy: It's unlike you not to quantify this.

The Hon. R. C. DeGARIS: It is difficult to quantify. Can you tell me how many overdraft accounts there are in Australia, because I do not know? I would say that the number of people in this State who use high interest second mortgage, or bridging finance, would be in the order of 50 000 to 100 000 people. I would not be surprised if that is the figure, but I do not know. However, a considerable number of people have benefited.

In bringing back those two provisions again to cater for the bankcard situation, I am concerned whether those people who have benefited will be protected in this legislation. If that can be done, if we handle the bankcard position and preserve the existing position of those who have benefited from the October amendment, then this Council will have done a service to people who use credit in this State. Those are the only comments I wish to make about the Bill.

The Hon. K. T. GRIFFIN (Attorney-General): The Leader, during the early part of his speech, which was totally irrelevant to the subject matter of this Bill, embarked on an exercise which one could quite easily equate with reminiscences or wandering through fantasy land or dreamland, or was it an exercise in his own self-deception?

The Hon. C. J. Sumner: You won't go to an election with Tonkin while you are shown as having only 36 per cent of the vote.

The Hon. Frank Blevins: We'll quote this back to him shortly.

The PRESIDENT: Order!

The Hon. C. J. Sumner: You won't be able to win.

The PRESIDENT: Order! If honourable members keep interjecting the Attorney is quite within his rights not to proceed until he has the floor.

The Hon. K. T. GRIFFIN: The Leader cannot face up to the fact that this Government is a credible Government. It will go to the election with the Premier at its head and will win.

The Hon. ANNE LEVY: I rise on a point of order. I cannot see what going to the people at the next election or who will be the Leader of the Liberal Party has anything to do with the Bill before the Chamber. It is surely irrelevant to the debate.

The PRESIDENT: I think you are quite right.

The Hon. K. T. GRIFFIN: I am exercising the right of reply and dealing with material raised in the course of debate.

The PRESIDENT: I did not rule the Attorney out of order; I merely agree that he is replying to previous irrelevancies.

The Hon. Frank Blevins: Keep yourself relevant to the irrelevancies, because we will be watching you.

The Hon. K. T. GRIFFIN: I am happy if the Opposition wants to watch me and this Government, because they will be watching us again from behind after the next election. The Leader attempted to use this Bill as the basis for irrelevant remarks about this Government, irrelevant and untrue remarks and assessments which will be seen in future to have no basis at all in fact. The Premier has freely admitted that there has been a misunderstanding. He has been man enough to acknowledge that. If the Leader, in his mirth, cannot accept that, then that is his problem. That is, of course, one of the very grave defects of the Opposition that the people of South Australia will see: it is always knocking; it is never credible. It is always criticising, and it can never accept at face value statements that are being made in this State, whether by the Government or any other person. Perhaps the tag which has been given to the Hon. Mr Bannon, 'No boom Bannon', is correct, and perhaps the statements which have been made in the other place about 'Mr Doom and Mr Gloom' on the Opposition benches are based on fact and will be seen to be factual when we get to the next election. The Premier has freely admitted that there was a misunderstanding on this issue. At least members on this side, and the Hon. Mr Milne, have had the grace to accept the integrity of that statement and to accept that the Premier was man enough to admit that misunderstanding.

The Hon. C. J. Sumner: Were they verbal assurances, written assurances or were there no assurances at all?

The Hon. K. T. GRIFFIN: There were assurances in writing.

The Hon. C. J. Sumner: Were there verbal assurances?

The Hon. K. T. GRIFFIN: There were verbal assurances.

The Hon. C. J. Sumner: Were there also no assurances at all, because the Premier also said that at one stage?

The Hon. K. T. GRIFFIN: I have answered the Leader across the floor.

The Hon. C. J. Sumner: The Premier said that there were written assurances, verbal assurances and that there were no assurances at all. Which is correct?

The PRESIDENT: Order!

The Hon. K. T. GRIFFIN: The Leader has had an opportunity to speak and he has received replies to his interjections.

The Hon. Anne Levy: Produce the written assurances.

The Hon. K. T. GRIFFIN: The Premier is on record with respect to those assurances. When the Government introduced the amending legislation last year to repeal sections 31*l* and 31p we were led to believe that this was an appropriate course for a number of reasons. The first was that South Australia was the only State where these provisions prevented stamp duty from being passed on to consumers who were seeking credit to enable them to buy not only luxuries but also the necessities. They took the advantage of finance made available by credit providers in this State on terms which were different from the terms available in other States.

The Government took the view that this State ought to be in the same position as other States, because some of the information before the Government led us to the conclusion that this decision in South Australia had some relevance to the funding that was available for the provision of credit to the South Australian public. The Government also believed that if these provisions were removed it would promote a greater frankness to consumers when credit was made available to them, because it would identify not only the interest but also the stamp duty and other charges which are being paid by the consumer. Therefore, there could be no cover-up of the stamp duty charged on a higher interest rate or a loan establishment fee or such other mechanisms for getting around the provisions of sections 31*l* and 31p. Assurances were given to the Government that consumers in this State would not be disadvantaged by the repeal of those two sections.

Finance companies in this State account for about 38 per cent of lending funds in South Australia. The banks, credit unions and other financiers account for the balance. Since the change in the stamp duty law last year when sections 31*l* and 31p were repealed, finance companies at least have complied with the spirit of the Government's intention that the overall cost to consumers should not rise. The Government has been assured that a number of companies in South Australia have adjusted their lending rates downwards by removing the stamp duty component. They have added interest charges and stamp duty as a declared and identifiable charge to the consumer. In these circumstances the net result to the consumer has been that the consumer is no worse off and is now better informed about the content of the charges that he or she is paying.

There is a small advantage to the consumer if a credit contract is terminated, because the stamp duty charge when it was previously included in the interest rate was paid by the consumer in any event. There was a higher charge as a result of its being included in the interest when the contract was terminated. When the Act was amended last year the Government's intention was to ensure that consumers were no worse off.

As I have said, finance companies account for some 38 per cent of lending in South Australia. I am informed that the lending business relating to a reduction in the interest rates on particular transactions and the addition of the stamp duty component includes personal loans, mortgages and bridging finance. There have been some advantages in the repeal of sections 31*l* and 31p, as pointed out by the Hon. Mr Milne. I assure the Hon. Mr Milne that the proposed amendments will ensure that those benefits will remain with the consumer and that those finance providers who honoured the spirit and intention of the Government's legislation of last year will not be disadvantaged by the re-enactment of sections 31*l* and 31p. I am pleased that all members of the Council have indicated that they will support the reinsertion of sections 31*l* and 31p. However, I am disappointed at the quality of the debate that has come from the Leader and the Hon. Mr Blevins.

Bill read a second time.

In Committee.

Clause 1 passed.

The ACTING CHAIRMAN (Hon. J. A. Carnie): The long-standing practice of this Council has been for any amendments proposed to stamp duty Bills to be treated as suggested amendments and I intend to follow the same procedure with this Bill. I am fortified in my decision by the fact that when sections 31*l* and 31p were inserted in the principal Act in 1968 and, when these sections were repealed in October 1981, they were on both occasions treated as money clauses.

Clause 2—'Commencement.'

The Hon. FRANK BLEVINS: I move:

Page 1—Leave out this clause and insert clause as follows:

2. (1) This Act shall be deemed to have come into operation on the day on which the Stamp Duties Act Amendment Act, 1981, came into operation.

(2) This Act shall not give rise to any criminal liability for any act done, or omission made, before the day on which this Act was assented to by the Governor.

As I understand it, this amendment, which I have moved on behalf of the Hon. Mr Sumner, will apply some retrospectivity to the Bill so that any damage that has been done by the previous Bill will be remedied. It will allow people who have used the bankcard system and who have been charged this additional duty an opportunity to be refunded the additional charges that have been applied. I cannot see how anyone could argue against such an amendment. If one goes by what the Premier and the Attorney said on the previous Bill there is no doubt that their intention was that no-one should suffer because of that Bill. It is clear that tens of thousands of people who use bankcard have suffered a financial loss. To keep faith with those people the Government should agree to this amendment and agree to the retrospectivity.

The Hon. K. T. GRIFFIN: The Government is not prepared to accept the Opposition's amendment. It is a blanket provision and would have an effect of overriding the benefits that have flowed from the repeal of sections 31*l* and 31p. I understand that the Premier indicated he was currently having discussions with the bankcard organisation in respect of the stamp duty which might have been passed on in the most recent Act, but can at this stage give no indication of what the final result of those discussions will be. The Government takes the view that any retrospectivity would be extraordinarily cumbersome and difficult to cope with.

The Hon. C. J. SUMNER: The situation with respect to this amendment is fairly simple as far as the Opposition is concerned. If the Government, the Premier, and the Attorney-General had assurances that this charge would not be passed on (and that is the basis upon which the Bill was debated in October) what then is the justification for having charged, over the past month or so, stamp duty on bankcard transactions? The Government has a simple way out of this position. All it has to do is to show us the assurances, and correspondence. If there are such assurances as the Premier has spasmodically maintained, and if those assurances were that it would not be passed on, then obviously this amendment should be passed. If there was no such assurance, then the issue could be looked at again.

The fate of this amendment is in the Government's hands. I challenge the Attorney-General again to table the assurances, the letters that he says the Government has, and to indicate whether or not the charge has been improperly levied. If it has been improperly levied, then should it not be paid back? I would have thought that that was a simple proposition for the Chamber to comprehend. The question of retrospective legislation (and that is undoubtedly what this amendment is) is always a difficult one for the Parliament to consider.

In this case I certainly have some qualms about it because of the administrative difficulties involved. The answer, as far as the Chamber is concerned, lies fairly and squarely with the Government. If the assurances were given, then table the documentation of the assurances and support this amendment. If the assurances were given, then the charge is wrongly levied particularly regarding bankcard. If there were no such assurances, and the Attorney can advise the Chamber of that, then the amendment clearly ought not to be moved.

I stand by that: if the Attorney produces evidence that there were assurances from bankcard and therefore the imposition was against any understanding, then I will pursue the amendment. If the Attorney will provide the Chamber with information that indicates that no such assurances were given, then I am perfectly happy to withdraw the amendment.

The Hon. K. T. GRIFFIN: I have already indicated that the Premier in another place has freely and openly admitted that there was a misunderstanding. On the basis of that, it would be unreasonble to make this Bill retrospective.

The Hon. C. J. SUMNER: The word 'misunderstanding' has gained much currency in recent times, particularly in the Premier's vocabulary. Every time he fouls something up he uses this word. Of course, he has used it very frequently over the past few days, and I have no doubt that in the next 12 months he will have cause to use it many more times again. I can assure the Committee that this will not be the last so-called misunderstanding with which we are faced. The simple fact is that the Attorney-General is not prepared to produce the evidence of assurances or otherwise, or to document any of the things that the Premier said. In the light of that, I think that the fairest thing to consumers is that those who have been disadvantaged by the Government's stupidity ought to be recompensed.

The Hon. R. C. DeGARIS: Two points regarding this amendment should be elaborated on. The first one, which was covered by the Attorney-General, is that it is not just a question of bankcard, but that it also involves the retrospectivity of the Leader's amendment. It also concerns those people who have received a benefit. The second point is that in all retrospective legislation we need to be extremely careful.

The Leader has always chided me every time that any retrospective legislation has been before the Council, saying that I have opposed it. However, that is not so. I have a number of times supported retrospective legislation that has been introduced by the Labor Party. I remind the Leader that I supported retrospective legislation in relation to the legalising of all documents that had not been signed by the Chief Secretary back until 1856. So, that was retrospective legislation covering a period of 120 years. However, that action needed to be taken.

The question of retrospectivity that needs to be watched carefully is that it is a different thing to make legal something which has been done in good faith but which is an illegal action, as opposed to the reverse. This amendment virtually makes illegal something that was done with legality. That is an essential difference that we must recognise in the Leader's amendment.

They are two points that should be considered. One affects not just the question of bankcard but also those who received a benefit. The other relates to retrospectivity of a type that the Committee should be extremely cautious to provide in legislation.

The Hon. FRANK BLEVINS: The Hon. Mr DeGaris gave a dissertation on retrospective legislation, something that has interested me since I came into Parliament. To state the obvious, namely, that the retrospectivity in this case is making legal something that was at the time illegal

applies to lots of retrospective legislation that we have passed. Over the past seven years, I have agreed that some of it has been very necessary.

The Hon. R. C. DeGaris: Can you name one? I don't think we have had one.

The Hon. FRANK BLEVINS: The Hon. Mr DeGaris has asked whether I could give an example. There was certainly one example in the Licensing Court, involving the activities of Mr Brian Warming. It was perfectly legal at the time, and the Labor Government decided that, although Mr Warming was certainly acting within the law, he was using the Licensing Act in a manner for which it was not intended.

The law was altered and he had to pay a considerable sum. At that time there was an amendment from the then Opposition seeking a compromise and, in conference, I think the amount was reduced or the time limit changed. That is one example. Another point raised by the Hon. Mr DeGaris is that the amount charged by the banks was legal and proper. I agree completely. The Government gave the banks the right to do it, although the Attorney, the Hon. Mr Burdett, the Premier and many others said that the banks had given undertakings that that would not happen. The banks gave no such undertaking, and I am not blaming the banks, which legally levied those extra charges. This situation results from a 'foul up' by the Government. Why should the people who are paying those extra bankcard charges pay for the mistakes of this Government?

They are the most vulnerable of the parties concerned. They are more vulnerable than Parliament and the banks—they are average people on average wages who, because of a 'foul up' by this Government, have been charged something that it was never intended that they be charged. Those charges can be easily deducted from any account, and not to do that means that the people who pay them are liable to pay for the mistakes of this Government as a result of being the most vulnerable in the battle that has gone on. It is wrong for them to have to pay. All it requires is to push a button to wipe off those amounts and credit people with those amounts. The sums are totally insignificant. To make people pay not for their mistake but for the Government's mistake is wrong, and retrospective legislation in this case is perfectly appropriate.

The Committee divided on the clause:

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

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

Pair—Aye—The Hon. M. B. Dawkins. No—The Hon. J. E. Dunford.

Majority of 1 for the Ayes.

Clause thus passed.

The Hon. C. J. SUMNER: My next amendment is consequential on the vote that has just been taken and, as I was unable to remove clause 2, I will not go ahead with it.

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

Page 2, lines 15 to 17—Leave out subsection (4) and insert subsections as follows:

(4) This section applies to duty payable by virtue of a transaction entered into after the commencement of the Stamp Duties Act Amendment Act, 1982, not being a transaction of a class specified by proclamation under subsection (5).

(5) The Governor may—

(a) by proclamation specify a class of transactions for the purposes of subsection (4);

(b) by further proclamation, vary or revoke a proclamation under paragraph *(a)*.

This amendment is similar to the amendment I will move to clause 4. It provides that the Governor may, by proclamation, specify a class of transaction that can be excluded from the operations of these proceedings. I have already indicated to the Committee that, in regard to a large number of transactions since the repeal of sections 31*l* and 31p came into effect, finance companies have honoured the spirit and intention of the Government's legislation last year. In a number of areas, such as personal loans, mortgages, and bridging finance, my information is that lending rates have moved downwards and that by removing the stamp duties component and then by the stamp duties component being identified as a separate charge, for many matters there has been no change as a result of the Government's repeal of sections 31*l* and 31p.

Accordingly, the Government seeks to provide a mechanism by what that can be recognised and those credit providers who have played the game and honoured the spirit and intention of the Government's legislation will not be adversely prejudiced, nor will the consumers therefore affected be prejudiced by the repeal of those sections.

The Hon. C. J. SUMNER: We will have reached the absolute height of absurdity with this legislation, if this clause is passed. What we had was an attempt at so-called deregulation by the Government in October last year when it decided to deregulate the aspect of this charge not being able to be passed on, the so-called deregulation of an impost on the financial institutions and banks. Not only do we now have the two sections back, but we also have an incredibly complicated amendment whereby the Government is going to have to go through every finance company, bank, and financial lending institution transaction that has occurred in this State and decide which ones shall be exempted from this legislation.

What a ridiculous position we have arrived at following an attempt at so-called deregulation! All I can say is that the Government's amendment is once again indicative of the complete mess it has made of this whole effort. Public servants will have to be employed on this incredible task, and I suspect that it will not be particularly simple, if they are going to be serious about the matter.

The Government says it wants to protect consumers that may have been better off under this legislation. How is the Government going to do it? Is it going to go through every single transaction that has occurred? Will it go through simply types of transaction or will it scour every financial institution, finance company, building society, credit union, or whatever, that may be covered by this legislation, and then exempt certain transactions and institutions from the provisions? If that is what the Government intends to do, good luck to it. I certainly do not intend to oppose the clause, but as an attempt at deregulation it is a dead set failure.

The Hon. K. T. GRIFFIN: The Leader of the Opposition has not bothered to try to understand the amendment. The effect of the Bill, if this amendment is passed, will be to provide by sections 31*l* and 31p that credit rental stamp duty will not be able to be passed on to the consumer unless there is a proclamation with respect to a class of transactions where the Government is assured that the total stamp duty and interest both before and after proclamation is such that the consumer is not disadvantaged.

There is nothing complex about that; it is a simple process of determining upon application whether or not a proclamation ought to be made in respect of a class of transaction, looking at the assurances and undertakings given in respect of that class of transaction and in making the proclamation. There is nothing complex about that. It will ensure that, so far as those credit providers who have honoured the spirit and intention of the repeal of sections 31*l* and 31p last

year, are concerned, they will not be disadvantaged by the passing of this legislation.

The Hon. C. J. SUMNER: Is the Attorney prepared to give the House an assurance that the credit institutions will not be exempted in cases where they have not reduced their interest rates, but have merely added this duty to the interest rate that existed at the time the legislation was passed?

The Hon. K. T. GRIFFIN: It is certainly not the intention of the Government to proclaim a class of transaction where the stamp duty is merely added to the current interest rate. Its intention is to deal with those classes of transaction where there is a reduction in interest rates and a corresponding identification of the stamp duty as identifiable and distinct charges to the consumer.

The Hon. C. J. SUMNER: Will the Attorney assure the Committee, in a simple 'Yes' or 'No' answer, that those institutions that added the duty to their interest rate as it was in October will not be exempt from the provisions of this clause?

The Hon. K. T. GRIFFIN: The honourable member is referring to the instances such as bankcard. The answer is that bankcard will not be subjected to an exemption by way of proclamation.

The Hon. C. J. SUMNER: Can the Attorney-General provide the Committee with details of the institutions that will be exempted by proclamation, and will he simply say whether those financial institutions that added this duty to their credit charges in the form of interest in October will not be exempted from the provisions of these clauses? That requires a simple 'Yes' or 'No' answer.

The Hon. K. T. GRIFFIN: We are not looking at what happened in October last year, we are looking at what will happen in the future. There are a number of companies in respect of personal loans, mortgages and bridging finance transactions, for example, where the then current rates, which included a credit rental stamp duty component, have reduced their interest rates and have charged the stamp duty back as a separate charge. It is transactions of that class that are most likely to be the subject of such exempting proclamation.

The Hon. C. J. SUMNER: What do you mean by 'most likely'?

The Hon. K. T. GRIFFIN: When I said 'most likely', there is no guarantee that those transactions will be exempted. All I am saying is that they are the transactions to which the power to claim exemption for is directed. I have not looked at every transaction. That is a matter for the Treasury and stamp duty officers, but when we come to the point of considering whether or not a proclamation should be made it will be in that context to which I have referred that the proclamation will be applied. It is not intended to grant exemption by way of proclamation where the stamp duty has merely been an add-on to current interest rates.

Suggested amendment carried; clause as amended passed.

Clause 4—'Vendors not to add duty to purchase price.'

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

Page 3, lines 1 to 3—leave out subsection (4) and insert subsections as follows:

(4) This section applies to duty payable by virtue of a transaction entered into after the commencement of the Stamp Duties Act Amendment Act, 1982, not being a transaction of a class specified by proclamation under subsection (5).

(5) The Governor may—

(a) proclamation specify a class of transactions for the purposes of subsection (4);

(b) by further proclamation, vary or revoke a proclamation under paragraph *(a)*.

The Hon. C. J. SUMNER: Can the Attorney-General say what will happen in the future? How, in 12 months time, will the Government ascertain which transactions and which institutions are to be exempted from the provisions of this legislation? It would be a difficult task even now for the Government to ascertain which transactions and which organisations should be exempted from the provisions of the Act.

How will the Government deal with this problem in 12 months time, when undoubtedly interest rates will have moved? How will the Government ascertain whether those interest rates have moved because of a general increase in interest rates, or whether they have moved because the duty is somehow or other hidden in the increase? As I said before, this clause is really creating an incredible monster. I have no idea how the Government will sort out this problem in, say, 12 months time.

The Hon. K. T. GRIFFIN: There is no doubt that interest rates will fluctuate; in fact, they have fluctuated since the repeal last year. However, I am informed that, for those involved in money market transactions it is a relatively simple matter of looking at the interest rates charged by competitors on comparable loans and current interest rates—

The Hon. Anne Levy: Collusion is not allowed in determining the interest rates.

The Hon. K. T. GRIFFIN: There is no suggestion there will be any collusion in determining whether or not an interest rate includes a credit in stamp duty. Those involved in the money market are able to make an assessment by looking at competitors' rates of interest on comparable loans and by looking at the cost of money in the market place. Whilst it is complex, I have no doubt that those officers in the Treasury and stamp duty office who have the responsibility for examining this matter will not find it the difficult task that the Leader tends to suggest it will be.

The Hon. C. J. SUMNER: I predict that the Government will be back in this Parliament with an amendment to these clauses before very much longer. There is little doubt that it has created a monster. I had extreme doubts about the clauses when we entered the Committee stage of the debate. The more I think about it the more I hear the Attorney-General's responses, the greater become my doubts about the efficacy of the functioning of this clause. Nevertheless, the Government has given an assurance that the clause will be used in that situation where there has been a benefit to the consumer.

The Hon. K. T. Griffin: No disadvantage to the consumer.

The Hon. C. J. SUMNER: No disadvantage to the consumer by the repeal of these clauses. It is for the Attorney and the Government to sort out the situation. Quite frankly, I am absolutely astounded at the complexity of the position that will face the Government in 12 months time when interest rates have moved. I find it impossible to see how the Government will determine in the interest of consumers whether or not the interest rate has moved because of a general increase in interest rates or because financial institutions have decided to get back their stamp duty. The more I think about this clause the more my opposition hardens. The Attorney has now admitted, by interject that, this clause is of no benefit to consumers. The proclamation will be of no benefit.

The Hon. K. T. Griffin: I didn't admit that.

The Hon. C. J. SUMNER: The Attorney did not say that in so many words, but he said that the proclamation power would be used in a situation where no disadvantage had been caused to consumers by the reinsertion of this clause. Is that the position?

The Hon. K. T. Griffin: I'll answer you in a moment. I'll put it in my own words so that you won't interpret according to your own wishes.

The Hon. C. J. SUMNER: I find it very difficult to interpret just what the Attorney intends with this amend-

ment. Is the Attorney saying that the proclamation will be used to the benefit of consumers? If he is not saying that, what is its purpose? I think that this proclamation clause, this exemption clause, will be used to the disadvantage of consumers, because the Government will never be able to sort out, following an increase in interest rates in the future, what component is a result of an increase in interest rates and what component is perhaps a catch-up for stamp duty.

The Hon. K. T. GRIFFIN: Next year the Leader can assess this provision from the Opposition benches.

The Hon. L. H. Davis: And the year after.

The Hon. K. T. GRIFFIN: Yes, and the year after that and a few more years into the 1980s. I have said that the Government intends that this clause should be used in those circumstances where credit providers honour the spirit of the Government's decision to repeal sections 31*l* and 31p, that is, they will not charge both a ruling interest rate and a credit rental stamp duty which is in excess of what is reasonable and what is generally charged by those who have honoured the spirit of those two sections. It will not be as difficult as the Leader has suggested that it will be in 12 months time. Undoubtedly, interest rates will fluctuate. However, as I have already indicated, I suggest that for those who are involved in the money market and who have experience in assessing interest rates it will not be a difficult task to determine, in respect of a specific class of transaction, whether or not the interest rate which is being charged is an interest rate which includes the credit rental stamp duty.

So far as I can give it, I indicate to the Council that the Government in good faith seeks to have the power to claim a class of transactions where it believes that the spirit of the Government's decision to repeal those two sections is honoured in future. I do not believe that it will be the sort of difficulty that the Leader has referred to.

The Hon. C. J. SUMNER: There is no question of difficulty. Undoubtedly, the legislation will be brought back to the Council some time in the future. There is no question, from the answers that the Attorney has given, that there is any benefit to consumers whatever in this clause. Although that was the impression that was sought to be given earlier on, in the light of the discussion that has occurred, I cannot support the clause.

Suggested amendment carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

CORRECTIONAL SERVICES BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 3072.)

The Hon. L. H. DAVIS: Before the dinner recess, I was referring to the history of prison reform in South Australia and the lack of action on the part of the Labor Party in this area. In dealing briefly with the Bill, which already has been observed as essentially a Committee Bill, there are three bodies incorporated in the Bill which deserve some attention. First, the Correctional Services Advisory Council has been established as a permanent body that will keep the prison system under review. The functions of the advisory council are to monitor and evaluate the administration and operation of the Act and to report to the Minister on any matters which may have been referred to it by the Minister, or any matters which it has observed in the administration or operation of the Act. I support the composition of the council and the broad scope given to the Government in appointing it. There shall be six members, including a woman.

Perhaps some people would criticise the establishment of yet another statutory authority. I think it is worth bearing in mind that the Correctional Services Advisory Council was, in fact, first recommended by the Mitchell Committee in 1973, nearly nine years ago, and, of course, it has been left to the Liberal Government to implement that recommendation. This is the 12th statutory authority that has been established by the Tonkin Liberal Government, which, interestingly enough, has abolished 12 statutory authorities during its 2½ years in office. So, during that time there has been no increase in the number of statutory authorities, whereas during the Labor Government's term of office from 1970 to 1979 the number of statutory authorities almost doubled, from 130 to 249, and only four statutory authorities were abolished in that time.

The Prisons Assessment Committee formalises an existing situation and deals with the power of a committee to determine in which prison a person should be detained where that person's term of imprisonment exceeds six months. The permanent head is given certain powers to override a recommendation of the assessment committee if he considers that special reasons exist. The provisions of the Parole Board have been well canvassed, and really only a brief statement regarding the existing situation is necessary.

The provisions relating to conditional release deserve a brief comment, in the sense that the balance of a sentence that has been unserved as a result of the early release of a prisoner can be reactivated by a subsequent offence if it is committed during the time that the unexpired sentence is still operating.

Clause 20 enables a visiting tribunal to visit each prison in South Australia at least weekly in order to ensure that the provisions of the Act are being complied with. The visiting tribunal, comprising either two justices of the peace or a magistrate, is also established under the terms of the legislation, and the rights of prisoners and the operation of the Act are generally strengthened by these provisions.

For example, if an offence has been committed by a prisoner within a prison and the prisoner pleads 'Not guilty' to that offence, the charge must automatically be heard by a magistrate. Visiting tribunals can seek the assistance of investigators quite independent of the department if they so desire and their findings are reported to the Attorney-General and Chief Secretary.

It is useful to note that these provisions of the Act strengthen the existing situation in relation to the internal operation of the prison situation. They provide for prisoners' rights more effectively than is the case now and this should reassure people who are concerned with the existing situation, which has been allowed to deteriorate over many years. That is not to say that the Ombudsman still does not have a role to play, although hopefully the safeguards that are being incorporated into this Bill will ensure fair play.

So, we have seen during the 1970s four Labor Party Chief Secretaries, the Hons. A. J. Shard, A. F. Kneebone, D. H. L. Banfield, and D. W. Simmons come and go with no legislation. It has been left to the current Chief Secretary (Hon. Allan Rodda) to introduce not only this Correctional Services Bill but also other measures that, on the admission of the shadow Chief Secretary in another place (who I suspect may well be a long-serving shadow), should have been implemented by the Dunstan and Corcoran Administrations following the universally acclaimed Mitchell Reports of 1973. The Opposition has criticised various aspects of the penal system since the Liberal Government has been in office; for example, regulations 67 and 70 under the Prisons Act dealing with doubling up. The Opposition also criticised the visiting justices system and likened it to a kangaroo court, but the fact remains, as has been dem-

onstrated in this debate and in another place, that nothing was done in the 1970s.

The Labor Party can take little credit for Liberal Government initiatives in this area. Active non-action is perhaps the best way to describe the Labor Party's sorry record. The Correctional Services Bill is a key piece of legislation which, together with many other measures undertaken by the Chief Secretary, will ensure that the penal system in South Australia will get the fair go that was noticeably absent during the 1970s. I support the Bill.

The Hon. C. M. HILL (Minister of Local Government): I thank honourable members who have spoken in the second reading debate. I thank the Opposition for its indication of support at the second reading stage. As the Hon. Mr Sumner said, it is in the main a Committee Bill, and I notice that the honourable member has placed a series of amendments on file. The most appropriate time for me to speak further to the matter is in Committee.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—'Interpretation.'

The Hon. C. M. HILL: As we have not had the amendments for long and as we need time to study them, I ask that progress be reported.

Progress reported; Committee to sit again.

RIVERLAND CO-OPERATIVES (EXEMPTION FROM STAMP DUTY) BILL

Adjourned debate on second reading.

(Continued from 23 February. Page 3004.)

The Hon. FRANK BLEVINS: The Opposition supports this Bill generally. We have a few comments to make which the Hon. Mr Chatterton will be presenting in detail. The Bill attempts to confer an exemption from stamp duty in relation to the Berri Fruit Juices Co-operative Ltd and Renmano Wines Pty Ltd. I believe that all honourable members will agree that, when a merger involving co-operatives takes place, this Parliament would not wish to see such co-operative ventures disadvantaged. It appears that some stamp duty could be paid under the Stamp Duties Act, but it would be quite unfair for the Government to levy this stamp duty.

I know that everyone in the State supports the wine industry: it is one of our major industries and it is experiencing a particularly difficult time at present. I am sure that all South Australians would wish the industry well and would not want to damage what is a very fragile industry and one which employs a large number of people. The product that is produced is very good indeed. Further details of our position will be outlined by the Hon. Mr Chatterton, but at this stage the Opposition supports the Bill.

The Hon. B. A. CHATTERTON: After the remarks made by the Hon. Mr Blevins, there is very little I can add. As the honourable member said, this Bill permits the exemption of stamp duty that would otherwise by payable. The only point that has not been raised by the Hon. Mr Blevins is that, while the problems in relation to the merger of the two co-operatives have now been sorted out, some concern was expressed by members of the co-operatives about the valuation of assets. This issue is becoming something of a problem in mergers and take-overs of co-operatives, and I take this opportunity to call on the Government to speed up the new legislation in relation to co-operatives.

We have new legislation on companies that covers take-overs very thoroughly indeed, but the legislation concerning co-operatives is quite archaic. There was recently a situation in which the Barossa Co-operative Winery was taken over by Penfolds, and the information that was provided to shareholders was, in terms of information that has been provided to shareholders of companies, a joke. The profit statements that were given to shareholders were 12 months out of date, and that would never have been allowed under a company take-over.

In this instance, the two Riverland co-operatives have been able to sort out the relative valuations of assets, but there were some problems at the start. I believe it is very important that the Government hasten its review of the co-operatives legislation to cover the sorts of problems that have occurred in recent co-operative take-overs and to protect the rights of shareholders so that they get adequate information on which they can make rational and intelligent decisions. That is not provided at present, and it is important that it be provided. The purpose of this Bill is simply to remit stamp duty on the merger of those two co-operatives, which I think will help the growers in those two areas to have a stronger establishment to look after their interests, to process their crops and hopefully to improve the returns to growers in that area. I support the Bill.

Bill read a second time.

In Committee.

Clause 1—'Short title.'

The Hon. FRANK BLEVINS: Mr Chairman, I want to ask a question of you and the Minister, as I have taken an interest in this Bill.

The Hon. C. M. Hill: As evidenced from your earlier submission.

The Hon. FRANK BLEVINS: Yes. It seems to me that this is a Bill that relates to a specific group of people and that it confers its benefits on that specific group of people. As I said during the second reading debate, I do not necessarily oppose that, although I mentioned that I had some reservations. I am just wondering why this Bill is not going to a Select Committee.

The CHAIRMAN: This Bill came to us from another place where apparently it was not considered necessary to refer it to a Select Committee. Had you asked the question earlier and had the Bill been introduced in this House, I would have considered this matter.

The Hon. FRANK BLEVINS: Whilst the House of Assembly apparently did not choose to recognise this as a hybrid Bill or a Bill that had to go to a Select Committee, I respectfully suggest that there is not good and sufficient reason for this House to decide on that basis. I am quite happy to take your word, Mr Chairman, if your ruling is that this Bill does not need to go to a Select Committee; that would be certainly good enough for me, but I would hope that it is your opinion on this Bill, and not merely the fact that some other person elsewhere having nothing to do with this House has such an opinion. I would hope that your ruling is because of your own assessment of our Standing Orders.

The CHAIRMAN: In reply to the honourable member, I point out that, of course, he, too, has the opportunity to make such an observation before the matter reaches the third reading stage. Such an observation is perhaps up to each one of us. If the honourable member had asked for an interpretation earlier, no doubt the request could have been considered.

The Hon. FRANK BLEVINS: I am not requesting anything. My understanding of Standing Orders is that, if necessary, a Bill is referred to a Select Committee after the second reading. As soon as the second reading was completed, on the very first clause of this Bill in Committee I have asked for a ruling. I think that having to wait until the third reading is a bit harsh.

The CHAIRMAN: Standing Orders provide that immediately after the second reading a Bill may be referred to a Select Committee.

The Hon. FRANK BLEVINS: That is what I thought.

The Hon. J. C. BURDETT: As I understand the Standing Orders in regard to hybrid Bills, where a Bill deals with any right, property or interest of individuals which is not common to all the citizens of the State, it must be referred to a Select Committee. That is not the case regarding the Bill under consideration. All that the Bill seeks to do is remit stamp duty; it does not deal with any right, property or interest of any citizen not common to other citizens of the State.

This is simply a stamp duty Bill, and stamp duty may be imposed, recommended or exempted by the Government in respect of anybody. So my submission is that the Bill clearly does not fall within the Standing Orders relating to hybrid Bills. It purely and simply involves a remission of stamp duty. In any event, I adopt what you have said, Mr Chairman, namely, that it was introduced in another place and that it is usually the House of introduction where a Select Committee is appointed if it is to be appointed on those grounds. Also, it has now passed the second reading stage and is in Committee.

Clause passed.

Clause 2—'Interpretation.'

The Hon. G. L. BRUCE: I welcome the initiative of the Government in supporting the consolidation of the wine industry in the Riverland. The Berri Co-operative Winery and Renmano Wines Co-operative Limited are the wineries involved, and there is a distance of 20 miles between them. I trust that the Government will take the same initiatives and keep the same careful eye on the transfer and movement of staff between these wineries to see that nobody is disadvantaged by the takeover and to see that people employed at Renmano are not offered jobs at Berri 20 miles away, and vice versa, with an eye to eventually reducing staff. I hope that when the takeover occurs the Government pays the same attention to people employed by those wineries who are affected by the amalgamation as it pays to easing the burden on the wineries by exempting them from the Stamp Duties Act.

Clause passed.

Clause 3 and title passed.

Bill read a third time and passed.

NAPPERBY STOCK RESERVE

Consideration of the following resolution received from the House of Assembly:

That the reserve for camping ground for travelling stock, section 345, hundred of Napperby, as shown on the plan laid before Parliament on 25 November 1980, be resumed in terms of section 136 of the Pastoral Act, 1936-1977.

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

That the resolution of the House of Assembly be agreed to.

I have had the plan of the land involved placed on notice because in the Chamber for those members who are interested in it. The reserve contains an area of 8.6 hectares and was dedicated in the *Government Gazette* dated 1 March 1973 as a reserve for camping ground for travelling stock and placed under the care, control and management of the District Council of Pirie, subject to an easement to the Minister of Water Resources. A request from the District Council of Pirie has been received by the Department of Lands for the re-dedication of the land as a refuse reserve as the land has been used by the residents of Nelshaby and Napperby as an unofficial refuse depot since 1973.

In March 1978, council cleaned up and buried all the old rubbish that had been scattered over the section and excavated a pit which is back-filled by council at least once a week. The council took this action believing that the land had been vested under its care and control for refuse dump purposes. There is no other suitable area in the vicinity for this use, and it is estimated that the usable area will accommodate the district requirements for the next 20 years.

The existing operation is being well controlled by council, and the area has been inspected by the South Australian Health Commission and the Engineering and Water Supply Department, both of which have stated that it is not causing any present or potential threat to the area. The State Planning Authority has also indicated agreement to the proposal. There is no demand for the use of the land as a camping ground for travelling stock, and there is not likely to be any demand in the foreseeable future.

The adjoining section 346, hundred of Napperby, has been developed by the Apex club as a public park with barbeques, playground equipment and oval. The council has planted three rows of native trees adjoining the pit area, which will effectively screen the actual pit from view. As the pits are back-filled, the council proposes to develop and beautify the area as parklands. Following resumption the Department of Lands will take the necessary action to rededicate the land. In view of the circumstances, I ask members to support the motion.

The Hon. B. A. CHATTERTON: The Opposition supports this motion. The Minister has explained the resolution clearly and it is carrying out what is already an existing practice. There does not seem to be any need for the land as a travelling stock reserve and, therefore, the Opposition supports the motion.

Motion carried.

AUDIT ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 17 February. Page 2903.)

The Hon. ANNE LEVY: The Opposition has mixed feelings about this Bill. Its purpose is to increase the powers of the Auditor-General, who is an officer in this State responsible to Parliament. The stated aim is to improve the efficiency of administration in the Public Service and the efficiency with which public moneys are accounted for. It is part of a package introduced by this Government which it promised prior to the last election. So far it has introduced programme performance budgeting and the revamped Estimate Committees that were promised. It has also promised to introduce sunset legislation, although that has not yet dawned, let alone come to sunset.

The Hon. R. C. DeGaris: It is not yet over the yard arm.

The Hon. ANNE LEVY: It has not even dawned.

The Hon. R. C. DeGaris: It has dawned; it is in the Assembly.

The Hon. ANNE LEVY: No, not the sunset legislation. The Statutory Authorities Review Committee Bill, which was introduced in another place, is languishing on the Notice Paper unconsidered. I think this Bill Should be considered in the light of the other measures which the Government has already introduced or has promised. The provisions in this Bill extend the power of the Auditor-General to undertake efficiency audits of Government

departments, statutory authorities and private organisations. The provisions of this Bill are very similar to provisions contained in the Federal Audit Act, which was first implemented in 1901. In part, the Federal Audit Act provides:

> The Auditor-General may, by instrument under his hand, appoint a person—
>
> *(a)* to carry out any efficiency audits of operations of relevant bodies that the Auditor-General is required by this Act, or by any other Act, to carry out, and to report the results of an efficiency audit carried out under the appointment to the Auditor-General;
>
> *(b)* to carry out an efficiency audit of the operations, or specified operations, of a specified relevant body, and to report the results of the audit to the Auditor-General;
>
> *(c)* to examine the operations or procedures of any relevant body for the purposes of an efficiency audit of the operations of the body that is being or is to be, carried out by the Auditor-General, and to report the results of the examination to the Auditor-General; or
>
> *(d)* to examine, for the purposes of an efficiency audit of the operations of a specified relevant body that is being or is to be, carried out by the Auditor-General, specified operations or procedures of the body, and to report the results of the examination to the Auditor-General.

While perhaps not being very enamoured of the work of the Commonwealth Parliamentary Draftsman in 1901, I think it can be seen that the function of the Commonwealth Auditor-General obviously includes efficiency audits. However, it certainly does not include efficiency audits of private organisations, which is the Government's proposal in this Bill.

It is certainly a new provision that efficiency audits should be carried out on private organisations which receive Government funds. Of course, it is true that any organisation which receives taxpayers' money must be accountable for that money. No-one would argue with that principle. Indeed, before receiving any Government moneys private organisations must make submissions. They are likely to have conditions applied to the granting of that money and must supply audited returns which account for the expenditure of taxpayers' money.

This legislation before us goes much further than that, and, when passed, will allow the Auditor-General to scrutinise the efficiency of private organisations. The Opposition maintains that this is an invasion of privacy, a situation which far exceeds anything that was proposed in 1978 by the then Labor Government in the amendments to the Associations Act. What the Government proposes is a far greater invasion of privacy than that previously proposed by the Labor Government, and about which the then Opposition created a great furore.

Clause 8 of the Bill refers to a body that has received financial assistance, by way of grant or loan, out of public moneys in a sum that is equal to or greater than a sum fixed by proclamation for the purposes of the section, but where more than two years has elapsed since the date on which such financial assistance was last received, the body shall not longer be regarded as an organisation to which the section applies.

This is a very wide provision and is very far-ranging, and the Opposition maintains that it goes well beyond the functions which the Auditor-General should have. What bodies will be eligible to be examined in this way? Many organisations receive Government moneys: the churches receive it; many private schools receive it; all manner of sports clubs and community organisations receive it. Under the provisions of this Bill, all of these organisations can be pried into by the Auditor-General if they receive any money at all. It may be only a small proportion of their total budget but, nevertheless, their entire operations can then be subjected to an efficiency audit on the part of the Auditor-General. The result of this examination by the Auditor-General will then be a public document, presented to Parliament and laid on the table in this Chamber for all the world to see. The private affairs of all sorts of community organisations will thus become public documents if they receive any Government money.

I specifically ask that the Minister, in his reply, indicate what consultation there has been with the myriad of private organisations in this State regarding the introduction of this legislation. How many sporting clubs, schools and community organisations have been consulted? How many people have been alerted to the fact that, under this legislation, they may well have their entire private affairs investigated by the Auditor-General with the results of that investigation being released for all the world to see?

I ask this in all seriousness. It seeems to me extremely important that the Minister should indicate what consultation there has been with private organisations which may be affected by this legislation. What is the amount of money to be fixed by proclamation above which private organisations can be investigted in this way? I notice in *Hansard*, that the Premier, in another place, suggested it might be of the order of $50 000. However, a vast number of community organisations receive sums in excess of $50 000, all of which would be liable for investigation under this legislation.

The Hon. R. C. DeGaris: That could be changed, though, couldn't it?

The Hon. ANNE LEVY: We have no indication of what sum is about to be proclaimed and, of course, such a proclamation could be changed at any time. I have here a list of the special grants made to non-recognised hospitals, institutions and other bodies, and other payments of a medical and health nature, to which I have limited myself. A considerable number of such hospitals, institutions and bodies last year received more than $50 000. Some receiving more than $50 000 include the Halfway Rehabilitation Centre, Barkuma Inc, Bethesda Centre, the Central Mission, the C.S.I.R.O. (it would be interesting to see the Auditor-General conducting an efficiency audit on the C.S.I.R.O.), and the Royal Flying Doctor Service.

The Hon. R. C. DeGaris: Constitutionally, could he investigate a Commonwealth organisation?

The Hon. ANNE LEVY: That is an interesting point.

The Hon. R. C. DeGaris: What is your opinion on it?

The Hon. ANNE LEVY: I am not a lawyer. If one asked three lawyers one would get four different answers. This also includes the Matthew Flinders Nursing Home, Bedford Industries, the Red Cross Blood Transfusion Service, Aged Cottage Homes, Kapara, the Kingston Senior Citizens Centre, the Berri Senior Citizens Centre, and so on. I will not extend the list, but this is from one very small area of a medical and health nature, and I am sure that examples could be multiplied numerous times throughout the vast range of private organisations in our community that receive Government grants of more than $50 000.

I wonder whether one of the purposes for introducing this legislation is perhaps to carry out efficiency audits on organisations such as the Naomi Women's Shelter. Not only are they to have their money cut off but also, under this legislation, they could have an efficiency audit back dated because they had received more than $50 000 within the past two years.

The Hon. J. A. Carnie: Don't you think that's a good idea?

The Hon. ANNE LEVY: It would seem rather pointless when the money has been cut off.

The Hon. J. A. Carnie: Don't you think that any organisation that gets Government funds should be subject to overview?

The Hon. ANNE LEVY: Most certainly, any organisation that gets Government funds should be fully accountable

for those funds. However, plenty of conditions are attached to any grants that such organisations receive. They must submit audited reports. Quarterly reports are required in the case of women's shelters and annual reports are required in relation to other organisations. Detailed submissions must be made before they receive any money. I fail to see that an efficiency audit by the Auditor-General is anything other than an intrusion into the privacy of organisations that already must account for the taxpayers money that they receive. It is unnecessary for the Government to expose their private affairs to public gaze by means of an efficiency audit of this nature.

I have another query. The legislation suggests such efficiency audits only for private organisations that have received a grant or loan from the Government. Any such efficiency audit would not be possible for an organisation that received a Government guarantee. Surely it would seem as relevant in the case of a guarantee, as in the case of a grant or loan, that organisations like the football association and the S.A.J.C. would not come within the ambit of this legislation because they have had guarantees, not grants or loans, from the Government.

I believe that perhaps this Bill is unnecessary. In regard to the efficiency audits of Government departments, section 19 of the Public Service Act gives the Public Service Board the responsibility and power to devise means of affecting economies and promoting efficiencies in all Government departments. Efficiency monitoring of Government depts is catered for adequately under the existing Public Service Act. For many of our statutory bodies there are provisions in their own Acts. I refer to section 26 of the Electricity Trust of South Australia Act, which provides for a review of the efficiency of that organisation.

Similarly, section 42 of the South Australian Meat Corporation Act provides that every three years the Minister shall appoint a competent person or persons to investigate and report to him upon the efficiency of the plant, machinery, administration and operations of the corporation. It seems that efficiency, controls and investigation of our statutory bodies is adequately catered for under the existing legislation. As I indicated, the same applies to Government departments. For private organisations that are being added in this Bill, as I have indicated, this seems totally unnecessary and an unwarranted intrusion into the private affairs of such organisations.

Also, I indicate that the legislation seems to ignore the fact that we have a Public Accounts Committee, with one of its functions being to look at Government departments and statutory authorities. It can well look at the efficiency and funding of such organisations. In summary, while we oppose the extension of the powers of the Auditor-General to private organisations in the way proposed, we do not oppose the other parts of this legislation if the Government insists on continuing with it. However, it does seem unnecessary and probably a duplication of powers that already exist. We do not oppose the Government's proceeding with such measures if it really believes that it will not bring about unnecessary duplication in efficiency examinations of our public administration.

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

LEGAL PRACTITIONERS ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

COLLECTIONS FOR CHARITABLE PURPOSES ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

At present the Collections for Charitable Purposes Act provides for an advisory committee to furnish advice in relation to the administration of the Act. The advisory committee consists of five members and its functions are to consider and advise the Minister on all applications for licences to collect donations for charitable purposes, and, if the Minister so requests, to investigate and report to the Minister on whether proper grounds for the revocation of a licence exist. In practice the advisory committee meets infrequently and much of the work of the committee is in fact carried out by officers of the Chief Secretary's office.

The Government's policy is to abolish statutory authorities where no substantial justification for their continued existence can be demonstrated. The Government believes that the advisory committee constituted under the Collections for Charitable Purposes Act is not necessary to the proper administration of the Act, and should therefore be abolished. The present Bill is designed to achieve that object. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal. Clause 3 repeals section 10, which establishes the advisory committee. Clause 4 amends section 11 by removing the provisions under which applications for new licences must be referred to the advisory committee. Clause 5 amends section 12 which provides *(inter alia)* for revocation of a licence. The grounds of revocation, which are presently stated in section 13, are removed to this section. Clause 6 repeals section 13 of the principal Act. This section provides for an investigation by the advisory committee in order to determine whether grounds for revocation of a licence exist.

The Hon. B. A. CHATTERTON secured the adjournment of the debate.

ADJOURNMENT

At 11.4 p.m. the Council adjourned until Thursday 25 February at 2.15 p.m.