LEGISLATIVE COUNCIL

Wednesday 11 August 1982

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

QUESTIONS

McLEAY BROTHERS

The Hon. C. J. SUMNER: I seek leave to make a brief explanation before asking the Attorney-General a question about McLeay Brothers.

The PRESIDENT: Is leave granted?

The Hon. N. K. Foster: No.

The PRESIDENT: Leave is not granted.

The Hon. C. J. SUMNER: Does the Attorney-General recall that on 25 August 1981 in this Council I raised the question of the collapse of McLeay Bros Pty Ltd and an associated company Clinton Credits Pty Ltd, which was owned by the McLeay family? Does the Minister recall that it appeared that Clinton Credits Pty Ltd obtained money from the public and then lent it, without security, to McLeay Bros and the Aileen Trust, and that at the time a liquidator was appointed Clinton Credits Pty Ltd had no assets except money owing to it?

Does the Attorney recall that I pointed out that, of the $173 569 shown as owing to Clinton Credits, $128 420 was owed by McLeay Bros, and $37 853 by the Aileen Trust, a McLeay family trust? Does the Attorney recall that I pointed out that, with the collapse or pending collapse at that stage of McLeay Bros, this money might not be reimbursed from McLeay Bros. to Clinton Credits? Does the Attorney recall that he undertook to have the complaints taken up with the Corporate Affairs Commission, and that that was 12 months ago? Does he recall the raising of this issue and the question of other corporate affairs inquiries in this Council since the matter was initially raised in August 1981? Is the Attorney-General aware that the creditors of Clinton Credits, who are mainly small investors, are owed a considerable sum and are increasingly concerned about the delay in dealing with this matter, especially as I am advised that one of the problems is the unavailability of Mr John McLeay, who is in Los Angeles, and that questions must be put to him, so I understand, by the receiver, the liquidator, or possibly by the Corporate Affairs Commission? Further, is the Attorney-General concerned that the creditors appear to be worried about the delay in the resolution of this problem? What is the position in relation to this inquiry by the Corporate Affairs Commission? Finally, when is this matter likely to be resolved?

The Hon. K. T. GRIFFIN: There seems to be a whole series of questions relating to factual matters which the Leader of the Opposition has raised, really in the context of explaining the subsequent question. I am not willing to answer them all *seriatim*, but I am prepared to generally answer the question which is: what is happening to the investigation into McLeay Bros Pty Ltd, and Clinton Credits Pty Ltd, both companies being in liquidation and McLeay Bros Pty Ltd having had a receiver and manager appointed? Since I last reported to Parliament on the investigations which had been implemented as a result of questions which had been asked last year, I am informed by the Corporate Affairs Commission that the liquidator of Clinton Credits Pty Ltd has commenced proceedings pursuant to section 249 of the Companies Act, 1962-1981.

The Corporate Affairs Commission has informed me that it is intervening in these proceedings. Several persons have already been examined as a result of proceedings under section 249 which, from memory, relates to opportunities given to the liquidator for court-type hearings to examine various persons who might be able to give some information about the conduct of the affairs of a company.

I understand that the liquidator has arranged that both John McLeay and Peter McLeay will be examined pursuant to those proceedings under section 249, but that that examination will not occur until some time in September of this year. It is correct that the absence overseas of Mr John McLeay has caused some delay in these investigations. There is nothing that the Corporate Affairs Commission can do about that, recognising the public duties that Mr McLeay is performing for the Australian Government in the United States. At this stage the investigation by the liquidator of Clinton Credits is proceeding. The Corporate Affairs Commission is intervening in the proceedings to which I have referred.

The Hon. Frank Blevins: McLeay is hiding in Los Angeles.

The Hon. K. T. GRIFFIN: Rubbish!

The PRESIDENT: Order!

DRIVERS LICENCES FOR THE DEAF

The Hon. C. W. CREEDON: Has the Attorney-General a reply to my question of 20 July about drivers licences for the deaf?

The Hon. K. T. GRIFFIN: Persons applying for a drivers licence are required to disclose to the Registrar of Motor Vehicles any mental or physical disability. When assessing the degree of disability and the corrective measures to be taken, the Registrar is guided by recommendations made by the Australian Medical Association. These recommendations have been observed for many years. They were last revised in 1977.

It has been acknowledged that a loss of hearing acuity is usually well compensated for, since most people who are hard of hearing are quite conscious of their disability and tend to be more cautious and alert. Those drivers make much more use of their rear-view mirrors than the average non-handicapped driver. For this reason deafness does not debar a person from holding a drivers licence. However, where hearing is seriously impaired, or where the driver is totally deaf, it is a requirement for the driver to have external rear-vision mirrors fitted to either side of the vehicle to compensate for the loss of hearing.

The licence restriction requiring the fitting of two rear-vision mirrors is based on the applicant's declaration of his/her hearing disability. The absence of such restriction on a deaf driver's licence results from the failure of the licence holder to notify the Registrar of their disability. Currently the number of drivers licences endorsed with the two-mirror restriction would not exceed 100.

WHYALLA THEATRE

The Hon. FRANK BLEVINS: I seek leave to make a brief explanation prior to directing a question to the Minister of Arts about the new theatre at Whyalla.

Leave granted.

The Hon. FRANK BLEVINS: I am sure that all members of the Council are aware of the saga of the cultural complex that is to be built at Whyalla. Time does not permit me to detail the history of that entire project. Suffice it to say that it goes back many years (about seven or eight) yet not a brick has been laid. The plan for this complex was well advanced when the Labor Party lost Government in 1979; the trust had been established.

Money had been allocated for this project, which would immeasurably enhance the quality of life for people not only in Whyalla but in the whole region. On coming to office this Government, and this Minister in particular, set about torpedoing the entire proposal and succeeded in doing that very efficiently.

The Hon. C. M. Hill: What Minister was that?

The Hon. FRANK BLEVINS: I am referring to you. The Minister stated—I think through the Premier—in Whyalla that no complex would be built and that the Government would examine a proposal for putting a new theatre in Whyalla. To some degree these plans have come to fruition: at least plans have been drawn up and there is a proposal for a new 500-seat theatre immediately adjacent to an existing 300-seat theatre. The best comment people have about this proposal is that it is a third-rate facility for South Australia's second largest city, is, to say the least, being short changed by this Government.

One of the members of the Eyre Peninsula Regional Cultural Centre Trust, who has a great deal of responsibility in this area, resigned from the trust in protest at this particular project. In doing so he had some very strong things to say about the entire proposal. An article in the *Whyalla News* of Friday 13 July under the heading 'Theatre plan "half-baked": Town Clerk', says:

> Town Clerk Mr John Menard has resigned from the Eyre Peninsula Regional Cultural Centre Trust because he 'cannot support' its plans for a new theatre.
>
> Mr Menard is one of several people questioning the need of the theatre which, he said, 'duplicates existing facilities'. The theatre planning application was received by council from Adelaide architects Hassell and Partners a fortnight ago. Mr Menard said the theatre, as proposed, 'won't satisfy the people', who wanted 'a much more separately-identifiable centre, not an extension of what is already there'. The theatre 'bastardises the original concept' of cultural facilities envisaged for Whyalla.

These are strong words indeed. Who can blame Mr Menard for saying that, as no provision for additional car parking space or dressing rooms has been made at this new theatre. The proposal apparently is that the proposed theatre share car parking and dressing room facilities with the existing theatre. Obviously, that is a nonsensical proposition. How that could work absolutely baffles everybody in Whyalla. If it was not envisaged that the two theatres be used at the same time, why have two theatres?

It obviously follows that it is envisaged that both theatres have functions running at the same time. One can imagine the utter chaos in using the same dressing rooms for both facilities. It is understandable that Mr Menard, who is a highly respected town clerk, has resigned from the trust. This is only the latest chapter in a very sorry, sad and long saga which, in its own way (as I have said before), resembles the saga of the building of the Sydney Opera House.

Does the Minister agree with Mr Menard that the proposed new theatre 'bastardises the original concept' of cultural facilities envisaged for Whyalla? Is the Minister convinced that the proposed new theatre is in the best interests of the community at Whyalla and the taxpayers of this State?

The Hon. C. M. HILL: Let me refer to the position that obtained some years before the last election. On every occasion during the 1970s that I can recall, the then Premier, when he was on the campaign trail in Whyalla, reminded the workers of that city that he intended to provide for them a regional art centre that would be comparable with other regional art centres in Australia. Every time that the then Premier was there at each subsequent election he authorised the local regional cultural centre trust—

Members interjecting:

The PRESIDENT: Order!

The Hon. C. M. HILL: —which, incidentally, he named the Whyalla Cultural Centre Trust (he forgot that there were on Eyre Peninsula people other than those at Whyalla), to borrow $1 300 000 for that purpose.

The Hon. K. T. Griffin: Did he put a bulldozer on the site?

The Hon. C. M. HILL: No, he did not go that far, although it made a good story. The trust went ahead on each occasion, borrowed the $1 300 000 and sent it to the Treasury, but the then Premier used the money for other purposes down here. Nevertheless, in book form there was a credit to the trust in Whyalla and, as the years went by, people were asking themselves, 'Where are the bricks and mortar, the plans, and the decision to get on with the job of building the centre?'

The Hon. L. H. Davis: Was Mr Blevins asking questions about it?

The Hon. C. M. HILL: No, he—

The Hon. Frank Blevins: I was there at the opening of the plans.

The PRESIDENT: Order!

The Hon. C. M. HILL: All those who were culturally minded were invited, and the Hon. Mr Blevins got the first invitation.

The Hon. Anne Levy: What about the dressing rooms?

The Hon. C. M. HILL: I will come to that in a moment. When the present Government came to office, it thought that something should be done in a real sense to provide the citizens of the largest regional city in South Australia with some artistic facilities. So, we had a close look at the proposition. At that stage, the local government body, representing the people of the city, was undecided as to where the building ought to be constructed, so a referendum was held to choose between the two sites that had been put forward to the people.

By the democratic process, the people decided that one of the sites ought to be the area for the centre. The present Government said, 'We always yield to the wishes of the people in local areas,' so it agreed to that proposition. At that point, we had already supported the construction of a regional centre at Port Pirie, and were a little concerned about the capital cost of the regional centre at Whyalla.

We considered that the people in such far-flung towns as Ceduna and cities such as Port Lincoln on Eyre Peninsula ought to have a reasonable opportunity to benefit from capital expended for the arts on the peninsula. Also, we altered the name of the trust to the Eyre Peninsula Trust, appointed to the board people from such far-flung areas, and endeavoured to get the show on the rails (so to speak) is a sensible and pragmatic way.

The cost of other regional centres was escalating and, as evidence of that, I point out that the cost of the Port Pirie centre is now about $6 700 000. It will be opened later this year. We also saw that adjacent to the site that was chosen for this regional centre at Whyalla there were Department of Further Education artistic and cultural facilities which had already been built but which were not in full use.

The present Government believes in very wise expenditure of capital funds. We believe in optimum community use of public facilities once they are built. There was a small but delightful theatre in what was then the Department of Further Education complex (I think I should now call it the TAFE complex). There were excellent dressing rooms and changing facilities behind that theatre. Indeed, only in the last week a member of a company which played in that theatre told me that the dressing rooms were the best they had ever used in South Australia.

A closer examination of the proposition then showed that, rather than committing the people of South Australia, which is what it means, to an expenditure which could be comparable with that proposed for Port Pirie, there was in the TAFE complex some of the facilities which would be dupli-

cated anyway on the site immediately adjacent to it. The Government, I think very wisely, after consultation with the local regional trust (which in turn retained experts for the purpose) decided that if one major theatre was built adjacent to the TAFE complex the people of Eyre Peninsula would have a regional centre venue comparable with the one in Port Pirie.

The Hon. Anne Levy: A theatre without dressing rooms.

The Hon. C. M. HILL: Just a moment. It would also be comparable with the theatre in Mount Gambier. I will now deal with the question of dressing rooms. The dressing rooms—

The Hon. Frank Blevins: Don't forget Mr Menard.

The Hon. C. M. HILL: I am coming to Mr Menard. The dressing rooms would be those which would be used for the two theatres. Let us face it, there are two main halls or theatres in Port Pirie, Mount Gambier, and so on. Dressing rooms are not duplicated in a cultural complex; the same dressing rooms are used for the two theatres. That is basic common sense.

The Hon. Anne Levy: There are three sets of dressing rooms just across the plaza.

The Hon. C. M. HILL: I am not talking about the centre which serves nearly 1 000 000 people in Adelaide. I am talking about a proposed centre which will serve the population of Eyre Peninsula. Therefore, one cannot compare it with the Adelaide Festival Centre Trust Theatre. However, it can be compared with the centre in Mount Gambier, the facilities we hope to provide in the Riverland and the facilities which are now almost complete in Port Pirie.

I would prefer to compare it with those facilities because, personally, I believe the people in Whyalla deserve a principal theatre comparable with the main theatres in Port Pirie, Mount Gambier and the one which has been planned and approved for the Riverland region at Renmark. In relation to the circuit of performing companies it means that Eyre Peninsula and the people of Whyalla will miss out on major performances unless such a centre is provided at Whyalla. If the Hon. Mr Blevins wants the people of Eyre Peninsula to miss out, let him stand up and say so. Up until this point in time the Government has been determined to make every possible effort to provide the country people of South Australia, no matter where they live, with arts facilities comparable with those that their city cousins enjoy here in Adelaide at the Adelaide Festival Centre. That is the present Government's basic tenet: the provision of facilities for the arts.

The Hon. Frank Blevins: That's very admirable, but don't forget the question.

The Hon. C. M. HILL: The honourable member says that it is very admirable—

The Hon. Frank Blevins: You have not answered the question.

The Hon. Anne Levy: It's been eight minutes.

The PRESIDENT: Order!

The Hon. C. M. HILL: The local trust at Whyalla has been wrestling with the problem of designing this particular building—a theatre immediately adjacent to the TAFE complex. Therefore, those who use it and those who perform in it can enjoy all the consequential amenities adjacent without the need for duplication. Apparently, the nominee of the Whyalla council, Mr Menard, is upset about this. Apparently, he wants the Government to spend $6 700 000. Just what that will mean in relation to what local government might have to do away with there or elsewhere is anyone's guess. That is what he believes the Government should do.

The Hon. J. R. Cornwall: That is to misrepresent the way it is funded, isn't it? You have totally misrepresented it.

The Hon. C. M. HILL: In what way?

The Hon. J. R. Cornwall: By asking what the ratepayers will have to go without.

The Hon. C. M. HILL: If the honourable member had been in government for longer than six months—

The Hon. J. R. Cornwall: Four and a half months.

The Hon. C. M. HILL: He did not learn very much in that time. If he had learned more he would understand that the cake of semi-government borrowings is fixed to a certain level and it is then cut up to provide capital works throughout the whole State. If we have to find $6 700 000 for this regional centre it means that other needs in other areas might have to go without. Mr Menard believes that the Government should spend $6 700 000 which, I believe, in any sensible person's judgment is wasteful.

The Hon. C. J. Sumner: How much have you saved?

The Hon. C. M. HILL: I will tell the honourable member what we have saved. The honourable Leader asked what we have saved—

The Hon. N. K. Foster: Mr Minister, was this a Dorothy Dixer?

The Hon. C. M. HILL: No, it was not; but it was asked of me, nevertheless. In May 1981 the estimated cost of the whole complex was $5 100 000; the proposed cost of the theatre in December 1981 was $2 357 000. That gives anyone an idea of the savings we could achieve for the people and at the same time provide them with facilities comparable with the original plan

Mr Menard is entitled to his views. As the honourable member has said, Mr Menard stated that we were bastardising the whole plan. Frankly, I do not believe that Mr Menard knows what he is talking about. It does not worry me in the least to have accepted his resignation. The council has already indicated to me that it has nominated Councillor Hill to take Mr Menard's place as the city's nominee. I have known Councillor Graham Hill for some time. He is no relative of mine, but most people of that name have a pretty good starting point in life.

I am looking forward to recommending to Cabinet that the Government appoint Councillor Hill to the trust. I am also hopeful that we will hear more from the trust about the ultimate estimated cost for this one theatre. The honourable member also mentioned the question of carparking space. It is true that the trust told me that the city of Whyalla would not agree to a plan for the new theatre unless the trust or the Government provided 200 more carparking spaces on site. I then wrote to the Minister of Education and asked him whether, with all his funds, he could possibly make a donation or even construct a carparking extension to cater for a further 300 cars. After all, it is the site for TAFE and no doubt that institution will expand, especially in relation to parking requirements and day-time use. He replied that he regretted that he had to decline and that he could not assist. The ball then went back into the court of the local cultural centre trust. I am waiting for the trust to send me its final plans and its quotes for this theatre. I hope I have satisfied the honourable member.

The Hon. Frank Blevins: No, you haven't answered the question.

The Hon. C. M. HILL: The first question was 'Do I think that the alternative scheme bastardises the original concept?' The answer is 'No'. The second question concerns whether the new plan is in the best interests of the people of Whyalla.

The Hon. Frank Blevins: Is the Minister convinced?

The Hon. C. M. HILL: I am convinced that the new plan will provide facilities equal to or even better than those proposed in the original plan and that this proposal is in the best interests of the people of Whyalla, whom I would like to see provided with performances on the circuit from other cultural centre trusts and comparable with the per-

formances which people in other country regions will enjoy as a result of the programmes of the current Government.

STANDING ORDERS

The Hon. N. K. FOSTER: I desire to direct a question to you, Mr President. Has any member of this Council been prevented by any fellow member from his or her legitimate duty on behalf of constituents? Has the refusal of leave under Standing Orders represented a denial of Parliamentary responsibility upon any member of this Council? Have you, Mr President, been requested by any member of the Standing Orders Committee, since your occupancy of the Chair in this place, to call a meeting of that committee to consider Standing Orders in respect of the granting of leave?

The PRESIDENT: I missed the honourable member's second question but, in regard to the first and third questions, the answer is 'No'. Perhaps the honourable member could repeat his second question.

The Hon. N. K. FOSTER: Has the refusal of any leave under Standing Orders represented a denial of Parliamentary responsibility upon any member of this Council?

The PRESIDENT: I would certainly hope not.

SOUTH AUSTRALIA

The Hon. ANNE LEVY: I seek leave to make a brief statement before asking the Attorney-General, as Leader of the Government in this Council, a question about the publication *South Australia.*

Leave granted.

The Hon. ANNE LEVY: Today, I received a copy of the publication *South Australia*, as I am sure all other members of Parliament received it. It was prepared by the South Australian Government and is to be distributed throughout the world to organisations and individuals interested in the progress and development of South Australia. Without having read the entire document at this stage (and certainly without wishing to enter into the controversy regarding it, which has already occurred in this place and in an other place), I did a count of the photographs and their contents throughout the document.

The Hon. C. J. Sumner: Did you see John Hill's photograph?

The Hon. ANNE LEVY: Yes, I did. If one looks at all the photographs in the document, one can classify the people shown as being engaged either in leisure or recreational pursuits or as being engaged in employment or productive pursuits. Amongst those who are engaged in leisure or recreational pursuits are 12 men and 16 women.

Members interjecting:

The Hon. ANNE LEVY: I am perfectly serious; this is not a laughing matter.

The Hon. L. H. Davis: Did you see the one—

The Hon. ANNE LEVY: I saw that photograph, and all the others. Amongst the individuals portrayed as being engaged in employment or productivity pursuits are 34 males and 2 females. The two women shown as undertaking some employment or productive pursuits are, first, an art teacher and, secondly, a reporter. The reporter is in a photograph containing three pople that is classified as 'Video cameraman and news team'. The woman reporter does not even get equal emphasis with the male member of the news team in that photograph.

The Hon. D. H. Laidlaw: Probably the men are more photogenic.

The Hon. L. H. Davis: There aren't any women on site at Roxby Downs.

The Hon. ANNE LEVY: I am very serious in my comments on this, and I am sorry that members on the benches opposite think it a laughing matter. Anyone reading this publication will gain the impression that there are no women in the work force in South Australia. That is certainly not true. It is not true in the manufacturing sector, where there are many women employed in this State, yet the impression given by this publication is that the manufacturing sector of our economy employs men entirely and that women are absent.

The whole impression given of the work force in this State is misleading, wrong and must do great damage to South Australia. I believe that this publication is a disgraceful reflection of South Australia. Will the Government apologise publicly to the women of this State for the false impression which is given of their activities in this State, and will the Government see that the photographs are changed in any subsequent printings of this publication, if there are to be any?

The Hon. K. T. GRIFFIN: I am not in any position to issue an apology—

The Hon. Anne Levy: You should.

The Hon. K. T. GRIFFIN: That is a matter of opinion. I certainly do not intend to apologise, because I do not accept the premise upon which the question has been raised.

The Hon. Anne Levy: It is supposed to reflect the situation in South Australia and—

The PRESIDENT: Order! I think the honourable member has already said that.

MINISTERS' STATEMENTS

The Hon. M. S. FELEPPA: I seek leave to make a brief explanation before asking the Minister of Community Welfare and the Minister Assisting the Premier in Ethnic Affairs a question with reference to statements made during their replies to the Speech of His Excellency the Governor.

The PRESIDENT: You will have to frame that as two questions, one to each Minister.

Leave granted.

The Hon. M. S. FELEPPA: I address my question to the Minister of Community Welfare. First, I would like to apologise for not being present in this Chamber when both the Hon. Mr Burdett and the Hon. Mr Hill replied to the Speech of His Excellency the Governor. I have read their speeches in *Hansard* and I cannot let them pass without comment. First, I was disappointed to read that the Minister for Community Welfare chose to use my praise for certain enlightened initiatives taken by him in order to cover the whole of the activities of his department. My praise for the acknowledgement in the amendment Act concerning the Department for Community Welfare and the culture of ethnic clients was most sincere and meant no more than that: it is a start and a good one. However, they are only words so far and, as yet, that piece of legislation has not been proclaimed. Therefore, I hope that the Minister will not use my honest praise for political gain. If it is generously given, it is expected that it be generously accepted and not be abused. I did not attack, nor do I wish to attack, the Minister's personal concern for family and migrants. Indeed, it would be a strange Minister who had no concern.

I agree with the Minister that the question of the welfare of the family and its members is a particularly difficult and topical one. My contention is that neither the Minister nor his department has explored the issue adequately. Indeed, when the honourable gentleman asked the question how to deal with certain difficult family situations he seemed to forget that migrant families have had to confront them before. As long as the Minister and his department limit

themselves to seeking solutions within the framework of the one dominant culture within which we live, they are bound never to find the answer. I have said this before. Solutions which are suitable in one culture are not necessarily suitable in another.

Therefore, I suggest that the Department for Community Welfare has not looked hard enough at the whole situation. It is not sufficient to say that an Ethnic Welfare Adviser has been appointed. The Minister does not say whether the advice of that adviser is sought and accepted by the department. The Minister appeared to be using a device in attempting to shift the responsibility for lack of action of the executive of his department to one of his officers, thus making him the sacrificial goat. Simply stating that the problem is difficult is not saying how the Minister intends to deal with it. My criticism is of the inadequacy of the current solutions proposed, the inadequacy of the Minister's research in this area, and the inadequacy to search elsewhere other than where the Minister has been looking so far. Good intentions are no substitute for such knowledge.

When will the new amended Act be proclaimed? Why has it taken so long for it to be proclaimed when it passed this Chamber in 1981? How does the Minister propose to implement section 10 (4) of the new Act, which compels the Minister or the department to take into account the background of a client?

The Hon. J. C. BURDETT: When I spoke in the Address in Reply debate, I was not using the praise given by the honourable member—and I thank him for that praise—for political gain. I was simply stating that the department is exploring the position of the ethnic community, and that we have appointed an Ethnic Community Adviser, as the honourable member has just said. Of course that adviser's advice is sought—otherwise we would not have appointed him. As with other advisers, such as the Womens Adviser, advice is given and considered, but no-one can say in advance whether or not it will be accepted.

I deny the allegation that we have looked at family situations from a one culture point of view. That is not the case. The department has been aware for many years of the special problems that apply to families of ethnic origin; these problems go back many years. It is aware that different principles have to be applied in looking at the different families. We are quite aware of that situation and are continuing to look at the problem. In fact, a great deal of departmental time is spent looking at this problem.

The first of the specific questions the honourable member asked was about when the Act will be proclaimed. It will be proclaimed as soon as possible, and some time during this financial year. The honourable member asked why it has taken so long for this to happen. The reason is that the matters involved, including the matter he has raised, are so important and complex that we wanted to make sure that when the Act was proclaimed we were ready to implement it. The honourable member referred to section 10 (4) and asked how it was to be implemented. That provision relates to the objectives of the Minister and the department. Of course, they are not specific; they are simply part of the objectives. They will be implemented, in the same way as are the rest of the many objectives set out in that section, by the department and the Minister considering the matter and what steps can best be taken to deal with it. We are looking very seriously at present at the question of welfare in the ethnic communities and at all of the other issues set out in section 10, and we will continue to do so.

TAX CONCESSIONS FOR CONSERVATION

The Hon. L. H. DAVIS: I seek leave to make a brief explanation before asking the Minister of Community Welfare, representing the Minister of Environment and Planning, a question on tax deductibility of moneys spent on conservation work.

Leave granted.

The Hon. L. H. DAVIS: The Chairman of the Australian Heritage Commission, Mr Kenneth Wiltshire, was recently quoted as observing that some countries, such as the United States, have taxation incentives for *bona fide* conservation work on historical structures that are recognised as an integral part of the national estate. There has been growing interest recently in Australia's national estate, no doubt due in part to the celebration of South Australia's sesquicentennial in 1986 and Australia's bicententary in 1988, and in the increasing need to spend money to conserve Australia's heritage.

Will the Minister make representations to the Federal Government urging income tax deductibility for donations to conservation work in places of national estate significance and other appropriate taxation incentives together with other forms of valuable incentives such as that provided by the South Australian Heritage Agreement Scheme for the retention of native vegetation on private land?

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

DEBTS REPAYMENT LEGISLATION

The Hon. BARBARA WIESE: I seek leave to make a brief explanation before directing a question to the Minister of Consumer Affairs concerning debts repayment legislation.

Leave granted.

The Hon. BARBARA WIESE: In 1978 legislation concerning debts repayment passed both Houses of Parliament in this State. That legislation has never been proclaimed. I understand that the delay initially came about while administration and restructuring arrangements were being formulated during the period when the Labor Government left office. In August 1981, the Leader of the Opposition in this place asked the Minister when the legislation would be proclaimed. The Minister said that the Government had no intention of acting at that stage. My attention was drawn to this matter again this morning by a letter to the *Advertiser* by Ivor Bailey, who is well known to people of this State as Superintendent of the Adelaide Central Mission. That letter states:

> The Adelaide Central Mission has for many years conducted a Budget Advisory service. In the mid-60s the service was offered as a part of Life Line. In the 70s this became part of the ACM Credit Union. The acute nature of the present situation is the reason for forming Credit Line. The demand on agencies such as ours makes this imperative.
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> The high level of bankruptcies in South Australia (2½ times the national average) is due to the incongruous nature of the law in this State. In South Australia if a person fails to appear in court to answer a summons relating to debt (any charge can be traumatic: insolvency is a public admission of defeat) that person is automatically charged with contempt of court.
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> The only way to avoid imprisonment is therefore to pay the debt in full. In 1978 appropriate Bills were passed through both Houses of Parliament but have not been proclaimed.
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> At the initiative of the Premier and at the stroke of the Governor's pen, this anachronism could be resolved. I draw this to the attention of the Attorney-General in the hope that some measure can be taken to change the law relating to bankruptcy. This will regularise South Australia in relation in other States, remove an injustice, and save a good deal of heartache.

Mr Bailey's letter is timely, as an increasing number of people in South Australia are running into financial difficulties with housing mortgage repayments and a growing number of people are facing bankruptcy.

The Hon. Anne Levy: The member for Henley Beach says that it's all their own fault.

The Hon. BARBARA WIESE: He would. Legislation of the kind envisaged here would assist considerably in reducing inequities and suffering for people who are in this situation. Has the Minister reconsidered his position in relation to the debts repayment legislation passed by Parliament in 1978, and will he now take action to have it proclaimed and implemented?

The Hon. J. C. BURDETT: Reconsideration of the position in regard to proclaiming the Act is constantly before me; it comes to my notice about monthly. It is being reviewed, but I have no intention at present of proclaiming the Act. Reverend Ivor Bailey referred to his own budget advice service. The Department for Community Welfare also runs a very efficient budget advice service. In fact, if people used the service available in the department, the need for proclaiming the debts repayment legislation and setting up the fairly expensive procedures set out in that Act would become much less necessary. The answer to the question is that the matter is under review, and I have no present intention of proclaiming the Act.

RAILWAY LINK

The Hon. N. K. FOSTER: Has the Attorney-General an answer to a question I asked on 21 July about railway links?

The Hon. K. T. GRIFFIN: The replies are as follows:

1. South Australia already has a a number of regular container services to countries north of the continent. ANRO Service: offering a fortnightly service to South-East Asian countries, including Indonesia, Singapore, Malaysia and via a feeder service to Bangkok. Jumbo Line: offering a monthly service to South-East Asian countries and to the Philippines, Hong Kong and Taiwan.

It is not expected that the rail will replace sea transport for imports or exports from southern States to South-East and East Asian countries. On today's costings, sea transport is far more efficient than half land and half sea transport. By way of example, the going freight rate for a container from Adelaide by sea to Singapore is somewhere around $1 800. It is expected that the rail rate between Adelaide and Darwin will be not far short of that figure. To ship containers from southern States to Darwin they would then have to pay port costs and for a sea link between Darwin and South-East Asian destinations. The total is likely to be well in excess of the simple sea transport and the extra movements provide additional opportunities for breakages, etc. In summary, the economics favour sea transport for the transport of large numbers of southern States' containers from the south to South-East Asian destinations.

2. Shipping economics are usually best catered for by two-way traffic. The Government is well aware of the advantages offered by South Australia's central position to increase imports warehousing activity. Strenuous and imaginative efforts are now under way to promote and develop port industrial estates for a range of industries and included amongst these will be attempts to build the level of warehousing activity undertaken in the State for the distribution of imported goods nationally.

3. It is not expected that container traffic will flow away from South Australia as a result of the introduction of container handling roll on—roll off vessels by the Russian European service. The major commodity being shifted by Soviet general cargo vessels from Port Adelaide has been wool. It is expected that for the time being a mix of conventional and roll on—roll off ships will continue to serve Port Adelaide to lift this commodity. Adjustments have been made to the Inner Harbor No. 20 berth shed to allow for the quarter ramp of the Russian roll on—roll off vessel to be worked in an efficient manner. This has already been used satisfactorily. Baltic Steamship Company conventional vessels have continued to use other berths in the port, particularly Inner Harbor No. 1 and No. 2 berths which have the large storage areas which are required for stockpiling wool for loading onto these vessels.

4. Published reports have for a number of years indicated quantities of wool and grain exported from South Australian ports to the Soviet Union. The Government is, of course, aware that the majority of these commodities are carried by Russian vessels.

5. Direct responsibility for external affairs, including trade relations, is the responsibility of the Federal Minister for Trade and Resources. In terms of the port, ongoing contact is maintained with Soviet shipping company representatives so that the needs of their ships are known and the trade between South Australia and the Soviet Union can be fully facilitated.

SELECT COMMITTEE ON PASTORAL LANDS

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

That a select committee be appointed to investigate the pastoral lands with particular reference to:

1. The present condition of the pastoral lands and the means employed by pastoralists, scientific agencies and the Department of Lands, Department of Agriculture and Department of Environment and Planning to assess and monitor their condition.
2. The control and management of the pastoral land and, in particular, the operation of the Pastoral Board, the staffing resource it has at its disposal, the forms of tenure currently applying, and the rights of public access.
3. Possible conflicts between pastoral use of the land and Aboriginal land claims, mining and tourism.
4. Amendments to the Pastoral Act needed to implement any recommendations of the select committee.

(Continued from 28 July. Page 201.)

The Hon. C. M. HILL (Minister of Local Government): This motion was moved by the Hon. B. A. Chatterton last Wednesday week. The whole of the Hon. Mr Chatterton's argument was based on three specific issues as outlined in his speech. First, the honourable member dealt with a claim that there had been insufficient time, lack of public consultation and improper haste in the preparation of the Vickery Report and the response of the Government to that report.

In considering this accusation, it is essential to recognise that a review of the security and status of primary productive rural land tenure was a stated electoral policy of the present Government. In the context of that policy the inter-departmental group was appointed to review the tenure administration and management of South Australian pastoral lands on 5 November 1980. Fifty-three known, identifiable outback land use interest groups were invited by circular to make submissions and 36 written submissions were received.

Verbal discussion and evidence was taken at hearings from 20 groups and individuals who either sought to make submissions verbally, or who sought to further explain their written submissions. The report of the group (based on those submissions, verbal evidence, and discussions) was presented to the Minister of Lands through the Standing Committee on Land Resource Management on 2 April 1981, virtually five months after their appointment.

The report was considered by the Government and, in response to a suggestion contained in the report, Cabinet approved its release for public comment on 10 June 1981. A press release inviting public comment was issued by the Minister of Lands on 11 June 1981. Two hundred and fifty copies of the report and invitation for comment were circulated into public and land use interest groups, including

all parties and individuals who made submissions to the group.

In response to specific requests, the Minister extended the closing date for receipt of public comment to 15 August 1981, thus allowing a period of over two months for the public to respond. The summation of public comments was presented to the Minister on 29 August 1981, and Cabinet approval to amend the Pastoral Act was granted on 26 October 1981. The chronological chain of events to this point therefore occupied a time interval of virtually one year, that is, from 5 November 1980 to 26 October 1981.

In addition, the Pastoral Act Amendment Bill 1982, which embodied the Government's determinations (having regard to the Vickery Report and public comments thereon), was introduced to Parliament on 2 March 1982 and was defeated at its second reading in the Legislative Council on 18 June 1982. It was defeated by the vote of the Labor Party and the Australian Democratic Party in this place.

Thus the issue of future arid land use and management was subjected to a further period of over three months of discussion and debate by the Parliament and sadly misleading and ill-informed public discussion promoted by opponents to the Bill. In summary, having regard to the above chronological chain of events, occupying a total time interval of over 19 months, accusations by the Opposition of indecent haste and lack of public consultation on the part of the Government in this matter are unrealistic and unsubstantiated, and are rejected by the Government.

In making his second point when presenting his case for the appointment of a select committee, the Hon. Mr Chatterton dealt with the need for a land use study prior to any proposed changes to arid zone tenures or administration. The Hon. Mr Chatterton, in support of his motion, stated, 'The Vickery Report recommended that nothing should be done for at least five years.'

The Vickery Report recommended nothing of the sort. In fact, the Vickery Report recommended *(a)* that a great many administrative actions and legislative amendments were urgently needed; and *(b)* that a land resource inventory and use study should precede the grant of more secure tenure, and suggested that, depending upon resources made available, such a process could occupy a five-year time interval.

The Vickery Report also expressed a group majority view that, on completion of such a study, consideration could be given to selective conversion of existing expiring pastoral tenures to permanent tenures having a 14-year covenant review, and subject to statutory reversion to expiring status on breach of covenants. In his statements the Hon. Mr Chatterton has clearly been unaware of, or has chosen to disregard, the fact that since the Vickery Report was written the following actions have been taken by the present Government:

(a) Two professionally qualified rangeland technicians have been appointed to the Pastoral Board establishment; and

(b) The Far North Planning Area Development Plan has been authorised by the Governor.

These initiatives represent significant advances towards implementation of the arid land resources inventory and use study recommended by the Vickery Report, and the Pastoral Act Amendment Bill of 1982 enbraced the tenure provisions suggested by a majority of the Vickery committee. The statements by the Hon. Mr Chatterton are thus quite inaccurate and misleading in their reference to recommendations made by the Vickery Report. The Government, therefore, considering this second point made by the Hon. Mr Chatterton, rejects his submission thereon.

I will now deal with the third point that the honourable member made, namely, the adequacy of the Department of Lands administration over many past decades. Commencing in 1973, the Pastoral Board has repeatedly endeavoured to acquire professionally qualified rangeland technicians on its field establishment in order to initiate range monitoring, assessment and rehabilitation programmes in the State's arid zone.

These repeated efforts were persistently refused or ignored by the past Government and Public Service Board until 1977, when the single position of Senior Rangelands Officer was eventually approved and filled. However, little imagination is required to envisage the futility of a single officer attempting such a task over three-quarters of the occupied lands of the State.

Since coming to office, the present Government has approved the appointment of two professional rangeland technicians to the Pastoral Board field staff, and over all the Pastoral Board staff has been increased from eight officers to 12 full-time field and office staff. These initiatives by the present Government are the first attempt by any Government in over 80 years to recognise and respond to the need to provide resources to adequately monitor and manage the use of the State's arid land resources. Therefore, the Government rejects the Hon. Mr Chatterton's third contention that there has been inadequacy in the Department of Lands administration over many past decades.

In summary, the matters raised, and the statements made, by the Hon. Mr Chatterton in support of his motion are each quite inaccurate and misleading in their interpretation of both the Vickery Report and the motivation and concern of the Pastoral Board and the Department of Lands for the adequate management of the State's arid lands.

In addition, the inter-departmental committee (that is, the Vickery committee) appointed by the Government to inquire into arid land management has been acknowledged by many speakers and groups as experts on the subject. The appointment of a select committee of the Legislative Council to inquire again into the matter would represent an extravagant duplication of an inquiry already undertaken by a group of acknowledged experts.

The motion is therefore seen by the Government as a waste of time and of public funds. The Government does not believe that the select committee procedure is the best way to approach the issue and, therefore, opposes the motion.

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

URANIUM RESOURCES

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

That the report of the Select Committee on Uranium Resources, laid on the table of this Council on Wednesday 11 November 1981, be noted.

I wish to address the Council in order to correct a number of misconceptions in respect of the second report, which deals with the minority report. It does not please me to have to stand here today and clear up these misconceptions. In fact, in a sense I find it regrettable to have to do so.

During the time that I spend in this place hereafter, the matter of select committees will be thoroughly considered, and, indeed, I will have to give serious thought to it. Select committees certainly have a very proper and serious role to play in the Parliamentary system, and they should not be costed, as occurred in relation to the select committee to which I have referred. There seems to be some misconception that I signed a minority report. However, that is not (and I emphasise 'not') the case.

Responding by way of interjection during a speech I made in this Council last Thursday week, the Leader of the Opposition confirmed my suspicions that during the course of

that select committee there was a subcommittee of the Opposition shadow Cabinet set up in relation to the uranium select committee.

The Hon. J. R. Cornwall interjecting:

The Hon. N. K. FOSTER: Yes he did; it is in *Hansard.* Be quiet and I will go further, mate.

The Hon. C. J. Sumner: That subcommittee was not set up only in relation to the select committee.

The Hon. N. K. FOSTER: It makes no difference what the Leader says. The Leader confirmed my suspicions last Thursday week. I did not want to go into this, but if members want me to take up more of the Council's time they can keep interjecting and the Leader can keep on suggesting that he did not confirm the existence of that subcommittee last Thursday week. I suggest that the Leader read *Hansard.* It was my suggestion at a Caucus meeting that a select committee be set up. I also initiated the terms of reference, which were amended by the Government through the Attorney-General.

Before the select committee concluded there was a discussion about the final report and it was decided, without any consultation with me, that there would be a minority report. I then found that the minority report had been given to the Liberal Party by the Hon. Dr Cornwall two weeks before I became aware of its existence.

The Hon. J. R. Cornwall: That's absolute nonsense.

The PRESIDENT: Order! I draw the Hon. Mr Foster's attention to his motion, which is that the contents of the report be noted. Therefore, the honourable member should talk about the report and not the events leading up to it.

The Hon. N. K. FOSTER: I am talking about the report, Mr President. Are you saying that under Standing Orders there can be no such thing as a minority report?

The PRESIDENT: No, I am not making that a point. I am indicating that the honourable member is making a personal explanation.

The Hon. N. K. FOSTER: I want to deal with the report which bears both my name and the Hon. Dr Cornwall's name. I did not know of its existence. After the original report was not accepted it was decided that the Government would draw up another report. The Hon. Dr Cornwall, in consultation with the members of Caucus and others, decided to draw up a document over the Labour Day holiday weekend. The Hon. Dr Cornwall then showed the Hon. Mr Cameron his on the basis that the Hon. Mr Cameron would show him his.

The Hon. Frank Blevins: That sounds obscene.

The Hon. N. K. FOSTER: It is all right for the Hon. Mr Blevins to say that it sounds obscene; it is obscene. The obscenity referred to by the Hon. Mr Blevins went on in schoolyards when he was 13 years of age.

The PRESIDENT: Order! The honourable member will speak to the report.

The Hon. N. K. FOSTER: I do not wish to go into any depth in relation to this report or its findings. References made in relation to the minority report were given to me very late after it was printed; I will take it no further than that. However, if any member wants to respond to what I have said, I will take it much further. The Hon. Dr Cornwall has been reported as saying that I welched on a deal. I did not welch on any deal. The Hon. Dr Cornwall did not approach me with a deal; he did not have the courage to do that.

The Hon. Dr Cornwall may well recall that during the select committee's hearings I suggested that we go to Beverley and Honeymoon because the leaching method is used at those uranium mines. The committee heard a lot of evidence about the leaching method. I think it was I who initiated the appearance of a hydrologist before the select committee to give evidence about the mines at Beverley and Honeymoon.

In conclusion, on many occasions I moved that the committee visit Beverley and Radium Hill, but my great and noble colleague, who now condemns me in relation to many matters, would not second my motion. If he considers that he is of greater ability than anyone else, that is his own opinion and he is well entitled to it. I do not want him to ever again stand in this Council and insinuate that the minority report was a joint document, because it was not.

I notice that the Hon. Mr Sumner is laughing. When I asked the Hon. Mr Sumner about this matter, when we were both members of Caucus, he admitted quite openly what had happened. I remind honourable gentlemen on this side that, if they want to have another go at me—

The Hon. Anne Levy: Aren't you speaking to me?

The Hon. N. K. FOSTER: The Hon. Miss Levy can choose whether or not she listens.

The Hon. Anne Levy: You referred to only the gentlemen on this side of the Council.

The Hon. N. K. FOSTER: I referred to members on this side, but I apologise to the lady. I apologise for making that terrible mistake in relation to one of the two females who think they represent the whole of the female population of this State.

The Hon. G. L. Bruce: They do, just as I do.

The Hon. N. K. FOSTER: You do not represent 100 per cent of the people, Gordon, and neither do I. In conclusion, if members on this side want to have another go at me I invite them to do so. I understand that I have the right of reply, anyway.

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

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 2)

The Hon. C. M. HILL (Minister of Local Government) obtained leave and introduced a Bill for an Act to amend the Local Government Act, 1934-1982; and to repeal the Rundle Street Mall Act, 1975-1976. Read a first time.

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

That this Bill be now read a second time.

In keeping with the Government's programme of removing unnecessary legislation from the Statute Book and its policy of placing with local government responsibility for the management of local matters, this short Bill repeals the Rundle Mall Act, 1975-1976, and places the care, control and management of the mall with the Adelaide City Council.

The present Rundle Mall Act contains a number of provisions relating to its establishment, the construction of a multi-storey car park and the financial contribution of the Government. The mall is now an integral part of the retail centre of the city of Adelaide and these earlier provisions are now redundant.

In this Bill a number of provisions that relate to the day-to-day management of the mall are transferred from the Rundle Mall Act to the Local Government Act. In particular, the Adelaide City Council is required to establish a controlling body under section 666c of the Local Government Act. It will retain the by-law making powers contained in the present Rundle Mall Act and also the special rating provisions will continue. This small Bill acknowledges that the Rundle Mall has developed to a stage where it is a permanent part of the city of Adelaide and that its management for the future lies properly with the Adelaide City Council. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal. Clause 3 repeals the Rundle Street Mall Act, 1975-1976. Clause 4 makes consequential changes to section 3 of the principal Act. Clause 5 amends section 743a of the principal Act. This section is an evidentiary provision which applies to by-laws only at the moment. The expression 'this Act' which is substituted by this amendment, includes, by reason of the Acts Interpretation Act, 1915-1978, regulations and rules as well as by-laws.

Clause 6 inserts new Division V into Part XLV of the principal Act. The new division sets out provisions relating to Rundle Mall. Section 871taa provides definitions for the new division. Section 871taaa prohibits the use of vehicles in the mall without the permission of the council. Section 871taab gives the Adelaide City Council power to make by-laws to control activities in the mall. Section 871taac sets out provisions relating to permission given by the council. Section 871taad provides for the imposition of a special rate on properties in the Rundle Mall area. The rate may be used only for the purposes set out in subsection (5) of that section. Section 871taae provides for the establishment of a controlling body to manage the Rundle Mall.

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

SUPREME COURT ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 21 July. Page 35.)

The Hon. C. J. SUMNER (Leader of the Opposition): In 1981 the Statutes Amendment (Administration of Courts and Tribunals) Act was passed by this Parliament. It restructured the administration of the courts system in South Australia and included in that restructuring a change in the role played by Masters of the Supreme Court. Prior to that time the Master and Deputy Master had both an administrative and a judicial function. Following the passage of that Bill, Masters were given solely judicial functions, and this Bill is to correct what I understand was an omission in the 1981 Bill.

The intention in 1981 was to place Masters of the Supreme Court on the same basis with their appointment and powers as those exercised by Supreme Court judges. The situation relating to their appointment was that Masters appointed in the future would not be appointed under the Public Service Act but would be appointed in the same way as judges are now appointed. Apparently, the Attorney has found an omission, in that judges are entitled to six months leave of absence on full pay prior to retirement.

The Hon. K. T. Griffin: The Government has discretion to grant that.

The Hon. C. J. SUMNER: The Attorney-General corrects me and says that the Government has discretion to grant such leave to judges before their retirement. Apparently the clause which relates to judges was not included in the 1982 amending Bill to apply to Masters, and this Bill corrects that omission.

I have two questions of the Attorney. First, what is the history of this payment that can be given to Supreme Court judges before retirement? Why was the payment agreed to? Is it in lieu of long service leave, which I do not suppose judges are technically entitled to under the Long Service Leave Act? Is there provision prior to retirement for some form of sabbatical or long service leave for judges, and in what circumstances is the six months leave of absence on full salary granted to judges prior to their retirement? If judges do not take that leave of absence immediately prior to retirement, is any payment made to them by way of a lump sum upon retirement in lieu of the six months leave? Is the six months leave granted virtually automatically, or does it depend on when the judge last took sabbatical or long service leave, assuming that he had taken some such leave earlier in the term of his appointment?

My second question relates to the position of Masters. The Minister's second reading explanation indicates that alterations were made to the Statutes Amendment (Administration of Courts and Tribunals) Act, 1981, for the improvement of terms of service of Masters, yet I understand that the existing Masters remain under the Public Service terms and conditions of appointment. If there was an improvement in the terms of service of Masters under the 1981 amendment, why were not existing Masters brought within the provisions of that amendment? Why are they still considered, as far as their remuneration and terms and conditions of appointment are concerned, to be under the Public Service Act if, in fact, the 1981 amendment did constitute an improvement in service for Masters?

The Hon. K. T. GRIFFIN (Attorney-General): I do not have all of the answers to the first question at my fingertips. The provision which grants or gives the Governor a discretion to grant not more than six months leave of absence on full salary to a judge prior to retirement was included in the Supreme Court Act in section 13h in 1944. A new section was substituted in 1947, and that provision was repealed in 1953 and a new section 13h was enacted in 1966.

That is the marginal note to the principal Act, which suggests that it has had a long history. I can certainly obtain the information for the Leader. If he would be satisfied with me letting him have that information by letter I would certainly be prepared to supply it in that way. With respect to the second question, the object of the Statutes Amendment (Administration of Courts and Tribunals) Act last year was to, among many other things, make Masters part of the court exercising judicial power and not the mixture of judicial and administrative powers and functions which they had exercised previously. Also, it was to take them out of the Public Service and, by so doing, make them part of the structure of the court. It had some constitutional implications as well as implications for their status generally. It was (and this is partly from memory) related to the fact that there was a question as to whether or not Masters appointed under the Public Service Act were, in fact, part of the court and had competence to exercise the judicial power of the Commonwealth vested in the State Supreme Court.

There was no doubt that judges of the Supreme Court had that power and authority, but there was a question mark over Masters. We were anxious to clarify that situation and to put it beyond doubt that Masters were empowered to exercise Federal jurisdiction which had been conferred on the State Supreme Court. It must be recognised that, under the Public Service Act, the then incumbent Masters had entitlements to leave, and were members of the South Australian Superannuation Fund. In the transitional period it was determined appropriate that those Masters should be entitled to retain their membership of the State Superannuation Fund, continue contributing to it and still continue to be subject to the Public Service Act in respect of annual leave, long service leave and sick leave entitlements.

Masters' salaries were increased when they became solely masters exercising judicial powers outside the Public Service and are now at the level of District Court judges' salaries, so to that extent their terms and conditions have improved

quite dramatically. That was done for a specific purpose—to ensure that the status of the office of Master was seen to be equivalent to that of judges of the District Court. I hope that satisfies the Leader's question.

The Hon. C. J. Sumner: So they were better off financially under the Public Service Act provisions than they are under the new provisions.

The Hon. K. T. GRIFFIN: That is not so. They are better off financially under the new provisions than under the Public Service Act because their salaries have increased dramatically. They retain membership of the Superannuation Fund and are not members of the non-contributory Judges Pension Fund set up under the Judges Pension Act.

The Hon. C. J. Sumner: The new Master will be appointed under what?

The Hon. K. T. GRIFFIN: The new Master will be appointed on the salary of a District Court judge. Masters will be, in all respects, on the same footing as judges of the District Court and judges of the Supreme Court. They will be entitled to membership of the Judges Pensions Fund under the Judges Pensions Act, which is a non-contributory fund.

The Hon. C. J. Sumner: Do District Court judges get the six months leave of absence, too?

The Hon. K. T. GRIFFIN: There is a discretion to grant that leave of absence to District Court judges, I think. Of course, District Court judges, along with Supreme Court judges, have an entitlement to six months sabbatical leave for every seven years of service.

The Hon. C. J. Sumner: Plus the other six months?

The Hon. K. T. GRIFFIN: So far as the relationship between long service leave, sabbatical leave and the six months requirement is concerned I will need to check the details as I do not have them at my fingertips. However, I have given an undertaking, which the Leader has accepted, that I will let him have this information by letter.

The Hon. C. J. Sumner: For District Court judges, too?

The Hon. K. T. GRIFFIN: Yes, for District Court judges, too. I will certainly be happy to do that.

Bill read a second time and taken through its remaining stages.

STATUTES AMENDMENT (ENFORCEMENT OF CONTRACTS) BILL

Adjourned debate on second reading.

(Continued from 21 July. Page 36.)

The Hon. C. J. SUMNER (Leader of the Opposition): Criticism of the Statute of Frauds, which this Bill deals with, have been current for most of the century. In 1937 the Law Revision Committee of the United Kingdom recommended repeal of section 4 of the Statute and section 4 of the Sale of Goods Act. It was not until 1954 in the United Kingdom that section 4 was repealed, except in relation to one of the species of promise or contract covered by section 4 of the Statute of Frauds, namely, 'any special promise to answer for the debt or default of miscarriage of another person'.

Following the United Kingdom repeal of most of section 4 it was only promises that came into this category where the agreement was still to be in writing in order for it to be enforceable. I am not sure of the present situation in the United Kingdom regarding that final vestige of section 4 of the Statute of Frauds. It was not until 1975 that there was a recommendation from the Law Reform Committee in this State (in its thirty-fourth report) that section 4 of the Statute of Frauds and section 4 of the Sale of Goods Act should be repealed. Section 4 of the Sale of Goods Act picked up, I think, section 17 of the original Statute of Frauds.

I will not refer to the detailed arguments in favour of the proposal of the Government that this Statute, so far as it affects South Australia, be repealed, but I will refer to the Thirty-fourth Report of the Law Reform Committee where the arguments are fully canvassed. The committee concluded that there is no modern-day justification for requiring the contracts or agreements specified in the Statute to be in writing, including the one to which I just referred, which was an exception to the general repeal in the United Kingdom in 1954 but which may well be repealed by now. As I said, I am not sure of the position.

I support the Bill, but raise four queries with the Attorney-General for his consideration. My queries are based on the fact that not the whole of the Thirty-fourth Report will be implemented in this Bill. I draw the following queries to the attention of the Attorney-General. First, on page 6 of the Thirty-fourth Report the committee said:

> The committee considers that in the case of joint or joint and several guarantees problems could arise with regard to the rights and liabilities *inter se* of co-sureties and recommends that in this restricted class of cases, a requirement as to writing be inserted in the repealing Statute, not so as to preserve the operation of section 4 of the Statute of Frauds in such cases but stating the requirement in modern language.

That does not appear to have been implemented by this Bill. The second matter appears on page 9 of the report, which dealt with section 29 (1) *(b)* and *(c)* of the Law of Property Act of this State, which picked up section 7 of the Statute of Frauds, and it requires that written evidence is necessary for the enforcement of a declaration of a trust of land. The committee concluded:

> The committee agree that section 29 (1) *(b)* [this is of the Law of Property Act] be repealed but were divided as to the desirability of the repeal of section 29 (1) *(c)*.

That conclusion does not seem to be addressed by the present Bill. Thirdly, on page 10 of the Thirty-fourth Report the committee deals with Section V of Lord Tenterden's Act 9, Geo. IV, c.14. It requires fresh promises or ratification of contracts entered into by a person in their infancy to be in writing when there is a fresh promise or ratification made when that person achieves the age of majority. Page 10 of the report says:

> It should be enacted that this section of Lord Tenderden's Act should cease to form part of the law of South Australia.

Again, that does not seem to have been addressed by the Bill. Finally, I wish to refer to section 26 of the Law of Property Act, which provides that a contract for sale of land is to be in writing. The Law Reform Committee, of which the now Attorney-General was a distinguished member, was divided on the fate of section 26 of the Law of Property Act. A majority of the committee, and I assume that that includes the Attorney-General, thought that section 26 should be retained.

The Chairman, Mr Justice Zelling, was of the view that section 26 of the Law of Property Act should be repealed as he believed that it could only be used to the benefit of vendors. It would appear that the Government has accepted the majority view of the committee in respect to section 26 and has not accepted the view of the minority, that is, Mr Justice Zelling.

Can the Attorney-General comment on the omission to deal with that particular section? Subject to my four queries, I support the Bill. It seems that not the whole of the recommendations of the Thirty-fourth Report have been implemented by this Bill and I ask that the Government explain why.

The Hon. K. T. GRIFFIN (Attorney-General): The Leader of the Opposition forewarned me that he would be raising

some of these questions on the recommendations of the Law Reform Committee, so I was aware of them and was able to give some consideration to the points he now raises. His first query related to section 16 of the Mercantile Law Act. It is repealed, but is not replaced (as the Law Reform Committee recommended it should be) with a requirement that joint or joint and several guarantees be in writing. Consideration was given to that recommendation and the conclusion reached was that it was illogical to require only these guarantees to be in writing when other guarantees and documents did not have to be in writing and the terms of them could be established by oral or other evidence.

So, the view I and the Government took was that there was no reason at all to select only joint or joint and several guarantees as the focus of a requirement that they should be in writing, when all others were not required to be in writing.

The Hon. C. J. Sumner: You changed your mind.

The Hon. K. T. GRIFFIN: That is a fair comment. The matter has now been looked at afresh and there can be no justification for selecting only one of a number of transactions which should be in writing, when all others can be established by other methods. The second query is the repeal of section 29 (1) *(b)* of the Law of Property Act. That section provides that written evidence is necessary for the enforcement of a trust in land. What the Law Reform Committee suggested was that some further work was necessary to determine the implications of repeal.

Regarding the recommendation of the Law Reform Committee that further work had to be done, obviously the Law Reform Committee had some reservations about the implications of repeal. The Government has put this question to one side for the time being. The major objective of the legislation is to repeal section 4 of the Statute of Frauds. I do suggest that that is something that can be dealt with separately. Personally, I am of the view that, where there are trusts of land, one has to be particularly careful about moving away from the requirement that there should be some evidence in writing of that trust.

However, I am not beyond persuading to the contrary that we can abolish the requirement of section 29 of the Law of Property Act that there should be evidence in writing of such a trust. So, further work will be done on that reservation of the Law Reform Committee.

The next point was in respect of Lord Tenterden's Act. I have been advised (and I believe this to be accurate) that the provisions of that Act were dealt with by the minors' contracts legislation which we passed in this Parliament several years ago, so that the recommendation made by the Law Reform Committee has been taken up in the minors' contracts legislation.

The Hon. C. J. Sumner: So the answer that you gave to my question previously was incorrect. You said that the report had been implemented.

The Hon. K. T. GRIFFIN: That is a very fine point. In fact, the report had not been implemented. I do concede that that minor part of it relating to Lord Tenterden's Act was dealt with in the minors' contracts legislation.

The remaining point to which the Leader referred relates to section 26 (1) of the Law of Property Act, which requires contracts for the sale of land to be in writing. It is correct, as the Leader said, that the Chairman recommended the repeal. However, the majority (of which I was one) did not support that repeal. Since then, in the drafting of the Bill, it was decided that the section should not be repealed, because the consumer protection provisions of the Land and Business Agents Act assumes the existence of a written contract.

So, to repeal section 26 (1) of the Law of Property Act would most likely be in conflict with a basic assumption of the Land and Business Agents Act that contracts with respect to the sale of land would be in writing. That is why that recommendation by the Chairman was not adopted. Rather, the view of the majority of the Law Reform Committee was accepted by the Government.

The Hon. C. J. Sumner: That is not under consideration any further?

The Hon. K. T. GRIFFIN: No, it is not, because of one of the principal assumptions of the Land and Business Agents Act. I hope that that has satisfied the questions asked by the Leader of the Opposition sufficiently to enable the legislation to pass.

Bill read a second time and taken through its remaining stages.

MOTOR VEHICLES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 21 July. Page 37.)

The Hon. FRANK BLEVINS: The Opposition supports this Bill with one reservation, to which I will come in a moment. The Bill substantially does three things, two of which are fairly minor and one of which the Opposition considers to be a serious amendment indeed. As the Attorney-General stated in his second reading explanation, clauses 2 and 3 merely correct an error that was made. Apparently, one part of the Act was not amended when random breath tests were introduced. This was a simple error, which the Opposition is happy to assist the Government in correcting.

In clause 4, there are two substantial amendments, with one of which the Opposition agrees. That relates to new subsection (1a), which means that the consultative committee can extend the period for which a P plate driver must comply with the conditions of his licence. Rather than a drivers licence being cancelled in the event of an offence committed against the conditions thereof, the period of compliance can be extended for three months, and that, in itself, could be considered a penalty.

Just because one is driving at a speed in excess of 80 km/h does not necessarily mean that one is breaking a speed limit, as one could be driving on a road that has a 110 km/h limit. So, technically, one would not be breaking the speed limit, although one would be breaking the conditions with which P plate drivers must comply.

Also, for one not to carry a P plate hardly seems to warrant the drastic action of one's licence being cancelled. It may be more appropriate to extend the probationary period for three months; that may be an appropriate penalty. Anyone who has had anything to do with L plates would know that they can be a nuisance: they can fall off or be obscured. Cars are not built to carry them, as a result of which they are often tied on with pieces of string, and so on. The Opposition therefore supports the amendment to the Act that seeks to deal with this problem.

Clause 4 *(b)* contains the main provision of the amending Bill. It seeks to increase the number of demerit points that can be accumulated by a driver before he must front (not physically, of course) the consultative committee to see whether his licence should be cancelled.

This clause will increase the number of demerit points from three to four. In effect, that means that a P plate driver will now be able to commit two fairly serious traffic offences, rather than one, before his permit may be cancelled. The Opposition has some reservations about this provision because it is quite contrary to all the Government's endeavours in relation to road safety over the previous three years. I am happy to say that the Government has made a very substantial effort to improve the standard of driving

on our roads and, thereby, it has made a substantial effort to reduce the road toll. It has not been totally successful, but that is not the Government's fault. The Government has tried very hard to reduce the road toll.

This Bill seems to go the other way. It is telling probationary drivers that they will be given a second chance. The whole object of the P plate provision is that there will be no second chances during the 12-month probationary period. It means that P plate drivers will behave themselves on the road and will learn some good driving habits to stand them in good stead for the rest of their driving lives.

The Minister's second reading speech does not make clear why the Government has decided to relax the conditions applying to these vulnerable drivers. Obviously they are particularly vulnerable, or the Government would not have thought it necessary to make special legislative provisions for them in the first place. Therefore, the Government has acknowledged that there is a particular problem in relation to first-year drivers. They have been catered for through the P plate provision, which was supported by the Opposition.

The Government is now relaxing the very stringent and necessary penalties that apply to P plate drivers. I believe this is a particularly inappropriate time to take this type of action. To everyone's horror, day after day, when we turn on the radio in the morning, we hear of more road deaths overnight. I am sure those deaths shock every member of the Council just as they have shocked me. Unfortunately, we seem to be riding an upward swing in relation to road deaths. There is no doubt that the number of deaths on the roads is increasing. I do not believe that the Government can be blamed for that. However, to start relaxing provisions for young drivers, particularly in view of the road toll, seems to be totally inappropriate.

The best argument that I have heard against this provision was set out in a letter to the Editor in the *Advertiser* of 27 July 1982. The letter is signed by the President of the Institute of Professional Driving Instructors of South Australia, Mr A. G. Parker. Headed 'Licence changes', it states:

> Sir—The members of the board of the Institute of Professional Driving Instructors of South Australia strongly disapprove of the decision of the Government to relax conditions attached to probationary licences. With the continuing horrifying rise in the road toll, we wonder how the Government can possibly justify such a decision. The Minister of Transport states that: 'The three-point system has proved unnecessarily onerous because of the large number of offences which attract three points.'
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> May we draw the attention of the Government to the fact that the majority of offences which attract three points are those offences concerned with excessive speed and failure to give way and it is a well-documented fact that these particular offences are a major contributory factor in most road accidents. In the opinion of this board, any driver guilty of such an offence deserves to lose his or her licence. Mr Wilson also says: 'The extra demerit point will allow the probationary driver another chance.' Another chance perhaps to increase the road toll even further?
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> The Attorney-General states that: 'Cancellation of licence for a minor traffic offence has resulted in hardship.' Any offence which attracts three demerit points certainly cannot be classed as a minor offence and if loss of licence causes hardship, surely that is the whole purpose of the exercise, that is, to teach the young, inexperienced driver to drive within the law or suffer the consequences.
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> What is the point in having probationary licences if we are to treat offenders with kid gloves? We must impress on our young drivers that a driving licence carries with it the responsibility to drive with care, courtesy and consideration at all times, and if any driver is unwilling or incapable of honouring that commitment then that driver will be severely dealt with. We urge the Government to reconsider this decision and suggest that, far from relaxing licence conditions, the Government should in the interest of road safety, seriously consider taking more severe actions against all traffic offenders whatever type of licence they hold.

I believe that letter sets out very well the thoughts of all reasonable people when they read this provision, which seems to go against the Government's previous actions in relation to road safety.

I believe the provision is particularly inappropriate when we realise that the Government is considering a move in relation to young drivers and alcohol. Over the past few weeks there have been several reports that the Government is considering making it an offence for a P plate driver to have any alcohol in his or her blood. If that proposition came before this Council, I am sure all members would seriously consider it. The evidence suggests that alcohol and inexperienced driving are a deadly combination.

Most young people learning to drive are not as experienced as are those who have been driving for many years. Many of these young people do not have the experience to drink alcohol with a certain amount of discretion. It is reasonable for the Government to consider the introduction of this provision in relation to alcohol and young drivers, and I am sure the Council will give it every consideration. That is another indication of the Government's inconsistency in its attempts to do something about the serious road toll.

The Opposition does not understand, and the Government has not explained, why a provision is necessary, to relax conditions relating to P plate drivers. I will be particularly interested to hear what the Attorney-General has to say in his reply. I am considering an amendment to delete this provision. However, I believe the Government should have an opportunity to explain why it is necessary. I shall be pleased to listen to the Attorney-General before circulating my amendment.

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

RACING ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 21 July. Page 37.)

The Hon. J. R. CORNWALL: I support this Bill on behalf of the Opposition. I regard the Bill as a victory for common sense. Although it is interesting to look at the history of the legislation, I will not go right into the history of the Port Pirie betting shops, because that would take up unnecessarily much time of the Council. However, it is interesting to look at the more recent history of the Port Pirie betting shops and the decision to close them at the end of this year—

The Hon. M. B. Cameron: That wasn't a victory for common sense.

The Hon. J. R. CORNWALL: It certainly was not: it was based on advice tendered about six years ago. I thought it was quite stupid. I do not believe that Governments have any business tampering in local communities that are happy with the situation. No-one is breaking the law or being disadvantaged and, unless one happens to be a member of the anti-gambling lobby, there is certainly nothing harmful in that activity.

The Hon. Frank Blevins: Those people can stay out of the shops.

The Hon. J. R. CORNWALL: Certainly, they can stay out, just as I do not use the facilities—now. Certainly, there is nothing more harmful in going to a betting shop in Port Pirie than in going to a branch of the T.A.B. When the Racing Act came before Parliament recently, I argued strongly in Caucus that the betting shops should be retained. I repeat: I do not believe that Governments of any persuasion should be in the business of literally wiping people's noses. Betting shops at Port Pirie are now unique in South Australia, being the last survivors of another age. Certainly, they add local colour and obviously meet a demand.

As I have said, they do no-one any harm *viz-a-viz* the T.A.B. or any other form of local gambling. It was partly because of my persuasive oratory in Caucus that the Parliamentary Labor Party decided to review its attitude. The shadow Minister of Recreation and Sport (Jack Slater) went to Port Pirie, inspected the betting shops and held wide-ranging and sensible talks with local people—

The Hon. M. B. Cameron: Like Mayor Jones?

The Hon. J. R. CORNWALL: I might tell the honourable member that I had long, frank and friendly discussions with Mayor Jones and his local board of health as recently as last monday.

The Hon. M. B. Cameron: Was that when he found out you were a vet, or earlier?

The Hon. J. R. CORNWALL: I am a veterinary surgeon in good standing who has been registered in South Australia since 1961, and practising very successfully for the great majority of that time. It should not be a revelation to anyone that I am a member of the veterinary profession, and proud to be one. Following his trip to Port Pirie, our shadow Minister reported to Caucus. The matter was discussed. Common sense prevailed in Caucus and the Party, as the alternative Government, announced its decision that it would like to see, and that in Government it would ensure, that Port Pirie retained its betting shops.

I could be nasty and say that 'me too-ism' became rampant. A Cabinet subcommittee was hastily formed and I believe the Minister of Community Welfare was a member. The Government acted promptly, but I do not want to get into the business of scoring political points; that is not my style, and I will say no more. The member for Gilles in another place will certainly handle these matters in far greater detail when the Bill goes to another place. the Opposition is happy to support this action and to expedite the passage of the Bill.

The Hon. D. H. LAIDLAW: The Attorney-General, when introducing this Bill, said that betting shops in Port Pirie provided significant local employment, offered unique attractions for locals and tourists and appeared to present no discernible social problems, and that the bookmakers themselves are strong supporters of local charities.

Significantly, there appears to be no, or very little, illegal S.P. bookmaking in Port Pirie, but this situation certainly would arise if Port Pirie betting premises were closed. The Attorney-General sounded quite enthusiastic about these shops. With this in mind, will the Government consider extending this amending Bill, or introducing a subsequent amendment to give the Minister power to authorise by regulation or proclamation a betting shop in those country towns where the T.A.B. does not have a branch and where residents seek such a facility? I understand that the New South Wales Government is seriously considering whether to allow the establishment of betting shops in country towns.

During previous debates in this Chamber it was alleged that the revenue received by S.P. bookmakers in South Australia annually ranged between $100 000 000 and $200 000 000 on which, of course, no betting tax is collected. By opening betting shops in country towns, the Government could collect some extra taxes. It is said that the licensees of betting shops, in order to protect their business, would soon report to police the activities of any S.P. bookmakers who may try to operate in opposition to them. The tax collected from legal betting shops in country towns could provide much-needed funds for the racing codes of South Australia.

To give an example that is close to your heart, Mr President, on the West Coast there are T.A.B. agencies in Whyalla, Iron Knob, Cleve, Port Lincoln, Streaky Bay and Ceduna. If my suggestion were adopted and the Act amended, the Minister could consider, upon request from local residents, the provision of betting shops in Kimba, Wudinna, Lock, Minnipa, Wirrulla, Cummins, Cowell and Elliston. Subject to these comments, I support the second reading.

The Hon. K. T. GRIFFIN (Attorney-General): I am pleased that those honourable members who have spoken have done so so eloquently in support of the Bill. I am not in any position to give any undertakings on the matters to which the Hon. Mr Laidlaw has given serious consideration, because I am not the Minister responsible for that area of the law. However, I will refer the matter to the Minister of Recreation and Sport who can then determine whether or not the proposition ought to be taken seriously.

It is not necessary for me to debate the question that the Hon. Mr Laidlaw raised. Obviously, there would be differing points of view on the merits of the proposal, and it is more appropriate that the Minister who is directly involved in this area of responsibility should be the one to make decisions on it. I will certainly refer those matters to the Minister involved, but will not undertake that they will be given serious consideration by the Government. I thank honourable members for their indications of support.

Bill read a second time and taken through its remaining stages.

ADJOURNMENT

At 4.43 p.m. the Council adjourned until Thursday 12 August at 2.15 p.m.