LEGISLATIVE COUNCIL

Wednesday 21 July 1982

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

MINISTERIAL STATEMENT: CONSTITUTIONAL LINKS

The Hon. K. T. GRIFFIN (Attorney-General): I seek leave to make a Ministerial statement. I indicate that I will be prepared to extend Question Time for such period as it takes me to make such a statement.

Leave granted.

The Hon. K. T. GRIFFIN: I wish to inform the Parliament of the decisions made at the June 1982 Premiers' Conference which will lead to many of Australia's anachronistic constitutional links with the United Kingdom being terminated. These decisions do not in any way affect our links with the Crown. It is also appropriate that I detail some of the background, and put into proper perspective the historic significance of these decisions and their impact on South Australia.

The constitutional framework of South Australia and the other Australian States has remained virtually unchanged since the nineteenth century and remains colonial in character. By name, the Australian colonies were transformed into States with the coming of Federation but this did nothing to change the status of their governmental systems except where their powers were affected by the new national constitution.

The Australian States failed to join in the wholesale revision that Britain undertook in ordering its relationships with its old colonies in the 1930s. The enactment of the Statute of Westminster by the British Parliament and its adoption by the Federal Parliament in 1942 created the situation in which the Australian Federal Government could enjoy the fullest degree of national autonomy, while the States remained in a situation of dependent colonisation.

Our colonial constitutional status still affects the working of Government. There are a variety of British enactments called statutes of paramount force which still form part of the law of South Australia and the other Australian States. Statute which apply by paramount force are those British statutes which named colonies, either generally or specifically, as being subject to such laws and those British Statutes which could be construed as applying to colonies in general, or specific colonies, by 'necessary intendment' of the British Legislature.

These laws cannot be amended or repealed by the South Australian Parliament. Even if these Statutes have been repealed by the British Parliament they may still be part of South Australian law. A clear example of the way in which the continuing existence of this situation may complicate the conduct of South Australian affairs is to be found in the working of the law. The State has no power to abolish appeals to the Privy Council. The Federal Parliament has abolished all appeals in cases dealing with State matters which are appealed in the High Court. But there remains a separate optional right of appeal in purely State matters to the Privy Council, by-passing the High Court. This means that there can be separate decisions given by different ultimate courts of appeal which are not necessarily compatible with each other. This uncertainty in the law is highly undesirable.

As South Australia found to its loss in 1978, the British Merchant Shipping Act, 1894, is still part of the law of this State. The freighter *Wuzhou* caused more than $1 000 000 damage to the Wallaroo jetty yet the Merchant Shipping Act limited the ship owner's liability to eight pounds sterling per registered ton of ship. It is not only United Kingdom legislation from colonial times that can apply to the States. In 1976 the Privy Council upheld the conviction of two Western Australian fishermen for stealing crayfish pots 22 miles off the Western Australian coast.

The fishermen had been charged under a British Statute of 1968. No Australian Legislature, Commonwealth or State, had approved of the application of this Act in any fashion in these circumstances. Lord Diplock, in the opinion of the Privy Council, affirmed that it might 'seem surprising' that two Australian citizens whose home was in Fremantle 'should find themselves subject to English law', but this was the inexorable result of the constitutional situation.

Apart from the practical effects of the State's colonial status there are theoretical possibilities of very real interference by both the Commonwealth and British Governments in the conduct of the affairs of the State. In theory it might be possible for the Commonwealth Government to advise the Queen not to assent to an amendment to the State Constitution. The Queen's assent to amendments to the Constitution is required under a U.K. Statute applying by paramount force.

Other anachronisms can be found in instruments such as the British Letters Patent and Royal Instructions to the Governor. These have been updated sometime since the coming of responsible Government, but at least on the face of it they are not necessarily in accord with the requirements of modern style responsible government. For example, the Instructions to the Governor permit the Governor to dissent from advice tendered in Executive Council. There is no detailed specification as to when this might be done. The only caveat is that if this occurs the matter should be reported to the Sovereign 'without delay'. While there may be circumstances where the Governor should act in effect as an 'umpire' in dealing with limited, special circumstances, the possibility that a Governor's independent authority could extend beyond this is contrary to conventional practice in Britain and elsewhere.

At the 1979 Premiers' Conference the need to remove anachronistic colonial links with the United Kingdom was discussed and referred to the Standing Committee of Attorneys-General. Eventually, after much discussion and research on the complex legal issues involved, the standing committee was able to agree on the approach to be taken. The committee reported to the June 1982 Premiers' Conference, which supported the Attorneys' recommendations, and passed the following resolutions:

1. That the present constitutional arrangements between the United Kingdom and Australia affecting the Commonwealth and the States should be brought into conformity with the status of Australia as a sovereign and independent nation.
2. That the necessary measures be taken to sever the remaining constitutional links (other than the Crown), in particular, those existing in relation to the following matters:
   (i) The sovereignty, if any, of the United Kingdom Parliament over Australian matters, Commonwealth and State;
   (ii) Subordination of State Parliaments to United Kingdom legislation still applying as part of the law of the States;
   (iii) The power of the Crown to disallow Commonwealth and State legislation;
   (iv) Appeals to the Privy Council from State Supreme Courts on State matters;

(v) The marks of colonial status remaining in the Instructions to the Governor-General and to State Governors.

3. That at the same time as the residual links are removed, any limitation on the extra-territorial competence of the States to legislate for their peace, order and good government be removed.
4. That the measures to be taken are to include simultaneous and parallel Commonwealth legislation at the request of the States pursuant to section 51 (XXXVIII) of the Constitution and United Kingdom legislation at the request of and with the consent of the Commonwealth, that request being made and that consent being given with the concurrence of the States, such legislation to come into effect simultaneously.
5. That the Standing Committee of Attorneys-General be instructed to prepare the necessary draft legislation to implement the above matters.

In summary, a package approach, and not an *ad hoc* approach, is to be adopted to achieve patriation. It will require the concurrence of the States, the Commonwealth and the Westminster Parliaments.

The June 1982 Premiers' Conference also agreed on principles and procedures for Commonwealth-State Consultation on Treaties. This agreement is particularly significant in light of the recent decision in Koowarta's case in which the High Court upheld Commonwealth legislation implementing the provisions of the International Covenant on the elimination of all forms of racial discrimination. This decision has far reaching implications so far as the States are concerned in that the High Court has now said that the Commonwealth external affairs power will support legislation to implement the provisions of treaties in areas which are traditionally State areas of responsibility.

The principles and procedures for consultation are designed to ensure that the States are informed in all cases at an early stage of any treaty discussions in which Australia is considering participation and that the States' views are taken into account at all stages of the treaty making process when the subject matter of the treaty is one which bears on State interests. Most importantly, it has been agreed that the consultative process will be continued through to the stage of implementation, and, where a treaty that affects an area traditionally regarded as being within the responsibility of the States is to be implemented by the enactment of legislation, the States are to have the first opportunity of implementing the treaty provisions by their own legislation.

The Premiers' Conference decision goes some way towards protecting the integrity of the States, but the State Government is examining what other measures need to be taken to ensure that State areas of responsibility are not diminished as a result of Commonwealth action following the decision in Koowarta's case.

PERSONAL EXPLANATION: REFUSAL OF LEAVE

The Hon. C. J. SUMNER (Leader of the Opposition): I seek leave to make a personal explanation.

Leave granted.

The Hon. C. J. SUMNER: Yesterday the Hon. Mr Foster refused the Hon. Dr Cornwall and me leave which has been given by this Chamber for many years to enable members to make an explanation before asking a question. In the *Advertiser* today, the honourable member is reported as having said that one of his reasons for withdrawing this traditional courtesy was that the Hon. Dr Cornwall and I had denied him leave when he had attempted to make some form of explanation to the Council during the debate on the Roxby Downs indenture Bill.

I wish merely to emphasise what all honourable members know and what a consultation of *Hansard* will confirm, namely, that there is no truth in that statement. At no time did I, the Hon. Dr Cornwall, or any other member of the Opposition, refuse or withdraw leave from the Hon. Mr Foster. Members on this side of the Chamber at this time will respect the traditional courtesies regarding the granting of leave to make explanations which have assisted the functioning of Westminster Parliaments and this Chamber for many years. Leave will continue to be granted to the Hon. Mr Foster to explain his questions should he so desire.

QUESTIONS

RIVERLAND CANNERY

The Hon. B. A. CHATTERTON: I seek leave to make a short explanation before directing a question to the Minister of Community Welfare, representing the Minister of Industrial Affairs, regarding the Riverland cannery.

Leave granted.

The Hon. B. A. CHATTERTON: On Friday of last week the representative of the maintenance workers at the Riverland cannery, Mr Christou, was dismissed, and there were some rather strange circumstances surrounding his dismissal. The most extraordinary thing about it was that only six weeks earlier the cannery had reviewed its maintenance activities and had decided to retrench a number of workers. Mr Christou, the representative of the maintenance workers, was not one of the workers retrenched at that time.

In the period between the retrenchments and last week, Mr Christou, on behalf of the workers at the Riverland cannery, held a press conference, at which he criticised the Government's handling of the Riverland cannery and also put forward some concrete proposals as to how there could be improvements in the future. Amongst those proposals were suggestions that the workers at the cannery were prepared to make their share of sacrifices to ensure that the productivity and profitability of the cannery improved in the future.

The Minister of Industrial Affairs visited the Riverland on Thursday and Friday of last week, and, while he has denied to the Riverland press that he actually went to the cannery and talked with the management, it is obvious from some of the statements he made to the media in the Riverland that he must have held discussions with the Manager of the cannery. The statement to which I refer in particular was an attack on me, based on information that could have come only from the Manager of the cannery. My questions relate to the dismissal of Mr Christou. Did the Minister discuss the dismissal of Mr Christou with the Manager of the Riverland cannery? If he did, was it in retaliation for the criticism made by Mr Christou, on behalf of the Riverland cannery workers, about the Government's handling of the cannery situation?

The Hon. J. C. BURDETT: The Hon. Mr Chatterton gave advance notice of this question on the media this morning, and the Minister of Industrial Affairs has informed me that he was in the Riverland last week, that he had no discussions with cannery management, that he knew nothing of the retrenchment of Mr Christou, and that, since he has been informed of that matter, he understands that the retrenchment, far from being a victimisation, was a matter of the ordinary union principle of 'last in first out'. I will bring back detailed replies in answer to the questions that have been raised.

The Hon. B. A. CHATTERTON: I would like to ask the Minister a supplementary question. Will the Minister also then explain how the Minister of Industrial Affairs was able

to make a statement on 5RM radio, in the Riverland, attacking some remarks I had made to the Manager of the Riverland cannery if he did not hold discussions with the Manager of the cannery?

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

KUMANKA

The Hon. R. J. RITSON: I seek leave to make a brief explanation before asking the Minister of Housing a question about squatters in Government property.

Leave granted.

The Hon. R. J. RITSON: The property presently owned by the Housing Trust and known as Kumanka, situated in Childers Street, North Adelaide, is presently occupied, I understand, by squatters. A number of constituents have asked me to make representations, because there appears to be some confusion, as far as local residents are concerned, in regard to the Government's policy on this property. It has been said that the Government proposes to obtain vacant possession and sell the property, thereby freeing funds for application to welfare housing in other fields. There have been other rumours that perhaps the Government may not dispose of the property but may put it to some other Government use. Will the Minister make a statement of policy which will clarify the future of Kumanka?

The Hon. C. M. HILL: The South Australian Housing Trust is endeavouring to negotiate with the occupants at Kumanka to offer them suitable alternative accommodation. At some stage (and this was announced on 16 June this year), the property will be disposed of and the proceeds will be used for the provision of welfare accommodation.

ORGANOCHLORINES

The Hon. J. R. CORNWALL: I seek leave to make a brief explanation before directing a question to the Minister of Community Welfare, representing the Minister of Health, about organochlorines.

Leave granted.

The Hon. J. R. CORNWALL: During a recent visit to the Sydney University my attention was drawn to an article which appeared in *The University of Sydney News* dated 13 July 1982. This is a weekly publication issued by the Department of Information Services within the university (not to be confused with our own local publication). The article was headed 'Unrecognised health problem—Risks from organochlorines' and quoted Dr John Pollak, Reader in the Department of Histology and Embryology at the University of Sydney, as follows:

> Government inquiries into the safety and use of the herbicides 2,4,5-T and 2,4-D are concerning themselves with only a fraction of the danger to public health posed by the widespread use of related organochlorine chemicals, according to the biochemical researcher, Dr John Pollak.
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> Dr Pollak, Reader in the Department of Histology and Embryology, says there is conclusive evidence that a wide range of organochlorines—and not just the controversial herbicides used in the Vietnam war—are toxic to embryos and foetuses and can cause metabolic disturbances, mutations, behavioural abnormalities and cancer.
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> The use of organochlorines is not restricted to herbicides and insecticides. They are used in large quantities as fungicides in many wood products, paints and papers (including newsprint). Hundreds of tonnes of organochlorine waste products are produced annually by the Australian chemical industry in the manufacture of plastics, paints, dry cleaning solvents and degreasing agents. Dr Pollak warned that continued large-scale use of organochlorines may eventually produce 'an irreversible overburden of toxic chemicals in the environment'.

The article continued later:

> In a recent submission to the Senate Standing Committee on Science and the Environment's inquiry into the effects of pesticides, Dr Pollak outlined research showing the toxic effects of 2,4,5-T and 2,4-D, but stressed that another, specific inquiry is needed to study the 'far greater and more urgent problems' of the health risks of extensive use of organochlorines.
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> No action has yet been taken. Meanwhile Victorian and New South Wales Government inquiries continue to limit their investigations to 2,4,5-T and 2,4-D, and an 'open ended' 18 month old Federal House of Representatives inquiry into hazardous chemicals continues to play a 'passive role'.

Later again, the report states:

> Correlations of birth deformities and other serious toxic effects and the use of organochlorines are becoming more difficult to prove, Dr Pollak said, because these chemicals are so widespread that there is no control group which has been unaffected with which to compare an affected population. Dr Pollak believes that more subtle, subclinical effects of organochlorines could represent a huge, but unrecognised health problem.

I thank you, Sir, for the gracious way in which you have allowed me to explain my question at some length but, of course, I did miss out yesterday. Will the Minister say how widespread is the use of organochlorines in South Australia? How many substances in this group, apart from 2,4,5-T and 2,4-D are used in this State? What data is kept on their uses by Commonwealth or South Australian health authorities? Is the South Australian Health Commission or the Central Board of Health monitoring their distribution and effects, and does the Minister propose an inquiry into the use of 2,4-D, 2,4,5-T or organochlorines in general?

The Hon. J. C. BURDETT: As the honourable member said, he has had a clear run today. I will refer his question to my colleague in another place and bring back a reply.

CARDIOTHORACIC UNIT

The Hon. FRANK BLEVINS: I seek leave to make a brief explanation prior to asking a question of the Minister of Community Welfare, representing the Minister of Health, on the cardiothoracic surgery unit at the Royal Adelaide Hospital.

Leave granted.

The Hon. FRANK BLEVINS: Over the weekend I was fortunate to be in attendance at a function of an organisation known as Heartbeat. This organisation is involved in the raising of money to assist the cardiothoracic surgery unit at the Royal Adelaide Hospital. It consists mainly of a number of people who have had the benefit of surgery in that hospital. I do not want to argue the whys and wherefors or how appropriate it is to have charity organisations in the health field, but I congratulate that organisation on the assistance it gives to sick people in South Australia. However, some information came my way at that function which disturbed me. I assume that all members of the Council are aware of that unit in the Royal Adelaide Hospital. It is acknowledged to be the best cardiothoracic unit in Australia, if not the world. One of the operations for which it is particularly noted is the coronary artery by-pass operation which, if successfully completed (as I believe it virtually always is), transforms dangerously-ill patients who have a very low quality of life because of heart problems and gives them a virtually normal life. Obviously all members would compliment the unit on that.

However, a number of problems exist in this unit, not least of them the problem of finance. Some of the stories we were told at that function on Saturday night would have been humorous if they had not been sad, such as a lack of stethoscopes, and things of that nature. I believe that there is now almost a two-month wait before people can have this life-saving surgery. All members would agree that that

is far too long. The staff of the unit think it is far too long, and it has asked the Health Commission for funds to enable the unit to expand so it can shorten the waiting list and give more dangerously-ill people a better quality of life. Will the Minister say whether the Health Commission has been requested to supply more funds to the cardiothoracic surgery unit at the Royal Adelaide Hospital? The unit is the one that performs the coronary artery by-pass surgery. If the answer is 'Yes', when was the request made and what action has been taken on that request? When can the Royal Adelaide Hospital expect an answer to its request?

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

ETHNIC WOMEN PATIENTS

The Hon. ANNE LEVY: I seek leave to make a brief explanation before asking the Minister of Local Government a question on ethnic women patients.

Leave granted.

The Hon. ANNE LEVY: Yesterday a report from the Women's Adviser's Office was tabled in this House on ethnic women patients in South Australian Government hospitals. Much interesting information contained in the report was obtained by interviewing a large number of people in South Australian Government hospitals. It is interesting to read that although 62 per cent of staff interviewed in these hospitals indicated that they have, on occasion, used the health interpreter services provided, nevertheless only 15 per cent indicated that they usually use that service, the majority of them relying on relatives for interpretation. Furthermore (and this disturbs me very greatly), from questioning the staff, the investigators found that, while 63 per cent of the staff indicated that they would use an interpreter for information gathering from a patient, only 26 per cent indicated that they would use an interpreter for giving information to a patient. This included situations of explaining treatment or drug-taking routines for the patient. It seems odd that people who feel it necessary to use an interpreter to obtain information from a patient do not also use an interpreter when giving information to the patient, so as to be quite sure that the patient has understood the necessary explanations.

The report from which I have quoted a couple of findings was written up by Alex Kennedy in the *Advertiser* on 13 July. She gave a detailed explanation of some of the findings of the report, although without quoting some of the figures such as I have quoted. She finished her article by indicating that the Ethnic Women's Advisory Committee was being asked to look at the report. It would obviously be of great interest to this group, which has been set up within the Ethnic Affairs Commission to look specifically at questions relating to ethnic women. The report was presumably referred to them some time ago, although they had not given their opinions by 13 July, when Alex Kennedy's article appeared in the *Advertiser*. Can the Minister say what are the views of the Ethnic Women's Advisory Committee with regard to this report on ethnic women patients in South Australian Government hospitals? Are its recommendations going to be taken into account in policy adopted by the Government in relation to the recommendations in the report?

The Hon. C. M. HILL: Obviously we will take a great deal of notice of the document which was tabled in this place. Some aspects of the services within the hospitals are still in need of some improvement. We have problems with regard to funding and arrangements with the Commonwealth, which, up until now, has been sharing the cost of those hospitals.

The Hon. C. J. Sumner: Hasn't it fallen down?

The Hon. C. M. HILL: No, it has continued, but at the present moment only on something of a temporary arrangement. The funds are still coming through and are being used for the balance of this financial year, as has been the case in the past. We hope, however, to further improve that area of service. In regard to the Ethnic Women's Committee, under the chairmanship of Mrs Judith Roberts, the relationship of that committee—

The Hon. B. A. Chatterton: What country does she come from?

The Hon. C. M. HILL: Australia. She is a highly respected Adelaide citizen.

The Hon. Anne Levy: I want to know what she is recommending.

The Hon. C. M. HILL: In this regard I am interviewing Ms Rosemary Wighton in a couple of days, and she wishes to discuss with me the whole question of the Ethnic Women's Advisory Committee. I assume that she wants to deal with the very matters which the honourable member has raised and on which some further liaison and discussion should take place.

Therefore, I will be far better informed early next week about the relationship of the two committees to each other and about all aspects that are being considered by the Ethnic Women's Advisory Committee in regard to this issue. I have not been in touch with them separately in relation to this matter. After I have seen Ms Wighton I will be in a better position, I hope, to satisfy the honourable member in regard to the inquiries she has made and I will bring down a report following those discussions.

The Hon. ANNE LEVY: I desire to ask a supplementary question. Will the Minister provide me with the report from the Ethnic Women's Advisory Committee on the first mentioned report?

The Hon. C. M. HILL: Yes, I will obtain that report for the honourable member.

PUBLICITY

The Hon. M. S. FELEPPA: I seek leave to make a brief explanation before asking the Minister Assisting the Premier in Ethnic Affairs a question about publicity.

Leave granted.

The Hon. M. S. FELEPPA: On 18 July I read with concern an article on page 4 of the *Sunday Mail* written by Jeff Medwell. The article, headed 'Please, help us build Australia', states:

> A question to all migrants. Did you come to Australia to start a new life, or to transplant a little corner of your homeland into a new country? You often complain about your non-acceptance by many Australians, but how do you expect them to accept you if you form your own cliques, speak nothing but your own language and establish your own sections of ethnic media?
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> We Australians are a queer mob, if only because we are too lazy to learn other languages. So how do you expect us to understand and appreciate your culture and your problems if you do not communicate with us? We cannot read your newspapers. We cannot understand your language on ethnic radio. Please. Talk to us. Join us. Help us build an Australia all our children will be proud of.

I do not intend to insult or reproach any man who speaks his mind, and I make that very clear. What worries me and many other people is the reasoning behind the statement which appeared in the *Sunday Mail*.

I am not criticising the writer of the article; I am concerned about the situation which now openly exists in the minds of some members of our community. I underline the fact that migrants are citizens of this country and are just as Australian as are other people living in this country. How is it possible for a professional journalist who obviously knows his job to be that uninformed and ask such a series

of questions? Did Mr Medwell contact the South Australian Ethnic Affairs Commission and, if so, why did he remain so ignorant about these basic matters? What have the Chairman and the public relations officer of the Ethnic Affairs Commission done about this situation since Sunday morning? What do these gentlemen intend to do about this situation now and in the future so that it is not repeated? Is this matter regarded as a serious blot on the commission's capacity, since its ability to inform the public and journalists about ethnic affairs matters will now probably come under question?

The Hon. C. M. HILL: First, I join with the honourable member and say, in my view, that it is very unfortunate that this article appeared in the Adelaide newspaper, the *Sunday Mail.* Nevertheless, I think it is fair to stress the point made by the Hon. Mr Feleppa, that is, that people have a right to express their opinions, as Mr Medwell has done. I personally regret that this article has appeared. I do not know whether or not Mr Medwell had any contact with the Ethnic Affairs Commission. It certainly appears that he did not gain any information from the Ethnic Affairs Commission to warrant an article of this type.

In relation to the Hon. Mr Feleppa's latter questions about reaction from the Ethnic Affairs Commission, that is a matter for the commission, because it is a separate statutory body. It may well be that the matter is referred to the commission by the Chairman. However, I understand that the commission meets only once a month. It could be that the Chairman believes it is better to treat the article with contempt. It is for the Chairman to decide what action he should take.

I think the honourable member also asked whether the matter had been referred to the Chairman and what action, if any, he has decided to take. I assure the honourable member that the Ethnic Affairs Commission and its staff would have no sympathy with that article at all. Sometimes when one pursues issues of this type the situation becomes worse. Sometimes it is even in the best interests of ethnic people to let the matter rest and hope that it does not recur in the future. In other words, when a problem of this kind is highlighted it sometimes worsens the situation and attracts unwarranted public controversy.

In general terms, I assure the Hon. Mr Feleppa that I disagree with the views expressed in that article. Of course, I believe that people are entitled to express their views. However, the views expressed by Mr Medwell show scant regard for the tremendous contribution that migrants have made to this country in modern times. The article also shows scant understanding of the need of many migrants to retain their own socially diverse activities. We should respect that need and, indeed, we should encourage their cultural traditions under the multi-cultural principles to which all political Parties agree in Australia. If we retain that diverse cultural level, Australia will become a better and stronger place.

The Hon. B. A. CHATTERTON: I desire to ask a supplementary question. If the Chairman of the Ethnic Affairs Commission chooses not to take any action, will the Minister make a further statement explaining the situation?

The Hon. C. M. HILL: In the first instance, as I have said, I will discuss the matter with the Chairman of the commission and then give it further consideration.

ROAD UPGRADING

The Hon. G. L. BRUCE: I seek leave to make a short explanation before asking the Attorney-General, representing the Minister of Transport, a question about the upgrading of roads in the Flagstaff Hill and Aberfoyle Park areas.

Leave granted.

The Hon. G. L. BRUCE: Today, probably like most members of Parliament, I received a letter from a T. M. Starr, Chairman of the Meadows Urban Area Joint Community Association. In the letter reference is made to certain documents dealing with the upgrading of roads in that area. In part, one of those documents states:

> Your community association, along with other local groups, is pressing the Government to assume its proper responsibilities in the orderly planning and development of our road system. Our aim is to prevent Black Road and Manning Road from becoming the main sub-arterial road system, when a suitable alternative is possible. We also believe that Flagstaff Road requires a comprehensive upgrading plan, rather than the piecemeal approach which presently exists. Only the Highways Department has the resources to achieve this.

The correspondence goes further and states that it is possible that $1 500 000 is needed for the development of roads in the area. I am familiar with the area and have been to the Hub. I was amazed at the number of shops in the Hub that had gone through the hoop because of a lack of patronage due to the newness of the area and the general situation, which includes accessibility and the condition of the roads.

To get to the area one has to travel in a round about way as there is no main through road. What representations has the Minister had from people living in this area in regard to the Highways Department taking over the responsibility for the main arterial road? Has consideration been given to such a proposal?

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

FAMILY RESEARCH UNIT

The Hon. BARBARA WIESE: I seek leave to make a brief explanation before asking the Minister of Community Welfare a question about the Family Research Unit.

Leave granted.

The Hon. BARBARA WIESE: Yesterday I asked the Minister whether there had been a shift in Government policy regarding its commitment to the family. He assured us that there had been no shift in Government policy and he reiterated the Government's strong support for the family unit as a basis of society, although the Minister provided no evidence whatsoever to support that contention. However, I do not wish to pursue that point now.

There were other parts of my question which the Minister did not answer yesterday, particularly regarding the Family Research Unit. I now wish to pursue those questions. First, has the department advertised for two officers to replace the permanent officers who previously worked in the Family Research Unit? If not, how and when will these positions be filled? Secondly, what has happened to the survey on community attitudes to families which the Minister announced in 1980 would be made by the Family Research Unit? Finally, has the use of the family impact statement been dropped in any other areas of Government activity than that outlined in the *News* two days ago? If so, will the Minister supply details of this?

The Hon. J. C. BURDETT: The Family Research Unit has not been dropped and has been maintained, with input from people working in about half a dozen different areas. As I said yesterday, there were previously two officers: one officer was promoted to a directors level but is retaining her input into the Family Research Unit; the other officer left the department and makes no further input, although he has written to me and made some input from his level outside the department regarding family impact statements.

The department decided that, instead of having two officers engaged full time on family research, half a dozen officers

would have that as a specific part of their work. So, instead of two officers there are now half a dozen officers who have that fall-back position, and that is part of the work that they do. Therefore, if any of these officers are removed, not such a big part is taken away from the department. Presently, there are half a dozen officers who have specific jobs to do in the area of family research. The last question asked by the honourable member was whether family impact statements are to be removed or taken away. The answer to that question is 'No'.

The Hon. BARBARA WIESE: I asked another question and the Minister has not replied to it. I asked the Minister what had happened to the survey on the community attitudes to families which the Minister announced in 1980 would be undertaken by the Family Research Unit.

The Hon. J. C. BURRDETT: I will bring back a reply to that question.

UNSWEETENED ORANGE JUICE

The Hon. C. W. CREEDON: I seek leave to make an explanation before asking the Minister of Consumer Affairs a question about unsweetened orange juice.

Leave granted.

The Hon. C. W. CREEDON: I raise this matter because a pamphlet delivered with milk to every household in Gawler, and no doubt to every household in other areas of the State during June, advertised a July special of unsweetened orange juice at $1.20 for a two-litre carton. This was a very cheap and attractive price and the word 'unsweetened' would certainly have drawn supporters. I purchased one carton of this unsweetened orange juice and examined the carton, looking for the word 'unsweetened' or, alternatively, 'no sugar added'.

I could not find either of those notations or anything that indicated that the beverage could be readily taken by diabetics, weight watchers, or even people who did not like the taste of sugar. When I queried this I was told that the orange juice could not be used by people who had a dislike for sugar. I was informed that if I returned the orange juice the money paid would be refunded. I was also informed that the orange juice could not be taken by diabetics. I was trying to determine this point at that time, although I realise there are other reasons for people not taking sugar. At times I have discussed this matter with my colleagues and they have assumed that orange juice which did not have on the label 'no sugar added' was sweetened.

If orange juice cannot be taken by a diabetic it usually means that sugar has been added. If sugar has been added there are a variety of reasons why other people do not drink it. I could not ascertain whether sugar had been added, as this was not indicated on the label; I looked in vain. I am sure that the pamphlet advertising this unsweetened orange juice brought the company a large increase in sales. If this company is being dishonest it is worthy of nothing but contempt.

Will the Minister examine this complaint and ascertain whether or not sugar was added to this 'unsweetened' orange juice? Can the Minister say whether there is any requirement on a manufacturer to indicate on the label of a product a description of the contents of the product? What action can the Minister take to control this flagrant misrepresentation?

The Hon. J. C. BURDETT: This matter lies mainly in the area of the Minister of Health. This question comes under the Food and Drugs Act and not under any Act I administer. I will make inquiries through my colleague and through my own department and bring back a reply in concert.

RAILWAY LINK

The Hon. N. K. FOSTER: I seek leave to make a short explanation before asking the Attorney-General a question about transport.

Leave granted.

Members interjecting:

The Hon. Anne Levy: If you had been here earlier you would have heard a personal explanation regarding leave.

The Hon. N. K. FOSTER: I will look in *Hansard* for the personal explanation and will spend time considering the attitudes of members in this place on the matter. You will not get off lightly, either. Will the Attorney-General ask the Minister of State Development to seek a conference between South Australia, Northern Territory and the Commonwealth for the purpose of discussing the north-south continental standard gauge rail link? Does the Attorney-General agree that such a rail link will enhance the real probability of a direct shipping container export-import service between Port Adelaide and those countries which trade mainly with South Australia and the Commonwealth and are situated to the north of the continent?

Is the Minister aware that South Australian future shipping should be import oriented to provide high-volume traffic on container shipping to this State for direction elsewhere within the Commonwealth? Will the Minister have inquiries made as to the adverse impact on the South Australian trading which may result from the containerisation of the fleet of Russian vessels which so often visit South Australian ports and which have represented, in fact, a majority of the tonnage entering South Australian ports in the past five years? What discussions have taken place with the Soviet trade authorities in respect to the ever increasing opportunity for Soviet-Australian trade? Is the Minister aware that large shipments of bulk grain and wool going out of South Australian ports have been lifted by Russian vessels? Does the Minister agree that a north-south rail link would provide considerable manufacturing output for the new B.H.P. rail-making plant at Whyalla?

The Hon. K. T. GRIFFIN: I understand that the Federal Government has given a commitment to complete the rail link from Alice Springs to Darwin and the objective is completion by 1988, the Australian bi-centenary. Certainly, the South Australian Government regards that link as being very important for South Australia's trading position. I will refer the remainder of the questions to the Minister of Marine and to the Minister of Transport and bring back a reply.

MOTOR VEHICLE REPAIRS

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

The PRESIDENT: Is leave granted?

The Hon. N. K. Foster: No.

The Hon. C. J. SUMNER: Is the Minister of Consumer Affairs aware that in the July 1982 edition of *South Australian Motor*, the R.A.A. magazine, reference was made to unsuspecting motorists losing thousands of dollars annually by allowing unnecessary car repairs and that the article states that unnecessary repairs are recommended and substantial profits pocketed by the repairers? Is the Minister aware that the following was stated:

> The R.A.A. is aware that a multi-national company and so-called reputable businesses are now involved in ripping off motorists by this means.

Secondly, has the Minister had these allegations investigated? Can he advise whether there is any substance in the alle-

gations and, if so, will he name in Parliament the companies involved? What action does the Government intend to take in the light of these allegations?

The Hon. J. C. BURDETT: I am aware of what was stated in the *South Australian Motor*. Because of that and because other general sorts of allegations have been made, I have had inquiries made in my department and I find that, during the past five years, there has been no overall increase in the number of complaints about motor vehicle repairs. There were two peak periods a few years ago, but during the years from the end of the peaks the number of complaints was about the same as it is now.

There is really no suggestion that there has been any increase in the number of complaints about repairs. During the time of the previous Government (which would have had no hesitation in intervening in this field) there was no intervention, and the situation is the same at present. There has been no great increase in the number of complaints.

The Hon. C. J. Sumner: What about the multi-national companies and other businesses?

The Hon. J. C. BURDETT: That is about the same as it was.

The Hon. C. J. Sumner: Have you investigated and found out who they are?

The Hon. J. C. BURDETT: No, but a submission has been presented by the Automobile Chamber of Commerce requesting some sort of control over repairers of motor vehicles. We are investigating that submission. The sort of answer that is likely to be given is that at present there is no suggestion that during the past five or 10 years there has been any greater incidence of complaints. Because previous Governments did not intervene, why should we intervene now?

We are considering the matter and monitoring the situation, and we would be prepared, at the appropriate time, to consider taking some sort of action, such as considering negative licensing, or something like that. At present, there is no reason to suppose that the area of complaints indicates that more should be done than was done during the time of the previous Government, which was absolutely nothing.

The Hon. C. J. SUMNER: I wish to ask a supplementary question. In view of the fact that the article makes a specific allegation that the repairing firms involved in these practices are not just backyard operations but involve one prominent and so-called reputable business, a multi-national company, and others, will the Minister specifically investigate the allegations made in the article that so-called reputable businesses, including one multi-national company, are involved, and advise the Council whether any action should be taken against the companies concerned and, for the public benefit, if the allegations are correct, will the Minister say which organisations are involved in these practices?

The Hon. J. C. BURDETT: Provided I get detailed complaints, the answer is 'Yes'.

FRUIT GROWING INDUSTRY

The Hon. B. A. CHATTERTON: I seek leave to make a short explanation before directing a question to the Minister of Community Welfare, representing the Minister of Agriculture, about the Government's policy towards the F.I.S.C.C. pricing system.

Leave granted.

The Hon. B. A. CHATTERTON: It was reported in the *Advertiser* last week that the Federal Department for Primary Industry is recommending that the Fruit Industry Sugar Concession Committee minimum pricing arrangement for fruit, which, of course, covers the canning fruit industry in South Australia, should be abolished. It was also reported in the South Australian Department of Agriculture publication *State Agriculture* that the South Australian department also supports the abolition of the F.I.S.C.C. pricing arrangement. This has caught some of the canning fruitgrowers in the Riverland by surprise, as the F.I.S.C.C. pricing arrangement has provided stability in the canning fruit industry. To my knowledge, the Department of Agriculture did not make that submission to the I.A.C. when it was investigating the canning fruit industry.

In view of the concern within the industry, will the Minister say whether it is the policy of the South Australian Government to support the abolition of minimum pricing arrangements under the F.I.S.C.C. and, if that is not the policy of this Government, will the Minister take up this matter with the Federal Minister or with the Agricultural Council, whichever is appropriate, to try to ensure that these arrangements are retained?

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

BIRTH DEFECTS

The Hon. J. R. CORNWALL: I seek leave to make a short statement prior to directing a question to the Minister of Community Welfare, representing the Minister of Health, about birth defects and their possible link to increased nitrates in Mount Gambier water.

The Hon. N. K. FOSTER: If he cannot ask the question without leave he should not be on his feet. Leave is not granted by me.

The PRESIDENT: There being a dissentient voice, leave is not granted.

RHEOBATRACHUS SILUS

The Hon. ANNE LEVY: I seek leave to make a statement before asking the Attorney-General a question about *rheobatrachus silus*.

Leave granted.

The Hon. ANNE LEVY: A large advertisement appeared in the press on 13 July which was a repeat of an advertisement which had been inserted in the *Advertiser*, I think on 29 June. This advertisement, which was part of the 'SA Great' campaign, stated:

> If you've got an ulcer, you'll want to kiss this pregnant frog. Because this frog could hold the key to a cure. Her name is *Rheobatrachus silus* and she is extremely rare. But the remarkable thing about her is the way she reproduces. She lays her eggs in the normal manner of frogs, but when her mate has fertilised them, she swallows them. The eggs then develop in her stomach. Some six weeks later she gives birth to fully developed froglets . . . through her mouth. A group of researchers at the University of Adelaide and Flinders University are studying this phenomenon to determine why the eggs are not digested in her stomach. It's a project that holds incredible possibilities in the search for treatment of stomach ulcers.

That is a very interesting biological phenomenon which has been given publicity before in television programmes. As indicated in the advertisement, it is of great practical value if the substance responsible for the non-digestion of the fertilised eggs can be determined, as it would obviously have practical application in the treatment of ulcers. I understand that, at this stage, it looks as though prostaglandins are implicated, but much further research obviously needs doing.

To insert these advertisements in the newspaper must have cost at least $1 000 each time, maybe more. On making inquiries I found that this extremely important and valuable research is being carried out in South Australian universities and that the State Government is not contributing one cent

to that research. In fact, the researchers have hardly any money for it to be carried out at all. The research grant under which the researchers are operating finished in March of this year and there is no hope of any other major research grant being awarded before January of next year. In the meantime, some small sum of money has been scrounged which will enable research to continue until the end of this year. That money is for payment of salaries only and there is no maintenance or equipment part of the grant for the research in this area. In fact, the materials involved are expensive and prostaglandins have to be brought in from the United States at $400 for 20 milligrams. Equipment is being borrowed and carried across roads, and so on. Will the Government consider donating the cost of these advertisements already placed and, also, the cost of any future repetitions of this advertisement which may appear in the press, to this research project as it is obviously of such value but currently has no financial support to pay for maintenance and equipment?

The Hon. K. T. GRIFFIN: I take it from what the honourable member has been saying that she believes that the advertisements were funded by the Government, but in the early part of her statement she did say that they were part of the 'SA Great' campaign. The 'SA Great' campaign is not a State Government initiative, nor is it an agency of Government. The 'SA Great' campaign is run by a group of independent business people, media people and other people who have banded together to promote South Australia because they believe it is a State that has tremendous potential and is worth the effort.

A lot of the funding for the work that the 'SA Great' committee is doing is provided by the private sector. A lot of it is provided voluntarily by the media, so it is a joint effort by the media and the private sector people to promote 'SA Great'. There is a grant from the South Australian Government to the organisation, but decisions on where it will be spent and in what way this group will promote the 'SA Great' campaigns themselves is a matter for that group—it is independent of Government. I do not believe that in that context it is relevant to consider whether or not the cost of the advertisement would be given to research rather than the advertisement being placed—that is a matter for the 'SA Great' committee, which is quite independent of Government.

STANDING ORDER SUSPENSION

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

That for this Session, Standing Order 14 be suspended.

Standing Order 14 is as follows:

Until the Address in Reply to the Governor's Opening Speech has been adopted, no business beyond what is of a formal or unopposed character shall be entertained.

There is business which will need to be brought before the Council. There is no great anxiety on the part of the Government to push that business through before the Address in Reply debate is completed, but to introduce Bills and get them to the second reading stage would be impossible without the suspension of Standing Orders.

I am moving this motion to facilitate the business of the Council in the interest of getting material before it at the earliest possible opportunity to give honourable members the opportunity to consider matters before they are debated. That does not mean that various matters which come before the Council will not be debated, only that at this stage it is intended to introduce certain legislation to give members of this Council the best opportunity to consider it before putting it through. It is designed to facilitate the business of the Council while still giving precedence to the Address in Reply debate.

The Hon. C. J. SUMNER (Leader of the Opposition): I believe this is the third or fourth time in succession that this motion has been considered at this period of the Parliamentary year. It has been passed on each occasion. I do not intend to oppose the motion, given the undertaking that the Attorney-General has made about the precedence to be given to the Address in Reply, and the fact that he is using the device as a convenient one to bring some matters before the Council at an earlier time than they would otherwise have been brought to our notice. The Attorney-General has advised me that he wants precedence to be given to the Address in Reply, and such precedence will be given. In these circumstances I do not intend to oppose the motion.

Motion carried.

SUPREME COURT ACT AMENDMENT BILL

The Hon. K. T. GRIFFIN (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Supreme Court Act, 1935-1981. Read a first time.

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

That this Bill be now read a second time.

It proposes a single amendment to the principal Act, the Supreme Court Act, 1935-1981. With the enactment in 1981 of the Statutes Amendment (Administration of Courts and Tribunals) Act, 1981, the status and duties of masters of the Supreme Court were altered to free them of administrative duties, leaving only their judicial functions to be performed.

Consequent alterations were made in that enactment for the improvement in the terms of service of masters so that they are consistent with those enjoyed by judges. An exception was made in the case of existing masters whose salaries are now determined under the Supreme Court Act but whose other terms of service are largely the same as those applicable under the Public Service Act. Section 13h of the Supreme Court Act, 1935-1981, provides that the Governor may grant any judge, immediately prior to his retirement, not more than six months leave of absence on full salary. Provision is made for cash payment for leave not taken and for payment to dependants if a judge dies before the commencement or during the currency of his leave. A judge may elect to be paid his leave salary in a lump sum.

The proposed amendment extends the provisions of section 13h to confer the benefits contained in that section on masters appointed in future, since their terms and conditions of appointment will, in all other respects, be the same as those which apply to judges. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides for the commencement of the measure. Clause 3 operates to confer on masters the pre-retirement benefits enjoyed by judges. That is, that the Governor may grant a master, immediately prior to his retirement, not more than six months leave on full salary. Provision is made for cash payment of leave not taken and for payment to dependants in the event that a master dies before or during his leave. A master may elect to be paid his leave salary in a lump sum.

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

STATUTES AMENDMENT (ENFORCEMENT OF CONTRACTS) BILL

The Hon. K. T. GRIFFIN (Attorney-General) obtained leave and introduced a Bill for an Act to provide that section 4 of the Imperial Act 29 Charles II C.3 (the Statute of Frauds, 1677) has no force or effect in South Australia; to amend the Sale of Goods Act, 1895-1972; and to amend the Mercantile Law Act, 1936. Read a first time.

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

That this Bill be now read a second time.

It repeals that portion of section 4 of the Imperial Act 29 Charles II C.3 (the Statute of Frauds, 1677) which remains part of the law of South Australia. Section 4 of the Sale of Goods Act, 1895 (which is identical in terms of section 17 of the Statute of Frauds) is also repealed. The Statute of Frauds provides that unless certain contracts are in writing they are unenforceable. The contracts which are required to be in writing are as follows:

1. Contracts by an executor or administrator to answer damages out of his own estate;
2. Promises to answer to the debt, default or miscarriage of another;
3. Agreements in consideration of marriage;
4. Agreements not to be performed within the space of one year; and
5. Contracts for the sale of goods valued over $20 (section 4 of the Sale of Goods Act 1895).

As the Law Reform Committee pointed out in its thirty-fourth report, the first and third of these categories are obsolete today and the requirement that the other agreements referred to above be in writing is merely a trap for the unwary and the Statute today is, generally speaking, a defence used by people who do not wish to go into the witness box because they would lose their case if they did.

Until the middle of the nineteenth century neither parties to an action, nor their spouses, or any person who had an interest in the result of litigation could give evidence because it was feared they would commit perjury. In these circumstances it is not surprising that the law should require written evidence of agreements. When the law was reformed in the mid-nineteenth century to permit litigants to give evidence themselves the Statute became a conspicuous anachronism. While prudent people will commit their agreements to writing there is no reason to deny the imprudent or ignorant the opportunity of establishing the terms of their agreements by oral evidence. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides that the measure is not to apply in relation to a promise or agreement made before the commencement of the measure. The clause also provides, at subclause (2), that the various repeals effected by the measure are not to revive anything not in force or existing at the commencement of the measure. Clause 3 provides that section 4 of the Statute of Frauds, 1677, is to have no force or effect in this State. Section 4 of that Imperial Act provides that an agreement falling within one of four classes of agreements is unenforceable unless in writing and signed by the party against whom it is sought to be enforced or his agent. These agreements are agreements by an executor or administrator to answer damages out of his own estate; contracts of guarantee; agreements made in consideration of marriage; and agreements not to be performed within the space of one year from the making thereof.

Clause 4 provides for the repeal of section 4 of the Sale of Goods Act, 1895-1972. Section 4 of that Act provides that a contract for the sale of goods of the value of $20 or more is not enforceable unless the buyer accepts and receives part of the goods sold, or gives something in earnest of the sale or in part payment, or unless some note or memorandum in writing of the contract is made and signed by the party against whom it is sought to be enforced or his agent. Clause 5 provides for the repeal of section 16 of the Mercantile Law Act, 1936. This proposed repeal is consequential to the repeal proposed by clause 3.

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

MOTOR VEHICLES ACT AMENDMENT BILL

The Hon. K. T. GRIFFIN (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Motor Vehicles Act, 1959-1981. Read a first time.

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

That this Bill be now read a second time.

The principal object of the Bill is to change some aspects of the probationary licence system, which came into operation on 1 June 1980. At that time an undertaking was given that the operations of the scheme would be reviewed after a reasonable period of time and amendment made where it was found necessary.

The review found that the probationary licence scheme has been most successful in creating an awareness in a new driver of his responsibilities, not only in his own behaviour but in his behaviour towards others. The majority of new drivers succeed in getting through their first year of holding a licence either offence free or with only one minor offence. It has been found that the penalty provision, that is, cancellation of the licence for committing a breach of conditions or committing a minor traffic offence, has resulted in hardship to many young drivers. Many young drivers require a licence in their employment or to travel to and from their place of employment when it is not possible to use other forms of transport. It is apparent that some easing of the conditions can be made without detracting from the overall aims of the scheme.

The Bill removes the penalty of cancellation of the licence for a breach of conditions. Where a breach of conditions has been committed the Registrar will have the power to extend or re-endorse probationary conditions for an extra three months. Instead of reference to the consultative committee and possible cancellation of the licence upon reaching a points demerit score of three or more, reference will be made when the points score reaches four or more. As the majority of offences attract three points most probationary drivers will have to commit two offences before consideration is given to cancellation of the licence. The Bill also seeks to correct an anomaly arising out of one of last year's amending Acts. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clauses 2 and 3 amend the sections of the Act that deal with the probationary conditions attached to both learner's permits and driver's licences. The amendment seeks to correct an oversight that occurred in the 1981 amending Act that provided for a probationary condition requiring learner and probationary drivers not to drive with a blood alcohol level greater than 0.05 per cent. The relevant provisions of the Road Traffic Act relating to alcotests and

breath analysis were applied, but section 47e of that Act was omitted in error. If this probationary condition is to be made fully effective, section 47e must be included in the list of applied sections.

Clause 4 provides that a probationary driver who breaches a probationary condition may have his probationary conditions extended for an extra three months, or if, by the time that he is convicted of or expiates the offence, he holds a 'clear' licence or does not hold a licence at all, those conditions may be endorsed upon the licence for three months, or upon the next licence issued to him. Where a learner driver breaches a probationary condition, the existing situation will prevail, that is, the matter must be referred to the consultative committee for consideration of the question of cancellation. Where a learner driver or a probationary driver incurs four or more demerit points, the matter must similarly be referred to the consultative committee with a view to cancellation. Subsection (3) is repealed in view of the fact that probationary drivers will not have their licences cancelled for breach of probationary conditions. Appeals still lie, of course, in relation to cancellation of probationary licences as a result of incurring demerit points. Clause 5 empowers the Registrar to require a licence holder to submit his licence for endorsement where the consultative committee exercises its power under this section to endorse probationary conditions upon the licence.

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

RACING ACT AMENDMENT BILL

The Hon. K. T. GRIFFIN (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Racing Act, 1976-1981. Read a first time.

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

That this Bill be now read a second time.

It provides for an amendment to the Racing Act, 1976-1981, relating to the licensing of off-course bookmakers in Port Pirie. In considering this question, the Government has been impressed by the weight of local opinion which overwhelmingly supports the retention of licensed off-course bookmakers in Port Pirie. Indeed, it is difficult to find any opposition to this proposal within Port Pirie.

While the Government believes that the existence of such premises is an anomaly in this State, and in logical terms they should not have been permitted to continue after 1948, the fact remains that they have been in operation, with a break during the war years, for nearly 50 years. Indeed, they have become almost an institution in Port Pirie.

It is clear that they provide significant local employment opportunities; they cater for very small as well as very large bets; they are well distributed in the town; they offer a unique attraction for locals and tourists; they appear to present no discernible social problems; and the bookmakers themselves are seen as strong supporters of local charities and sport. Significantly, there appears to be no or very little illegal 'S.P. bookmaking' in Port Pirie, but this situation would certainly cease if the premises were to be closed. Accordingly, this Bill amends the Racing Act to enable the Betting Control Board to continue to licence off-course bookmakers, in Port Pirie only, for an indefinite period.

Clause 1 is formal. Clause 2 amends section 105 of the principal Act which provides for the registration of betting premises at Port Pirie. The clause amends the section by striking out subsection (2) which provides that premises shall not be registered or their registration renewed after 31 January 1983.

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

ADDRESS IN REPLY

The Hon. K. T. GRIFFIN (Attorney-General) brought up the following report of the committee appointed to prepare the draft Address in Reply to His Excellency the Governor's Speech:

1. We, the members of the Legislative Council, thank Your Excellency for the Speech with which you have been pleased to open Parliament.
2. We assure Your Excellency that we will give our best attention to all matters placed before us.
3. We earnestly join in Your Excellency's prayer for the divine blessing on the proceedings of the session.

The Hon. M. B. DAWKINS: On this occasion, Mr President, it is my pleasure to move:

That the Address in Reply as read be adopted.

I move this motion with mixed feelings: on one hand, I value the opportunity to move this motion and, on the other hand, I regret that this is the last opportunity that I will have to partake in this debate, which has been my right and privilege for a long period. I hasten to reaffirm my loyalty to Her Majesty the Queen and rejoice, as must Her Majesty, in the birth of Prince William of Wales.

On behalf of all honourable members, I welcome the opportunity to join in the many expressions of good will that have been extended to His Excellency the Governor, Sir Donald Dunstan, on the assumption of his high office as the Viceregal representative of Her Majesty the Queen. I assure His Excellency and Lady Dunstan of the best wishes of the people of this State for what I am sure will be a most successful period in office. I thank His Excellency for the speech with which he opened this session of Parliament.

It is also my privilege today to congratulate our new Lieutenant-Governor, the Hon. Sir Condor Laucke. Sir Condor has had a most distinguished career, and I have no doubt that he will discharge his duties with great credit to himself. I extend to him and to Lady Laucke our best wishes for a rewarding period in office. At the same time, I do not overlook the services to this State of Sir Walter Crocker, who filled this office with distinction for a number of years. Sir Walter deserves the thanks of the people of South Australia, and I feel sure that all honourable members wish him a very happy retirement.

If I take a little longer in dealing with what might be termed the condolence notices I trust that I will be forgiven, because the gentlemen to whom I will refer were all known to me and I wish to pay them a proper and fitting tribute. On a sad note, I pay tribute to the late Hon. Sir John McLeay, who was a member of this Parliament from 1938 to 1941 and later a member of Federal Parliament from 1949 to 1966, including a record term of more than 10 years as Speaker. Sir John was an outstanding Australian citizen who always worked for the benefit of South Australia. In my early days as a Parliamentarian Sir John was, at that time, Speaker of the House of Representatives. He was most helpful to me, both in Adelaide and also on my first visit to Canberra as a new member of the South Australian Parliament. His help was very much appreciated. I extend my condolences to his family, and I respect his memory.

Although he was never a member of this Parliament (he made two attempts to be one before entering Federal politics), I also wish to pay a tribute to the Right Hon. Sir Philip McBride who died last week and who was also one of Australia's outstanding citizens. As a Senator and as a Member of the House of Representatives (and later a senior Minister), he was honoured by the Queen when he was

made a Knight Commander of the Order of St Michael and St George in 1953 and, later in 1959, one of only three South Australians in the history of this State to be made a Privy Councillor. As a holder of the latter office he was the only South Australian for many years to be entitled to the prefix 'Right Honourable'—and he was indeed a right honourable gentleman. Although a member of Federal Parliament for many years, he was always a fighter for the rights of South Australia, and I respect his memory and extend condolences to Lady McBride and family.

In recent days we have all been saddened by the untimely death of another person who, although never a member of this Parliament, was very much a part of it, particularly in the loyal service he gave to it. Edward George Dawes, affectionately known to all of us as Ted, was a true servant of this Parliament and he was a competent, conscientious and painstaking officer who endeared himself to all of us, and I am sure we all deeply regret his untimely passing and extend sympathy to his family.

While I was recently overseas I was shocked to hear of the untimely death of the Hon. Jim Dunford. I was, of course, on the opposite side of politics to the Hon. Mr Dunford, and we crossed swords in this Chamber from time to time, but I had had the opportunity to work with him on select committees and to get to know him in the corridors of this place, and I place on record my great regret at his passing and express my sympathy to Mrs Dunford and family.

On a brighter note, I wish to welcome the Hon. Mario Feleppa as a new member. I have no doubt, seeing that the honourable member sits opposite, that we will disagree strongly in debate, but the honourable member will soon realise, if indeed he has not already done so, that it is possible to be friends, although being politically opposed. I wish him well.

I also wish to express congratulations to a number of prominent South Australians who have recently been honoured by Her Majesty the Queen. I refer particularly to my friend and colleague Mr Allan Rodda, C.B.E., to Mr James McAuliffe, M.B.E., Mr Brian Anders, A.M., and also to Messrs Ronald Baker and Lionel Daniel and Mrs H. F. Heinrich, who each received the Medal of the Order of Australia, and Mr Cyril Cockshell, who received the British Empire Medal. These people have all made conspicuous contributions in one or more of the following activities: politics, local government, literature, agriculture and community work. They all richly deserve the commendation which they have received, and I congratulate them.

Yesterday in the Governor's Speech, on the matter of uranium in this State, His Excellency said:

> My Government is also pursuing further initiatives to ensure that the State receives maximum benefit from the mining of its significant uranium resources. A feasibility study of a uranium conversion plant in the Port Pirie area is due to be completed later this year.

This is a most interesting and positive move. His Excellency continued:

> My Government is also continuing to press South Australia's case for the establishment of a fully integrated uranium conversion and enrichment industry.
>
> South Australia is now experiencing the highest level of activity in the area of minerals and petroleum exploration in its history. The indications of company interest in further exploration in the State are also at their highest level. More than 90 companies are presently engaged in the search for a wide range of minerals. Commitments to off-shore exploration for petroleum now amount to more than $200 million, which far exceeds any previous effort.

I am pleased to congratulate this Government upon the efforts it is making in its continued progress of developing this State. The fact that the trend here is in contrast to that of other States at present is indicative of the positive approach of this Government, which has sought, with very considerable success, to attract industry, commerce and mineral exploration.

On Thursday last week the Premier made an interesting statement, and he was quoted in the *Advertiser* as having said that the South Australian Government had attracted an average of $1 000 000 in investments for each day it had been in office. The Premier said:

> This Government has been in office for a little more than 1 000 days and in that time more than 100 companies have either established or expanded in this State. The total growth of investment committed had exceeded $1 000 000 000, an average of $1 000 000 per day.

In addition, a few moments ago I read that His Excellency the Governor had referred to 90 companies being engaged in exploration in this State. I believe that this is a record that this Government and the people of South Australia can be proud of, especially following the down-turn of investment of the Dunstan years. It is as I have said previously: history will record that the late Sir Thomas Playford brought industry to this State and that the Hon. D. A. Dunstan drove it away. What the Premier said last Thursday makes it clear that the Tonkin Government is bringing industry back again.

The continued successful efforts, despite setbacks, of the Minister of Mines and Energy and the Minister of Industrial Affairs promise well for the long-term future of South Australia, despite the prevailing economic world trends today. I congratulate the Minister of Mines and Energy in particular, and the Government in general, on getting the Roxby Downs indenture Bill through Parliament.

I would particularly commend the Hon. Norman Foster for doing what he conceived to be right, regardless of Party politics. The Hon. Mr Foster has been for a long time a loyal supporter of the Australian Labor Party, and I know that it must have caused him much trauma and concern and that it took much courage to vote against a Party to which he had given so much loyal support over so many years. The Hon. Mr Foster had the courage to do what he saw to be the right thing for the State, and I commend him for that.

There is another honourable member who was a friend of mine (and I am hopeful that he is still a friend). I recently suggested to him that he could have done likewise, but he conspicuously failed to do so. I believe that he can thank his lucky stars, and the Hon. Mr Foster, that he will probably go down in history—if indeed we do go down in history—in some obscurity rather than as the elderly confused gentleman who, by his refusal to face reality, put State development back by 25 years!

The work of the Minister of Mines and Energy is by no means confined to the potential of Roxby Downs. The vast expansion in mineral, gas and oil search which has been encouraged by him and which I mentioned earlier is in stark contrast to the record of the previous Government. The amount of interest displayed in these matters is very encouraging and is a tribute to the Minister and the Government. There is no doubt that the Government has done the correct thing in giving every encouragement to the joint venturers in the Roxby Downs project, and the rise in popularity of it, as demonstrated in the *Advertiser* last Thursday, makes it clear that the South Australian public is becoming more and more aware of its long-term benefits for this State.

Recently the Minister of Mines and Energy (Mr Goldsworthy), made the following statement regarding the use of l.p.g. in South Australia.

> Fifty Government vehicles are to be converted to run on l.p.g.; a State Transport Authority evaluation of the use of l.p.g. to run buses is to be extended; the Government will produce literature to encourage the use of l.p.g. and give information about the location of l.p.g. refuelling outlets.

The location of l.p.g. refuelling outlets, until recently, had been a limiting factor in the conversion of some vehicles

to l.p.g. The Minister said that the Government's policy has, as its target, the replacement of 10 per cent of petroleum consumption in South Australia with l.p.g. by 1990, requiring the conversion of about 70 000 vehicles. Based on current prices of petrol and l.p.g., it is estimated that such a replacement would reduce South Australia's fuel bill by $25 000 000 or, to put it in another way, it would reduce the fuel costs per vehicle converted by $357 a year or almost $1 a day.

I also want to mention the progress of the Moomba to Stony Point pipeline, which was started only in February last and has already reached the half-way mark. It is expected to be on stream early next year. This Government assists this type of progressive project in every way possible and the escalation of exploration from minerals, gas and oils, to which I referred previously, endorses this opinion in no uncertain way.

While I am on the subject of minerals and energy, I wish to mention in passing the promotion of opal production or mining in this State. The Minister recently released a full colour booklet, which was produced by the Department of Mines and Energy, entitled *Opal—South Australia's Gemstone*. The booklet announced that a film of the same title was being produced for the department by the South Australian Film Corporation. The Minister went on to say that these initiatives are aimed at promoting trade and tourism in South Australia and an appreciation of the importance of the opal industry.

It is not generally known that South Australia produces more than 80 per cent of the world's output of precious opal. It is a multi-million dollar South Australian industry, which now supports a population of 6 000 people on the three fields at Andamooka, Coober Pedy and Mintabie. I would indicate, too, that the livelihood of hundreds of buyers, cutters, gem merchants and dealers also depends on this industry. I commend the Minister for the forward looking policies of his department.

Regarding industrial affairs and promotion, the Minister (Hon. Dean Brown) has not been idle in that field. Despite the unsatisfactory unemployment situation (which is, unfortunately, world wide and to which technology, on the one hand, and double jobs—two jobs in the family—on the other hand, have made a significant and regretable contribution), 11 200 more jobs have been provided in this State since the Tonkin Government came to power in 1979. There was a trough in 1979, which could not be blamed entirely on the previous Government, and there has been an increase since then, which, we hope, will continue. Mr Brown's success in enticing the Raytheon project to come to South Australia after the company had decided to choose Sydney as its base for operations is but one instance of his success as a promoter of industry. The *Business Review Weekly* of 5 June 1982 stated:

> Two years ago the electronics group Raytheon International Data Systems decided to make computer terminals and word processors in Australia, and chose Sydney as the most likely site for a factory. But New South Wales eventually lost the Raytheon project as a result of some very fast dealing by Dean Brown, South Australia's Minister of Industrial Affairs and Public Works.
>
> South Australia lured Raytheon with the incentives of subsidised rent and a promise of Government orders. The factory, involving a $500 000 investment in plant, began operating last year. Such stories of interstate rivalry are perhaps as old as the Federation, but South Australia is playing the game harder than ever in a bid to revitalise its manufacturing sector, particularly the motor vehicle and whitegoods industries, which went into a decline in the 1970s—

I mentioned that indirectly earlier—

> and have not fully recovered. Raytheon is one of several high-technology companies which have been drawn to South Australia in the past few years, and the company's line of business fits the criteria of the State Government, which is attempting to engineer a manufacturing sector recovery, led by the latest growth industry, electronics.

This is reminiscent of the success of the late Sir Thomas Playford, who would 'steal' industries from under the nose of Joe Cahill with similar methods and with the same kind of success. It is vital for the welfare of this State that such methods continue to succeed in order to keep employment growing by attracting new industries.

The Japanese firms of Mitsubishi and Bridgestone are progressive and forward looking. They seem to be able to create a good relationship with their employees and they have refreshing plans for growth. The Mitsubishi plan to export its successful Sigma car to the United Kingdom, which was announced while I was recently in London, is a step in the right direction, because it should enable a very successful Japanese designed car to be imported by Britain at a favourable rate of duty as compared with other directly imported Japanese vehicles, and that move should give valuable assistance to a South Australian manufacturer.

Speaking of good relationships, one must view with satisfaction the good industrial relations that exist in South Australia. This State has 9 per cent of the population of this country and only 2 per cent of its industrial strife. This is a record second to no other State, and one of which this State may well be proud. The imaginative concept of Technology Park is likely to be another success for this Government and, as His Excellency stated, several firms are in the final stages of feasibility studies in regard to the establishment of operations there.

I have spent quite a portion of my life in active local government and of my Parliamentary career in an active interest in the affairs of local government. So it is not perhaps surprising that, when my wife and I spent some time overseas this year, I took the opportunity to spend some days studying local government in Great Britain, as, indeed, I had done previously. We are often told that we in this country are over-governed, with one Federal and six State Parliaments (and now, of course, a territorial Parliament in the Northern Territory).

This contrast is often made with Great Britain which, it is said, has only one large Parliament. In effect, if not in fact, that is quite untrue, because Britain has many 'parliaments', some large, some small, spread throughout the country in the form of city and county councils, as distinct from smaller borough or district councils. Many of those councils have large budgets which would make the smaller Australian States sit up and take notice, and they also have some of the responsibilities which State Governments have in this country.

The Hon. C. J. Sumner interjecting:

The Hon. M. B. DAWKINS: They are politically motivated. They are provided, in the main, with rather more than half of their revenue from central government (the balance coming from local rates and taxes), and they are, to a very considerable degree, dictated to as to what they shall do by the almighty British pound and by the central government. They remind me quite forcibly of the Australian Labor Party plan for Australia: do away with States, set up regions (similar to British county councils), and have them do what they are told to do by a central government in Canberra.

The Hon. C. J. Sumner: Which plan is that?

The Hon. M. B. DAWKINS: The honourable member is perfectly well aware of that. The Hon. Don Dunstan stood up and said that publicly.

The Hon. C. J. Sumner interjecting:

The PRESIDENT: Order!

The Hon. D. H. Laidlaw: He is pretty ignorant, so don't worry about him.

The Hon. M. B. DAWKINS: The honourable member is ignorant. He should not be here, and he knows that perfectly well. In this country of long distances and vast spaces,

heaven save us from such a scheme. It is not by any means impressive, even in a small closely populated area like Britain. It would be quite disastrous, especially for the smaller States, here. The Hon. Mr Sumner should listen. This is what Mr Bob Hawke favours: he said so only the other day. Who, in the Labor Party, is prepared to get up and say that he opposes such a scheme and supports the retention of the States? I am sure the Hon. Mr Sumner could not get up and say that he supports the retention of the States, unless he is not worried about his seat in this place.

Of course, the local government set-up in Britain is completely and utterly political, with first past the post voting. We have heard much ill-informed comment from local government recently (generated from head office, one wonders) about the so-called evil effects which would ensue if preferential voting, which otherwise exists all over Australia, were to be introduced into local government here, and that politics would intrude into local government if this were done.

Let me suggest to those people who support this view that it is quite erroneous, it is nonsense. If politics should surface in local government, that is, in our moderate and more limited form of local government here which approximates rather more to the smaller borough and district councils of Britain, the type of voting will have no bearing upon it. In Great Britain politics permeates both strata of local government and the voting, as in Parliamentary elections in that country, is first past the post, an inaccurate system which can see minorities win preference with monotonous regularity. It is, of course, as all honourable members know, quite possible for a result, such as I am about to quote, to happen and to happen all too often, under the existing system, that is, first past the post, in local government elections. For example, of the total number of votes cast and I emphasise 'cast' (not the possible number of votes) 100 per cent can be thus divided: candidate 'A'—35 per cent; candidate 'B' 31 per cent; candidate 'C' 29 per cent and informal 5 per cent. Thus, under 'first past the post' candidate 'A' wins with only 35 per cent of the votes cast!

I said that it can happen all too often and it does. It is not so long ago that it happened in a neighbouring council, in a neighbouring ward in fact, to my own. And yet, when the Local Government Act can be improved in many ways, not the least of which is the removal of this outdated and ineffective means of voting, and replacing it by the method which obtains almost everywhere else in this country, the Local Government Association objects and opposes the move! I understand that the Secretary-General also complained that they were not consulted enough. I also understand that if he had taken the trouble to attend conferences himself instead of sending along his junior assistant he may have been much better informed and he may have understood the aims of the Minister to improve the Act, which is so overdue for review.

Members interjecting:

The PRESIDENT: Order!

The Hon. M. B. DAWKINS: It is, in my view, a great pity if this desirable and necessary improvement to the Act (together with many other needed reforms) has to be left out of the Bill because of what I consider to be the short-sighted and ill-informed attitude of the Local Government Association.

I must commend the Minister for the strenuous efforts which he has made to revise the Act which, whatever its present effectiveness, is so out of date and so cumbersome, needing frequent amendments to keep it going, so to speak. The fact that it is really still an amalgamation of two Acts consequent upon the merger and redrawing of local government boundaries as far back as 1933 and also that a very valuable Local Government Act Revision Committee did a very good job, by and large, of revising it in a period beginning in the mid sixties (as you well know, Mr Acting President, that report was never acted upon) highlights how overdue this revision is.

Local government must expect considerable changes, if its Act is to be updated, and not all of them will be palatable, but if local government makes wholesale objections the whole project will finish up in the same pigeonhole as that of the Local Government Act Revision Committee just quoted. The Local Government Association must fairly apportion a good deal of the blame, if that happens, where it rightly belongs—upon itself. It is regrettable that, emanating from the Secretary-General's office recently, there were comments about State and Federal funding for local government which cannot be borne out by fact.

The Hon. C. J. Sumner: Don't you like Mr Hullick?

The Hon. M. B. DAWKINS: Mr Hullick is a personal friend of mine, but when somebody makes a mistake I say so, and I am saying so now. It is a fact that Federal funding has been increased significantly in recent years and it is also a fact that the State has all but eliminated the hospital levy, which under the previous Government was 3 per cent but which is now only 0.5 per cent and is due to be phased out entirely in this financial year.

It is also a fact that, despite the assistance of Governments, many councils will have to raise their rates this year because of escalating wage and salary demands and other rising costs. An article appeared in the paper the other day reporting Mr Hullick as follows:

> ... the State Government wanted to direct use of councils' personal income tax share.
>
> 'This is Federal money the State Government has no right whatsoever to interfere with,' he said.
>
> 'We keep having to tell the State Government to keep their hands off it.'

The Premier was reported as replying to that statement along these lines in a newspaper article:

> There has never been any question of the State Government attempting to dictate to local government in this way and the Minister of Local Government and I were able to make this quite clear to the President and Secretary-General of the Local Government Association at an urgently convened meeting later the same day.
>
> I also expressed some concern that there had been no attempt to seek direct reassurance from the Minister, or from me, before this unfounded rumour was given further prominence and apparent credibility through the media.

I have a copy of the Premier's letter and also, if it needs to be clearer, I have a copy of a letter sent to all clerks about this matter some time ago, as follows:

> Dear Mr Clerk, I am pleased to advise that on the recommendation of the South Australian Local Government Grants Commission I have approved a grant to your council of '$X' for this financial year. This is an unconditional revenue grant which council may apply to such purposes as it considers appropriate.

What could be clearer than that? The letter continues:

> Payment of this grant will be made to you as soon as the money has been transferred to the States by the Commonwealth Government.

That was signed by the Hon. Murray Hill. I must say, before I make further comments about this matter, that the Advisory Council for Intergovernmental Relations on page 14 of its fifth annual report stated:

> It may be well to remind local government that local government was originally designed to be representative of ratepayers but has come to regard itself as representative of the whole community.

Is Mr Hullick endeavouring to blame State and Federal Governments in order to offset the effects of an inevitable rise in rates? A responsible and accurate attitude from the Local Government Association office would be a great improvement and would be very much appreciated.

The Hon. C. J. Sumner: Do his statements have the support of the association, do you know?

The Hon. M. B. DAWKINS: There are a lot of people who support the association and who listen to Mr Hullick before they listen to anyone else. One is tempted to think of Mr Hullick as something of a grandstander who plays politics for his own benefit, but I hope that is not the case.

The Hon. C. J. Sumner: What about the President of the Local Government Association?

The Hon. M. B. DAWKINS: The Hon. Mr Sumner will have an opportunity to make a speech in due course. If he keeps quiet now he may learn something. Turning now to the arts, this Government has done a splendid job in catering for the arts and once again I must compliment the Hon. Murray Hill. Many people thought that the Liberal Government might not give sufficient attention to the promotion of the arts and artistic pursuits but the setting up of the Department of the Arts under Mr Len Amadio, a former Concert Manager for the Australian Broadcasting Commission, and the active support of the Minister, has seen this aspect of our lives properly catered for.

I have in the past complimented the previous Government upon its support for these pursuits, although I did criticise quite definitely and with very good reason the order of priorities which have obtained. Whilst I am by no means sure that these priorities have been entirely corrected, in that some aspects of artistic endeavour still get too much and others too little, I am certain that great improvement has been effected under the Minister and I compliment him for it.

The Hon. C. J. Sumner: Which get too much?

The Hon. M. B. DAWKINS: Quite a lot. I could talk for half an hour on that. I will see the honourable member afterwards and I may be able to educate him on the matter. I previously suggested that what might be a called semi-permanent adjunct to the Adelaide Symphony Orchestra be constituted instead of the somewhat *ad hoc* arrangements which now obtain for the necessary augmentation from time to time of the orchestra and the gathering together of a 'temporary' orchestra for the State Opera Company. I mentioned these matters some time ago to Mr Amadio and I believe that the Minister has something of the sort under consideration; if so, I commend it to him.

There are one or two other matters that I wish to mention. I do not wish to spend very much time on agriculture although it is of concern to everybody. It will be a subject of concern to Rundle Mall in due course when the 'pebble in the pond' spreads out sufficiently. We are concerned about the problems of the season. In many parts of the State good opening rains at the end of April were experienced but we have had very little rain since. Although some of the inside country is still in a reasonable situation and could be transformed by a good rain, some of the outside country is in a very difficult situation indeed. It is a matter of great concern to the people of South Australia who, despite the upsurge in minerals and other secondary pursuits, are still very dependent upon agriculture. It is a matter of great concern to the people of South Australia that the season is in a questionable state at the present time.

I want to congratulate the Minister of Agriculture and the Government upon the success of Samcor under the new arrangements. It is very pleasing indeed to note that there was a profit of $250 000 in the last year and an increase in turnover in that facility. It is a very great improvement upon the situation which previously obtained. With regard to His Excellency's comments about water, I wish to say a few words because all honourable members (even the honourable gentlemen opposite) would realise that water quality is so important. His Excellency said:

> My Government intends to introduce the necessary amending legislation during this session following the security of a new River Murray Waters Agreement. This agreement will greatly enhance the role played by the River Murray Commission in developing and maintaining water quality standards which are of critical importance to South Australia.

I cannot underline sufficiently the importance of that situation. The fact that we are getting a new River Murray Waters Agreement which will put some emphasis upon quality as well as quantity is very important indeed. I am very pleased and must record my appreciation of this move. In that regard His Excellency also stated:

> In the Riverland a scheme to pump most of the saline effluent from the Renmark and Berri-Cobdogla irrigation systems out of the river valley, has almost been completed. This is part of a $60 000 000 programme to control River Murray salinity in South Australia.

Members like the Hon. Mr Creedon and myself and members from the House of Assembly who are on the Public Works Standing Committee would know the situation which has obtained for so many years in the Murray Valley whereby the saline base, particularly in the periods of low river, seeps back to the river itself. The programme to get rid of that water and pump it away to Noora Basin several miles from the river as well as the scheme to reduce the salinity at Rufus River adjacent to Lake Victoria are both important schemes and will make a considerable improvement as far as the salinity or eventual lack of salinity in the river is concerned.

I have spent some time discussing the achievements of this Government and the desirability of a continuation of the same progressive policies. Perhaps before I close we should look at the alternative. This exercise will give the people of South Australia no confidence whatever and may well fill them with very great concern.

The Australian Labor Party is governed by outside people. They used to be called 'faceless men' by the late Sir Robert Menzies. Labor politicians are bound by the decisions of their Party; otherwise they have to resign. We saw that happen only a few days ago in this place. They are bound by decisions of their Party's governing bodies both Federal and State which comprise a large number of delegates who have been elected as such by a method completely contrary to their cherished 'one vote one value' and many of whom have never even stood for Parliament. In other words, any Australian Labor Party Government can be dictated to by a body which has no responsibility to Parliament and still less to the people of this country. In a recent example—

Members interjecting:

The PRESIDENT: Order!

The Hon. M. B. DAWKINS: We have seen a cosmetic papering over of the uranium policy (and the paper can be unstuck at any time the Parliamentary Party, or their bosses, feel like it). We have also seen an unrealistic threat to ban nuclear ships from Australian waters—a disastrous policy threatening to isolate Australians from our allies. An article headed 'A.L.P. Threatens Australia's Security', states:

> The Labor Party is threatening to take action to ban nuclear ships from Australian waters—a move which will place in jeopardy the security of all Australians. At a time of increased international conflict, the Labor Party's moves, if ever implemented, would effectively bar the ships of Australia's key allies from the nation's ports. Long standing treaties would be breached and Australia's ability to defend itself and undertake its responsibilities as outlined in pacts with friendly countries would be seriously diminished.

The Hon. L. H. Davis: Members opposite have gone quiet now.

The Hon. M. B. DAWKINS: Yes. The Victorian Labor Government was moving to implement this policy. The Victorian policy was a direct threat to the cornerstone of our nation's defence strategy. Of course the Western Australian Labor Party applauded the stand of Mr Cain's Victorian Government. The Western Australian Opposition Leader, Mr Burke, said that a Western Australian Labor Government would oppose visits by nuclear-powered or

nuclear-armed ships. Does Mr John Bannon support Mr Cain in this object? Does the Hon. Chris Sumner support Mr Cain or does the Hon. Jack Wright? Will they say 'Yes' or 'No' to Roxby Downs? Of course they will not. They are too frightened of offending the left on the one hand and offending the growing number of South Australians who agree with the Roxby Downs project on the other hand. What does the media think of the A.L.P.?

The Hon. C. J. Sumner: I take it that you cannot read.

The Hon. M. B. DAWKINS: I know that the Hon. Mr Sumner cannot read; otherwise, he would not make such stupid statements. What does the media think of the Victorian Government's proposal? I wish to mention one or two comments from the *Sydney Morning Herald,* as follows:

> The proposed ban certainly strikes at the heart of this country's ANZUS relations with the U.S., and we are left to wonder at Mr Cain's motives and those of Mr Hayden in supporting him.

The *Daily Telegraph* stated:

> —Mr Cain's decision threatens the stability of Australia, its ties with long established allies and our system of Government.

The *Australian*, on 9 June 1982, stated:

> If Mr Cain is successful with what he proposes, a significant part of the conduct of our foreign relations will be taken out of the hands of the national government and our defence arrangements with our allies will be seriously affected.

The Labor Party aspires to being the alternative Government. Are members of the Labor Party prepared to stand up and be counted by saying that they support this policy? As the Hon. Mr Davis interjected, they have gone quiet. I believe it is still in the back of their minds that they will implement this policy if they get into Government. Is this the Party that aspires to Government in this State? Is this the only alternative we have? If this were not enough, I believe, and I am sure the vast majority of South Australians would agree, that such a policy would be absolutely disastrous. One only has to look at the economic policies imposed upon Labor Party members at its recent Federal conference. One only has to refer to their patched up uranium policy. Who would want to continue to develop uranium mining under such a policy? Who wants to see a capital gains tax of the type which Labor would probably introduce under its plan to 'strengthen the Income Tax Act capital gains'? Some of their members say that such a plan would be a disaster—and so it would—but they would have to do what they were told.

The Labor Party has also mentioned a resources tax. Is this a method of double taxation upon developing companies and mining interests? The present Opposition also talks about price control, but never mentions wage control. Price control without wage control would be a disaster for industry and for development and a recipe for much greater unemployment. Policies such as these would destroy the economy of this country and should not be contemplated by the people of this State. In contrast, the South Australian Government is coming out of this financial year $15 000 000 in the black.

In the Labor Party such a thing as unity does not exist. In fact, there is a complete lack of unity and there are a number of factions. I doubt whether the Hon. Mr Sumner can say how many factions exist within the Labor Party. There was a very good example of the factionalism and the in-fighting within the Labor Party last week. One has only to look at the in-fighting which took place last week to see how divided the Labor Party is.

Certainly, the Labor Party is not competent to govern this State or this country in its divided state and with the disastrous policies it has espoused, some of which I have mentioned. In contrast, this Government has done a good job for South Australia in difficult circumstances, and it deserves commendation and a continuing vote of confidence. The Government has undertaken in this inflationary period that the policy of lower taxation will be maintained, as mentioned by His Excellency the Governor in paragraph 5 of his Speech. As I have said, I believe that the Government deserves commendation and a continuing vote of confidence. I ask honourable members to support the motion.

The Hon. J. A. CARNIE: I second the motion for the adoption of the Address in Reply. In so doing, I reaffirm my loyalty to Her Majesty Queen Elizabeth II. Like the Hon. Mr Dawkins, I express my regret at the loss to the community of three gentlemen who have played a part in the political life of South Australia. Of course, I refer to the Hon. Sir John McLeay, the Right Hon. Sir Philip McBride (both of whom I did not know personally), and, of course, the Hon. Mr Jim Dunford, who was well known by all honourable members. As the Hon. Mr Dawkins said, while one can be politically opposed to someone, one can still count him as a friend, and I counted the Hon. Jim Dunford as a friend. I respected his views and his life-long fight for people he believed in.

Like the Hon. Mr Dawkins, I am speaking for the last time in an Address in Reply debate. Unlike the Hon. Mr Dawkins, this is not of my own choosing. I had confidently expected to speak six more times in such debates. However, everyone who enters political life knows that there is no security of tenure in this job and it can be fairly ruthless.

At the outset I place on record (as I have already done in the press) that in no way do I criticise the Liberal Party for the fact that I was not included in the team to contest the next State election. With such a large number of candidates, and using the preferential voting system with an exhaustive balloting system, all sorts of odd results can occur. I repeat that I do not blame the Liberal Party and I do not believe that my omission reflects the wishes of the majority of members of the Liberal Party. This has been borne out, at least in my own mind, in the telephone calls and letters that I have received since 26 June. I will continue to work for and support the cause of liberalism, as I have done all my adult life.

I joined the then Liberal and Country League when I was 25 or 26 and except for three years, which I will come to in a moment, I have been a member ever since. At that time I had no political aspirations. I believed in what the Liberal Party stood for and I have always been prepared to stand up and be counted. That is an attribute which has got me into a fair amount of trouble over the years. It was not until some years later when the then member for Flinders, the Hon. Glen Pearson, announced his impending retirement that I was approached and asked to consider standing for preselection.

Until that time the thought of entering politics had never entered my head. I will not go into all the factors which made me seriously consider the approach and ultimately seek preselection, which I won. I believed, and apparently others also believed, that I had something to offer. At that time in 1970 preselection for the Liberal Party for the seat of Flinders was a certain road into Parliament. I entered the House of Assembly on 14 July 1970. I entered Parliament with no high ambitions but simply with a strong determination to be a good member for the electorate of Flinders and to the best of my ability to look after the interests of the people of Eyre Peninsula.

In retrospect there is no doubt whatever that I was politically naive. I think that I was a good local member, but less than two years later that was a less important factor than the eruption which occurred within the Liberal Party. I know now that the bitter differences between the factions had been there for some time and they came to a head on 15 March 1972.

As I have said, I have always been prepared to stand up and be counted and there was never any doubt which way I would go in the faction fighting which took place at that time. It cost me my seat in 1973, but I believe that I would do the same thing again. I will not pretend that it did not hurt at that time. I had hoped that the logic behind the reforms that we were trying to bring about would have been obvious to every thinking liberal, but my political naivety was still apparent and I turned out to be wrong.

It was to be another three years and I was to be a member of this Chamber when most of the reforms we were after took place. I do not intend to go over the history of the Liberal Movement *versus* the Liberal Party. Hundreds and thousands of words have been written and spoken about that matter—some accurate and some not so accurate. It seems to be a fact of political life that political Parties have these occasional blood lettings. The strength of the Party is shown by the length of time it takes to recover. In that respect we only have to compare the short period of three years that it took the Liberal Movement and the Liberal Party to come together again, and the three years after that to regain Government, with the over 20 years that it took the Labor Party to gain Government after the D.L.P. split.

Over the last few weeks we have seen that there are still very serious divisions within the Labor Party, both State and Federal. Therefore, it could well be a very long time before it governs again. Before leaving the subject of the turmoil of those years I point out that I do not regret any action that I have taken and I do not believe that I have anything to apologise for. I believed then and still believe that what happened was unfortunately necessary. I am convinced, and there are very few Liberals who would not agree with me, that the Liberal Party is a better, stronger Party now than it was in the early 1970s.

In 1975 I entered this Chamber and sometime between now and next March I will leave Parliament for the last time. Naturally, I am disappointed. I believe that I would still have been able to contribute something to the Legislative Council and to the Parliament—unlike one of the delegates I saw during my preselection campaign, a delegate from the Young Liberals, who looked at me quite seriously and said, 'Mr Carnie, at your age do you feel you have anything left to contribute?' I am not often stuck for words, but I was then, as most of the time I feel about 25 years old. I wonder whether that question was asked of the Hon. Mr Hill, who is a little older, or of the Hon. Mr Cameron who, although younger than I, looks older.

Seriously, I had hoped that I would have been able to choose my own time for departure but this was not to be. I am not leaving today and there will be other debates before this session finishes, so, for good or bad, honourable members will be hearing more from me. I apologise to the Chamber for that short political autobiography, but I hope that in the circumstances the Chamber will forgive me. I look back with no regret and have no apologies and I hope that in some small way I have contributed to the welfare of South Australia.

Mr President, my maiden speech in this place dealt with the role and function of an Upper House, so it is fitting that I conclude on the same subject. The question of whether Upper Houses have any relevance in contemporary society is one which is constantly raised. I note that there is to be a workshop in Perth on this subject next month, and that the Hon. Mr Sumner is to be a speaker at that workshop.

I regret that I will not be able to attend as this workshop should be very interesting and is a subject which is very dear to my heart. Labor Party policy is for abolition, and I agree that, if all Parties followed the A.L.P. practice of Caucus control, then the Legislative Council would play virtually no role at all: it would simply be a rubber stamp for whatever Party controlled the numbers in the House of Assembly.

I make this comment with no sense of criticism. It is the way in which the A.L.P. operates and good luck to it. I could not operate under such restrictions, nor could any member on this side of the Council. Many of us on this side of the Chamber have crossed the floor, and I have crossed it in this Chamber and in the House of Assembly.

The Hon. C. J. Sumner: The consequences are dealt out to you, though.

The Hon. J. A. CARNIE: Not necessarily. I have crossed the floor, and Messrs Davis, Laidlaw and DeGaris have all crossed the floor and voted against our Party at some stage in their careers.

Members interjecting:

The PRESIDENT: Order!

The Hon. J. A. CARNIE: You, Sir, when you sat on the benches in this Chamber, crossed the floor on several occasions. I have only once seen a member opposite cross the floor, except for conscience issues when a free vote is allowed, and that was the occasion very fresh in all our minds when the Hon. Mr Foster showed his courage and principles and voted for something he knew was in the best interests of South Australia, but which was against current A.L.P. policy. Even then, for him to vote that way, it was necessary for him to resign from the Party he had served so loyally for many years. I repeat, for an Upper House to function effectively it must not simply reflect the views of whatever Party is in control of the House of Assembly. I do not believe it is an accident that the majority of the Legislatures throughout the world have two Chambers. Most of the new nations which have been formed since the war have adopted a bicameral system. Even a country like Russia has two Houses. As far as I can ascertain, only New Zealand, Denmark, Queensland and the State of Nebraska in the United States have abolished their second Chambers.

The Hon. R. C. DeGaris: Sweden has.

The Hon. J. A. CARNIE: If it has, it is a recent decision. Apparently, the United States abolished its second Chamber once and France did twice. The reference to this which I found did not say when that situation happened. Both countries found that that system failed and restored the second Chambers. The fact is that an Upper House acts as a balance and a check on the Government of the day. I do not care if that Government happens to be of one's own Party or not. Any Government occasionally needs pulling into gear.

A few years ago, in 1977 or possibly 1976, the Government of Queensland, which, as I said, has only one House, introduced and passed 50 Bills in the final week of the session. I do not care what Party one belongs to; that is quite wrong and makes for bad government and is only one step away from dictatorship.

John Stuart Mill, whom all honourable members would know of, in his *Considerations on Representative Government* wrote about the one House versus the two Houses argument. I have quoted from this in this Chamber previously, but it bears repetition in this context. Mill said:

> A majority in a single assembly, when it has assumed a permanent character—when composed of the same persons habitually acting together, and always assured of victory in their own House—easily becomes despotic and overweening, if released from the necessity of considering whether its acts will be concurred in by another constituted authority. The same reason which induced the Romans to have two consuls, makes it desirable there should be two Chambers; that neither of them may be exposed to the corrupting influence of undivided power, even for the space of a single year.

This article was written in 1861. I believe it to be just as relevant today and I believe it will be just as relevant in another 100 years.

Undoubtedly, there is a case for saying that second Chambers should contain members who are less dependent on Party considerations and organisations than are the members of the Lower Houses. To believe that any Upper House could be apolitical is extremely naive. We are all members of political Parties, and the philosophies and beliefs of our particular Parties will play a major part in the decisions we make. There is certainly a case to be made for having the method of elections for the two Houses as different as possible.

Since electoral justice in the form of full franchise came to this Chamber in 1975, the differences we have in this State are a six-year term as opposed to three years for the House of Assembly, no electoral boundaries for the Legislative Council, and proportional representation in this Chamber.

This is one reason why I am totally opposed to the aims of the Electoral Reform Society, which has as its main policy the election of all Houses of a Parliament by a quota-preferential method a proportional representation. This would remove one of the major differences between the methods of election for the two Houses and, in my view, provide another argument for those who believe in abolition. The Electoral Reform Society constantly quotes Tasmania, where the Lower House is elected by the Hare-Clark method of proportional representation, but what it fails to mention at the same time is that the Upper House in Tasmania comprises single-member electorates so that there are still differences between the methods of election of the two Houses; the Houses are not elected on the same franchise and by the same method.

The fact is that under the present system—a six-year term, with half of the members coming out every three years and with proportional representation—there is no guarantee that the Party which has the majority in the House of Assembly will have the numbers here. While this undoubtedly can be frustrating at times, on the whole I believe that it makes for better Government. During the 1968 to 1970 period of the Hall Government, the Government in the Lower House also had a majority in this Chamber. I do not think that that has occurred since.

The term 'House of Review' has come to be a bit of a cliché, but that is how this Chamber should function: it should review legislation and act as a balance and as a check on the Government. In saying this I also say that it should not be obstructionist. If a Government has been popularly elected then it should have the right to govern. Menzies, speaking of the Senate (but it is equally applicable to any Upper House), said:

> It would be a falsification of democracy if on any matter of Government policy approved by the House of Representatives possibly by a large majority, the Senate could reverse the decision. Otherwise a Senate opposition whose party had just been defeated at a general election would be in command of the Government of the nation. This would be absurd as a denial of popular democracy.

On the whole, over the years, I believe that this Council has followed that belief. The question of whether or not a Government has a mandate is always a difficult question, and I for one do not believe that any Government necessarily has a mandate for every matter mentioned in its policy speech. That must be taken into consideration when applying that principle, as stated by Menzies.

When it is a major matter, as was Roxby Downs, it is another thing. There is no doubt whatever that this Government had a mandate for Roxby Downs. However, there was an attempt by one man, who polled only just over 8 per cent of the vote, to frustrate a major policy item of a popularly elected Government. That would have been, as Menzies put it, 'a denial of popular democracy'. However, it did not occur and, on the whole, this Council cannot be said to be obstructionist.

For example, in the session of 1977-78, when the A.L.P. was in office and when we had the numbers in this place, 87 Bills were considered by this Council. Of those, 75 were passed by both Houses. Only 12 Bills were not passed in that session, three of which were private members Bills and, as honourable members know, that sort of Bill is very rarely passed. I remember that one of those Bills was mine, and that did not even pass this Council. Another was the Bill introduced by the Hon. Mr Burdett, which was passed here but was not passed in the Assembly. A third Bill, which was brought on by the Hon. Miss Levy, was referred by this Council to a select committee. That Bill was re-presented in the following session and passed. Of the 12 Bills which did not pass both Houses of Parliament, nine were Government Bills, five of which were referred to a select committee and were re-presented in the following session in either the same or modified form and subsequently passed.

We are now down to four. One of those four Bills was a legal Bill, which the Government referred to the Law Reform Committee; another of them was withdrawn by the Government. So, of the 87 Bills considered in that session (and I choose that session for no particular reason—it just happened to be one when we had the majority in this place and when the Labor Party was in office), only two Government Bills were defeated by a hostile Council. In fairness, pretty much the same pattern has emerged in regard to the current Council.

For example, in the first session of this Parliament, 80 Bills were considered, 71 of which were passed by both Houses. Of the nine Bills that did not pass, seven were private members Bills and two were not proceeded with by the Government. So, in that session, no Government Bill was defeated by the Council. In the second session, one Bill of 133 was defeated, and, in the session just completed, four Bills of 136 were defeated. I do not believe that this Council, on the whole, can be said to be obstructive, irrespective of which Party has the numbers.

Of course, this does not mean that we cannot and should not move amendments. In fact, in the session just completed, the Council moved and carried 260 amendments to 136 Bills with which we dealt. This shows the true role of an Upper House—to examine and review legislation with a view to improving it, not defeating it. I have not troubled to take out the figures, but it is my impression that by far the greater number of amendments passed in this place have been accepted by the Government of the day.

Since being in this place, I have consistently raised the question of expanding the role of the Legislative Council to an investigative role by means of standing committees. I have spoken on this matter several times, and I do not intend to canvass all of the arguments again now. I believe that I have spoken on three occasions in this Council in regard to that matter, as well as outside this place. One of my greatest regrets in leaving this place is that I will not be here to continue that crusade, but I hope that someone will continue it and that eventually this place will be as effective as is the Senate.

I thought that we had a major breakthrough when the Government introduced a Bill to establish a Statutory Authorities Review Committee, but amendments that were placed on file were, of course, quite unacceptable to the Government and so the Bill lapsed. I agree with the Government's feeling on that because of a long-standing belief that the Government of the day should have control of committees. The amendments, if carried, could have resulted in the loss of that control.

The Hon. C. J. Sumner: Not the amendments carried in the end. The Hon. Mr DeGaris's amendments could have

resulted in loss of control, but the amendments I moved, if passed, would have maintained Government control of committees.

The Hon. J. A. CARNIE: The point is that many of the amendments were quite unacceptable to the Government. Odgers, in his *Australian Senate Practice*, when referring to Senate committees stated:

> The Senate's committee system is possibly unique in that the Party composition of standing and select committees does not necessarily reflect voting strength in the Senate. It is a long-standing convention that the Government provides the chairmen of committees and enjoys a majority of votes in committees, even if the Government may be in a minority on the floor of the Senate.

I firmly believe in that convention, and I say again that I believe firmly that the Government of the day should always have control of committees.

The Hon. R. C. DeGaris: The amendments carried maintained that convention.

The Hon. J. A. CARNIE: That is a matter of interpretation and the Government (and I agree with the Government) did not interpret it in that way.

The Hon. R. C. DeGaris: It is wrong.

The Hon. J. A. CARNIE: Everyone is wrong. I hope that the Government will make a further attempt to re-establish this committee and I hope that, if the Bill is reintroduced, reason will prevail and it will be allowed to pass unamended. I think that honourable members will have got the message now that I am a very firm believer in the bi-cameral system and I make this final plea to those who will be here after the next election. I plead with all honourable members to make this House work so that it can play its proper role in the Government of this State, as our forefathers intended. I support the motion.

The Hon. M. S. FELEPPA secured the adjournment of the debate.

SESSIONAL COMMITTEES

The House of Assembly notified its appointment of sessional committees.

ADJOURNMENT

At 5 p.m. the Council adjourned until Thursday 22 July at 2.15 p.m.