

## LEGISLATIVE COUNCIL

Thursday 16 December 1982

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

## PAPERS TABLED

The following papers were laid on the table:

By the Attorney-General (Hon. C.J. Sumner):

*Pursuant to Statute—*  
Public Service Board of South Australia—Report, 1981-82.  
South Australian Metropolitan Fire Service—Report, 1981-82.

By the Minister of Consumer Affairs (Hon. C.J. Sumner):

*Pursuant to Statute—*  
Commissioner for Consumer Affairs—Report, 1981-82.

By the Minister of Health (Hon. J.R. Cornwall):

*Pursuant to Statute—*  
North Haven Trust—Report, 1981-82.

MINISTERIAL STATEMENT: VON DOUSSA  
REPORT

**The Hon. C.J. SUMNER (Minister of Corporate Affairs):** I seek leave to make a statement about the von Doussa Report on the investigation into dealings in securities of Elder Smith Goldsbrough Mort Ltd and Petroleum Distributors Pty Ltd.

Leave granted.

**The Hon. C.J. SUMNER:** Before embarking on my statement I wish to lay on the table the first interim report of the investigation into dealings in securities of Elder Smith Goldsbrough Mort Ltd and Petroleum Distributors Pty Ltd from 1 January 1981 to 25 May 1981, prepared by Mr J.W. von Doussa Q.C., an inspector appointed under the Securities Industry South Australia Code, which report was received by the Hon. K.T. Griffin, M.L.C., then the Minister of Corporate Affairs in the State of South Australia.

In the Parliament on 9 December 1982 I made a Ministerial statement indicating that I was considering the Government's position regarding the tabling of the report by the Special Investigator, Mr John von Doussa, Q.C., into the activities of Elder Smith Goldsbrough Mort Limited and Petroleum Distributors Pty Ltd. Mr von Doussa was appointed by my predecessor, Mr K.T. Griffin, to inquire into the complete circumstances surrounding dealings in the shares of Elder Smith Goldsbrough Mort Limited. Mr von Doussa's appointment was made under the provisions of the Securities Industry Act, 1979-1980. To date this inquiry has cost approximately \$200 000. At the time of the appointment, requests for information by both the Corporate Affairs Commission and the Stock Exchange of Adelaide Ltd had been ignored, and the Corporate Affairs Commission had not been able to obtain information relating to matters that were relevant to the dealings in the shares of Elder Smith.

The thrust of the recently introduced takeover legislation is to ensure that the share market and investors are kept properly informed of all relevant information and that shareholders have equal opportunities to participate in share trading in publicly listed companies. On the face of it, neither of these principles had been complied with.

I indicated that I was concerned to ensure that no action was taken to table the report or a part of the report in the Parliament until such time as full and proper consideration had been given to matters relating to the possible prejudice of any person mentioned in that report who may subse-

quently be the subject of legal proceedings. I indicated that I would be seeking legal advice in relation to the issues raised in the interim report in so far as they related to possible offences and that I would also direct the Corporate Affairs Commission to make appropriate inquiries regarding any commercial negotiations and/or arrangements that may be currently 'on foot' and that could be prejudiced and/or disadvantaged by any action taken by the Government in the tabling of the report.

**The PRESIDENT:** Order! I would like to draw to the attention of the gentleman who is using a pen and pad in the gallery that that action is not permitted.

**The Hon. C.J. SUMNER:** These inquiries have been made. I also indicated that, as a matter of principle, where a special investigation is conducted and it is appropriate to do so, the issues dealt with by such an inquiry should be made public. I have sought the advice of the Solicitor-General, Mr M.F. Gray, Q.C., as to whether the publication of the report would be prejudicial to the administration of justice, and his advice is that it would not be.

The Corporate Affairs Commission is continuing with its inquiries relating to the issues raised by this report and it would not be proper for any further comment to be made by me in relation to these matters. The findings of this inquiry have a relevance for investors and those persons concerned with and having responsibilities for the management of publicly listed companies. The report highlights the uncertainty the share market suffers where companies and individuals who have the ultimate entitlement to shares are prepared to hide behind nominees. At the time the inspector was appointed, there were calls for the unmasking of persons and companies who were buying shares in Elders purportedly in order to defeat a takeover attempt from interstate. These were the so called 'white knights'.

Whilst persons seeking to protect an old established South Australian company might be honourably motivated, this is not a justification for permitting confusion and uncertainty to reign in the share market and does not warrant the vesting by boards of company directors, in individual directors, of unbridled discretion to commit companies' assets. The report has found that, in the heat of the struggle, certain individuals may have lost sight of their obligations to their companies and shareholders. Directors of public companies must act in the best interests of their own companies and must carefully consider whether committing their company's assets to the takeover defence of another unrelated company satisfies their duty.

Securities markets are public markets. To promote commercial certainty and maintain investor confidence, information about publicly listed companies' affairs should be available to all. The market must be kept fully informed so that all shareholders can make their decisions about accepting an offer, refusing it, or selling their shares in the market based on up-to-date information. Shareholders should be given an equal opportunity to participate in trading in securities. This Government is committed to the principle of disclosure of financial and other information that may affect the market price of the securities of listed companies.

The securities industry code makes provision for the regulation of the securities industry and also contains certain disclosure requirements. The report has disclosed irregularities in the operations of some persons within the securities industry and I will be forwarding a copy of the report to the National Companies and Securities Commission and am requesting the South Australian Corporate Affairs Commission to continue with its inquiries.

The report refers to matters arising under the Commonwealth Foreign Takeovers Act and Commonwealth Broadcasting and Television Act, and copies of the report will be made available to the Foreign Investment Review Board

and the Australian Broadcasting Tribunal for them to examine. The report presents a comprehensive review of the matters relating to the entire circumstances surrounding the transfer of shares in Elder Smith Goldsbrough Mort at the relevant time, and I am now making the first interim report and appendices available in the public interest.

Mr von Doussa has presented the report as an 'interim report' based upon the information made available to him in the course of the inquiry. It may well be that, as a result of the publication of this report, further information will be made available and it is possible that there may be a need for the inspector to undertake further inquiry.

## QUESTIONS

### VON DOUSSA INQUIRY

**The Hon. K.T. GRIFFIN:** I direct the following questions to the Attorney-General:

1. What prosecutions, if any, will be authorised as a result of the report of Mr von Doussa, Q.C.?
2. Against whom will prosecutions be laid?
3. What offences will be prosecuted?
4. If any prosecutions are to be launched, when will that occur?

**The Hon. C.J. SUMNER:** At this stage it is not possible to say what prosecutions will be launched as a result of the inquiry. Also, it is not possible to say at this stage against whom those prosecutions will be launched, nor is it possible, although it may be implied by the nature of the report, to specifically indicate what offences are involved.

My advice from the Corporate Affairs Commission is that any decision concerning potential prosecutions would take some considerable time and, accordingly, I am not in a position at this stage to provide that information. I cannot give a precise answer to the honourable member's final question, as to when any action may be taken to prosecute, if any action is, in fact, taken. That will depend on further inquiries conducted within the Corporate Affairs Commission. The honourable member may also realise that it is not just the South Australian Corporate Affairs Commission that is involved in this matter. The National Companies and Securities Commission has a responsibility to oversee securities and companies matters throughout Australia.

I have indicated in the Ministerial statement that a copy of the report will be made available to that commission because it is possible that there were irregularities in potential offences committed in other States. I have also indicated in the Ministerial statement that the reports will be referred to the Foreign Investment Review Board and the Australian Broadcasting Tribunal. Obviously, I have no jurisdiction over what action either of those bodies might deem appropriate in the circumstances.

### ENTERPRISE FUND

**The Hon. M.B. CAMERON:** I seek leave to make a short explanation before asking the Attorney-General a question in regard to the Enterprise Fund.

Leave granted.

**The Hon. M.B. CAMERON:** On page 76 of its policy statement 'South Australia's Economic Future—Stage 1', the Enterprise Fund was discussed as a key component of the Government's plans to boost economic development. No specific details of the fund were provided, but passing reference was made to the operation of supposedly similar schemes in Europe and Canada. In discussing the Enterprise Fund the Government, on the same page, said that it would

require the fund to be operated 'on strict commercial lines', without describing what those lines were. It also said that legislation would be required to make a 'financial return', without defining what this would be. The Government also said that it would be a major purpose of the fund to use its investments in order to ensure that South Australians have greater control over investment, production and employment decisions.

From which sources will funds come to establish the Enterprise Fund? When will the Government establish the South Australian Enterprise Fund, promised as a key part of its economic policy prior to the last election? Will funds be compulsorily acquired from Government authorities for this purpose? In which Canadian provinces and European countries do similar funds to the Enterprise Fund operate? What are the details of each of the schemes and from what sources are their funds derived? What would be the basis of the operation of the Enterprise Fund which the Government intends to establish? What 'financial return' will the project be expected to make? Does the Government intend to use the South Australian Enterprise Fund for the nationalisation of some South Australian industries and resource projects?

**The Hon. C.J. SUMNER:** That is a detailed question which the honourable member might well have put on notice. I am not in a position to provide any specific answers to those questions at this stage. Clearly, they are detailed questions and I will refer most of them to the Treasurer for a response. I cannot say exactly when the Enterprise Fund will be established. Obviously, it is one of the promised programmes of the Government that is currently being assessed, along with other programmes that are before the Government. I would expect an announcement about the matter to be made as soon as possible in the new year. However, I cannot be more specific than that. I will get a reply on the detailed nature of the honourable member's questions.

### SNORKEL TUBES

**The Hon. J.C. BURDETT:** I seek leave to make a brief explanation before asking the Minister of Consumer Affairs a question about snorkel tubes.

Leave granted.

**The Hon. J.C. BURDETT:** There is nothing dangerous in themselves in snorkel tubes used as swimming apparatus, but potential dangers can readily be created by people using such equipment without training and education as to how to use it. This applies particularly to children. For this reason, the previous Government, on the advice of the Trade Standards Advisory Council, passed a regulation providing for an information standard in regard to snorkel equipment. The standards, briefly in general terms, provided that unpackaged snorkel equipment, when sold, had to contain an embossed warning; if it was packaged, the warning had to be printed on the package or attached to the package by label. The warning was, 'Caution—competent instruction advised before use'.

The *Government Gazette* of 25 November 1982 bears a notice of exemption over the signature of the Commissioner of Standards, exempting a certain company from compliance with that trade standard. The exemption is subject to conditions, one of which is that the company must inform retailers to whom it has consigned snorkel tubes that when they display the tubes for sale a notice carrying the same warning must be prominently displayed, with size and so on set out, in the vicinity of where the snorkel equipment is displayed for sale.

We are approaching the Christmas period when such equipment is likely to be sold in large numbers for use as gifts. With the holiday period approaching, the use of such equipment will be prevalent and the dangers could be considerable if people use such equipment without warning and proper training and education. Why was it considered necessary to exempt this particular company from the regulations?

**The Hon. C.J. SUMNER:** I do not know at this stage. I cannot provide an answer immediately to the honourable member, but in view of his concern about the matter I will ascertain—

**The Hon. R.C. DeGaris:** You'll dive into it.

**The Hon. C.J. SUMNER:** That is right. I will obtain an immediate response from the Department of Public and Consumer Affairs and let the honourable member have a response before Christmas.

### RECONDITIONED CAR ENGINES

**The Hon. R.J. RITSON:** I seek leave to make a brief explanation before directing a question to the Minister of Consumer Affairs concerning an article in the latest issue of the *South Australian Motor*.

Leave granted.

**The Hon. R.J. RITSON:** I was disturbed to read in the latest issue of the *South Australian Motor* the following article headed 'Suspect engines uncovered':

More drivers are installing reconditioned engines in cars to prolong vehicle life in the face of rising motoring costs.

But an R.A.A. investigation has found that some motorists don't always receive what they expect, after paying hundreds of dollars to have reconditioned motors fitted.

The investigation has centred around one metropolitan Adelaide motor reconditioning organisation—John French Engines, of Paul Street, St Marys.

Complaints and allegations concerning the quality of work carried out by this company have been documented and investigated by R.A.A. engineers.

During the three years John French has been operating, complaints about work quality have been numerous. The South Australian Automobile Chamber of Commerce and the South Australian Engine Reconditioners Association have also processed complaints against John French Engines regarding work quality. The R.A.A. investigation was launched earlier this year after the number of complaints against the company began increasing.

During the last six months the association's technical department has been handling regular complaints about the quality of work carried out by John French Engines. Engine problems found in the company's reconditioned motors have been investigated and documented by R.A.A. engineers and include:

- Wrong sized cylinder head fitted to an engine. When the vehicle owner contacted John French, he was advised that the whole engine would be changed because it was the wrong capacity.
- Engine and serial numbers ground off a cylinder head and engine block.
- Excessive timing chain noise audible.
- Excessive engine noises from bearings and gudgeon pins.

A John French Engines motor was installed in a vehicle but only driven to the R.A.A. for inspection. Based on an association engineer's recommendation it was returned to the company where according to John French Engines, a new timing chain and gudgeon pins were fitted, the crankshaft ground and an oversized connecting rod replaced.

Although John French Engines advertises 'R.A.A. Inspection Welcome' our member advised that an R.A.A. engineer would not be permitted to be present to inspect and measure parts when the motor was dismantled in the firm's workshop.

This report is a cause of great concern to the motoring public. Will the Minister investigate the matter thoroughly and report his findings to this Council?

**The Hon. C.J. SUMNER:** Yes, I undertake to obtain that report for the honourable member as soon as possible. If I can get some results before the Council sits again, I will let the honourable member know.

### LOCAL GOVERNMENT INSURANCE

**The Hon. R.C. DeGARIS:** I seek leave to make a brief explanation before asking the Minister of Health, representing the Minister of Local Government, a question about the public liability of local councils.

Leave granted.

**The Hon. R.C. DeGARIS:** Although the explanation is rather long, it is important. Some years ago, when the Tantanoola council was separate, although it is now amalgamated with the Millicent council, a 16-year old was driving a tractor along a road with an implement on the back of the tractor. He was driving quickly and, as I understand it, he pulled off the road to pass a vehicle and drove some distance off the road. In doing so, he hit a large stone on the side of the road and was thrown from the tractor, sustaining severe injuries. The Tantanoola council then (some years ago) was insured for public risk of \$40 000.

Since that time an amalgamation occurred between the Tantanoola council and Millicent council. The young man took action against the council and received a judgment granting damages of over \$300 000. This meant that ratepayers of the new amalgamated council have the responsibility of substantially increased rates to cover the payment required. This matter is causing considerable controversy in the Millicent district. A letter in the local press from D. Gilbertson states:

As a ratepayer of Millicent council, I feel I should not have to pay extra rates to cover Leigh Altschwager's award from the Supreme Court on 11 November of a gross amount of \$304 310 against the council.

Whoever allowed Leigh Altschwager to drive the tractor should have enough courage to stand up and admit he allowed a small 16-year old youth, with limited vision, to drive a Massey Ferguson 135 tractor, with a higher than average road speed, fitted with a buck rake overhanging each side.

I understand the buck rake was not lifted right up where it should be while travelling along a roadway, let alone along a rough back road.

The last paragraph states:

Sure, Leigh Altschwager has suffered; we all feel sorry for him; but I feel the person who allowed him to drive the tractor is more responsible for the debt than we ratepayers.

Will the Minister investigate this case to see whether any assistance can be provided to the Millicent council in its predicament? Also, will the Minister advise local government in South Australia of the court decision and advise that public risk insurance covering considerable sums should be taken out by all local government authorities in South Australia?

**The Hon. J.R. CORNWALL:** I know of the honourable member's particular concern about this matter because he had private discussions with me about it only a few days ago. I obviously do not have at my fingertips answers to the questions that he has raised. However, I will be happy to refer them to my colleague, the Minister of Local Government in another place, and I will obtain the answers as soon as possible. Like my colleague the Attorney-General, I will write to the honourable member during the recess if those answers become available before Parliament reconvenes.

### NOARLUNGA POLYCLINIC

**The Hon. L.H. DAVIS:** I seek leave to make a brief explanation before asking the Minister of Health a question about the Noarlunga Polyclinic.

Leave granted.

**The Hon. L.H. DAVIS:** Honourable members would recollect that one of the promises made by the Labor Party prior to the recent State election was to build a \$2 000 000

polyclinic at Noarlunga. That promise has been confirmed since the election. Last week, according to the *Southern Times* dated 8 December 1982, the Minister of Health said that the State Government would build a \$2 000 000 polyclinic at Noarlunga within the next three years. The report states:

Plans to go ahead with the clinic—proposed by the Labor Party in August—were put into effect last Friday at a Noarlunga Services Forum meeting at Noarlunga Council offices.

Dr Cornwall told the meeting of about 50 people that a steering committee would be set up early in the new year. It is the highest priority I've got,' he said.

That statement seems to be very much at odds with a statement made by a senior executive of the South Australian Health Commission in an internal memorandum. His conclusion, after looking at the services at Mount Druitt and existing services, was as follows:

In summary, it would seem that with the combination of private enterprise, voluntary services and Government services, the people of the Noarlunga region have easy access to all of the health services offered at Mount Druitt at a cost which would appear to be substantially less.

That seems to be backed up by the statement from the past President of the 100-member Fleurieu Peninsula Medical Association, Dr John Miller, who, in early September, in response to this announcement by Dr Cornwall about the Labor Party's plan for a \$2 000 000 clinic at Noarlunga, said:

... The association's executive had appointed him to speak on the issue which was 'fully researched some 18 months ago by the present Minister of Health and Health Commission staff in full consultation with local health workers'.

He said that there were now two emergency services in the area providing 24-hour services, one at Christies Beach and another at Reynella. He said also that the viability of both these excellent services would be threatened. The report of his comments in the *Southern Times* of 1 September 1982 states:

Also, the day-to-day running costs of such a polyclinic would possibly amount to \$500 000 per year—a totally unnecessary drain on the taxpayer's pocket.

The report continues:

Dr Miller said Labor proposed additional specialist services of a prenatal clinic, paediatric, ophthalmology and mental health services would also be a duplication of existing services.

There are now seven obstetricians, three specialist paediatricians and two specialist ophthalmologists in the area, together with speech therapists, psychologist and two psychiatrists. There are now 53 general practitioners and 49 specialists consulting within the area from O'Halloran Hill to McLaren Vale.

There is at the moment hardly enough work to keep many of these highly qualified consultants within the area and it is a real danger that establishment of a Government polyclinic will force many of these to leave the area,' he said.

My questions to the Minister of Health are as follows: first, how does the Minister of Health reconcile his claim that the \$2 000 000 Noarlunga polyclinic is his highest priority in the total range of health services in South Australia with the statements made by a senior executive of the South Australian Health Commission and the past President of the Fleurieu Peninsula Medical Association that the existing services provided by private enterprise, voluntary services and Government services are adequate? Secondly, what services will the polyclinic provide that are not already available from existing services? Thirdly, what is the estimated initial cost and the estimated annual recurrent cost of the polyclinic? Fourthly, where will the money come from?

**The Hon. J.R. CORNWALL:** I thank the honourable member for his questions (which I did not supply, as my colleague suggests, to set up a Dorothy Dixier). It is extraordinary that the honourable member should be raking over these coals. I would have thought that he could look at the result of the recent election and see what the people thought about the proposal to build a polyclinic adjacent to the

Noarlunga Centre and what the public thought of the opposition of the then Liberal Government and the Minister of Health to that proposal.

The fact is that the electorates of Mawson and Coles showed the biggest swing to the Labor Party in the State—11 per cent in both of those districts. The people clearly voted for, and endorsed, the idea of a polyclinic. They did so because it will fill some needs in the community that are not currently being met.

**The Hon. R.C. DeGaris:** Did that affect the district of Coles, too?

**The Hon. J.R. CORNWALL:** If the honourable member wants that to be taken as a denial, we will give him a hair shirt and a bed of nails, because it certainly affected the election result in the Coles District; there is no doubt about that. There is also no doubt that the former Minister of Health misjudged the feelings of the electorate—one can only beat them around the head for so long. The honourable member who asked the question quoted from an internal memorandum prepared some time before the change of Government. I never fail to be amazed at the flexibility shown by some people (a limited number, of course) in public employment. One can always ask people to prepare a report while giving them certain guidelines on which to work, so I do not attach a lot of importance to that memorandum.

I do attach a lot of importance to the sort of feedback that we are getting from the Noarlunga region. The newspaper article from which the honourable member quotes was prepared after I had addressed a local forum at Noarlunga consisting of health workers, community welfare workers and a whole range of local government people.

**The Hon. L.H. Davis:** Doctors?

**The Hon. J.R. CORNWALL:** No. However, I was the main speaker at a dinner for the Fleurieu Peninsula branch of the Medical Association four weeks before the election. I can understand their attitude, because they are basically talking through their pockets.

**The Hon. L.H. Davis:** That is good, coming from the Minister of Health.

**The Hon. J.R. CORNWALL:** I will repeat it, and speak slowly in the honourable member's case, because he is so stupid and has difficulty in understanding. However, if the honourable member listens I will tell him. Clearly, they are talking through their pockets. That is not a reflection. Clearly, there is an oversupply of doctors in that area.

*The Hon. L.H. Davis interjecting:*

**The Hon. J.R. CORNWALL:** If the honourable member will shut up for a minute, I will try to explain it to him.

**The PRESIDENT:** Order!

**The Hon. J.R. CORNWALL:** There is an oversupply of doctors in the southern suburbs and generally in the metropolitan area. If the honourable member read the paper yesterday morning he would have seen that.

**The Hon. L. H. Davis:** If you put a polyclinic there—

**The PRESIDENT:** Order!

**The Hon. J.R. CORNWALL:** Control the poor fool, will you Mr President. The polyclinic will provide several services and will augment several other services that are currently not available in the area. Accident and emergency services will be provided on a 24-hour basis in a way that they are not currently being provided. A range of specialists will be available on a sessional basis from the Flinders Medical Centre. They will not be duplicating existing resources. Indeed, anybody who is stupid enough to try to duplicate existing resources is getting into very poor management. There are areas such as obstetrics and gynaecology where there is a clear need for a public service to be provided on a sessional basis, which I intend to provide. There are some well defined paramedical areas (which the member would

know of if he had done his homework) and, if the honourable member wishes, I will make an officer available to slowly explain those services to him again.

Quite obviously, there are deficiencies in relation to some paramedical services. We have examined carefully and discussed with the people involved in community health in the area, and those who work at the Christies Beach Community Health Centre in particular, the possibility of establishing an integrated service with the community health work being done from this area. In fact, we have broadened the concept to include the possibility of health food shops and a *Lifestyle* type centre.

We are now talking about a health village concept, which will be a first for Australia. I stated that the polyclinic is my highest priority in the capital works programme, and I have no difficulty in reconciling that statement with reality. I have outlined what services the clinic will provide. The estimated capital cost is about \$2 000 000.

*The Hon. L.H. Davis interjecting:*

**The Hon. J.R. CORNWALL:** Hang on: I will come to that. In the very near future we will be advertising for a consultant, who will begin the preliminary concept. The steering committee will then be constituted. Incidentally, the Fleurieu Peninsula committee of the A.M.A. will be involved on the steering committee and will have an input from the initial stages.

It is a little difficult to estimate the recurrent cost, and I have not asked anyone to prepare accurate figures until we work out the range of services that will be provided. However, preliminary estimates put the cost at between \$250 000 and \$400 000 annually. That will depend on a variety of factors, including how many people use the services. In terms of the number of people, the throughput and the range of services that the clinic will provide, that is a very small budget indeed when one considers that we are in the business of health services for South Australia that cost in excess of \$500 000 000 in recurrent costs annually.

#### ETHNIC AFFAIRS COMMISSION

**The Hon. M.S. FELEPPA:** I seek leave to make a brief explanation before asking the Minister of Ethnic Affairs a question about the South Australian Ethnic Affairs Commission.

Leave granted.

**The Hon. M.S. FELEPPA:** I refer to the question asked in this Council by the Hon. Mr Murray Hill on Tuesday 14 December, in which Mr Hill asked the Minister of Ethnic Affairs whether he had made or intended to make changes to the staff of the South Australian Ethnic Affairs Commission. Three years ago, the Hon. Mr Hill, as Minister Assisting the Premier in Ethnic Affairs, without any consideration for justice, discrimination, or proper process, removed a number of officers from the Ethnic Affairs Commission simply because they did not suit him. It was, at best, a poor exercise in public relations work with the ethnic communities.

As the Minister of Ethnic Affairs has already stated, these officers were subjected to victimisation for the remainder of the three years of the Liberal Government. I hope that the Hon. Mr Hill will remember that in future any of his questions in regard to ethnic affairs will be scrutinised in the light of his performance over the past three years.

**The Hon. M.B. CAMERON:** I rise on a point of order. The honourable member is not really making an explanation, in my view. If there was a substantial motion before the Council, the honourable member could speak in this manner, but he is directing allegations against a former Minister that I believe are not in the form of an explanation. I believe

that the Hon. Murray Hill will have to answer these allegations, and it is most unfortunate that this matter arises in the form of a question.

**The PRESIDENT:** I hope that the Hon. Mr Feleppa will take note of those comments.

**The Hon. M.S. FELEPPA:** I will be delighted to take note of the answer to my remarks. In the light of the unjust treatment that was meted out to former officers of the Ethnic Affairs Commission, and in the light of the biased and discriminatory nature of some appointments, will the Minister take action to redress the harm that has been done to some of these officers in their promotion and job prospects? Will the Minister investigate and report to this Council the manner in which the previous Minister of Ethnic Affairs interfered in the due process of job application within the Public Service in regard to these officers?

Thirdly, will the Minister investigate the accusation of discrimination that has been made by Cavaliere De Marco in regard to senior appointments in the Ethnic Affairs Commission? Fourthly, would the Minister be prepared to announce an appropriate date on which a review of the commission's functions and operations could be conducted? Fifthly, is the Minister prepared to comment on the Hon. Mr Hill's belated concern for the welfare and career prospects of people employed in the commission?

**The Hon. C.J. SUMNER:** It is true that the Hon. Mr Hill removed five officers from the Ethnic Affairs Division of the then Department of Public and Consumer Affairs in October 1979. It is further true that at least some of those officers were discriminated against and victimised during the past three years under the former Liberal Government. The extent of the Minister's unethical behaviour in this matter is demonstrated by the fact that one of the public servants who was removed from her position was an 18 year old typist. The Hon. Mr Hill, with four other persons, removed her from the division.

This issue has been canvassed fully in this Council on previous occasions. I obtained an opinion to the effect that those transfers were illegal, but that opinion was not satisfactorily responded to by the former Minister. His only excuse for having moved those people was that they were friends of mine, which was also palpably untrue, at least in the case of some of those people. I knew some of the people in the Ethnic Affairs Commission, but to say that those people were all friends of mine was quite incorrect. It was a sorry start to the Minister's record in the ethnic affairs area and, quite frankly, his actions deserve to be condemned by any fair-minded person in the community. Indeed, his actions were condemned by many people.

The honourable member asked whether I would take action to redress any harm that has been done. This is more a matter that should be referred to the Chairman of the Public Service Board. I will do that and provide a reply for the honourable member. Previously, I reported to this Council the actions of the Hon. Murray Hill in 1979. I will attempt to ascertain whether there were any more specific examples of interference in the process of job application within the Public Service in regard to these officers, and I will provide a response to the honourable member. The honourable member also asked whether I would investigate the accusations of discrimination that have been made by Cavaliere De Marco in regard to senior appointments in the Ethnic Affairs Commission.

I have raised this matter in the Council on previous occasions, as the honourable member knows, and I have pointed out to the Council that there was not a fair and open competition for that position because of Liberal Party policy before the election in 1979 not to appoint a person—

**The Hon. C.M. Hill:** It did not have any policy of that kind.

**The Hon. C.J. SUMNER:** The honourable member cannot remember the speech he made at that time to the Liberal Party Council—

**The Hon. C.M. Hill:** That was a document for discussion.

**The Hon. C.J. SUMNER:** It said, 'Our policy is—

**The Hon. C.M. Hill:** No, it did not.

**The Hon. C.J. SUMNER:** I read it to the Council; the honourable member had better check it in *Hansard*.

**The Hon. C.M. Hill:** You read it again.

**The Hon. C.J. SUMNER:** Well, I have read it and I know what it says. It says that the Liberal Party followed the practice existing in Victoria and Western Australia, I think it was, where there were—

**The Hon. C.M. Hill:** It did not say that at all.

**The Hon. C.J. SUMNER:** It did say that. I quoted it previously in this Council. Obviously, the honourable member cannot remember it. They may not be the precise words used, but that was certainly the effect of the statement made by the Hon. Mr Hill to the Liberal Party Council.

**The Hon. C.M. Hill:** That was your interpretation of it. As I said, it was a document for discussion.

**The Hon. C.J. SUMNER:** I am sure that anyone reading it would come to the same interpretation, too.

**The Hon. C.M. Hill:** You did. I do not think that anyone else would.

**The Hon. C.J. SUMNER:** In effect, the honourable member said that he would not appoint a person from one of the major groups—

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

**The Hon. C.J. SUMNER:** That is not untrue. What the honourable member said was that he would follow what he thought was the more desirable practice occurring in Victoria and Western Australia where they appointed a person from one of the minority groups as head of the Ethnic Affairs Division. That was a statement made by the honourable member before the 1979 election. I believe that, in accordance with that policy, that was the position followed in appointing the Chairman of the Ethnic Affairs Commission. I do not think that any good purpose can be served by further investigating the matter. The matter has been fully aired in this Council. It is certainly my belief that the former Minister behaved in that way because of previous policy statements and commitments given to the Liberal Party Council.

As to a date for a review of the commission's functions and operations, I am not in a position to give any date in relation to that. The situation is that it is business as usual. There will have to be a review of the Ethnic Affairs Commission Act in accordance with Labor Party policy and, indeed, there will be some review of the functions and operations of the Ethnic Affairs Commission. That will be carried out, not in the way that the Hon. Mr Hill behaved after the 1979 election, but in a proper way. If any changes come about, they will come about after a proper review and investigation. I think that I have already answered the final question in my preceding remarks.

#### PERMANENT PART-TIME EMPLOYMENT

**The Hon. DIANA LAIDLAW:** I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister of Labour, a question regarding permanent part-time employment.

Leave granted.

**The Hon. DIANA LAIDLAW:** On page 1 of the *News* yesterday it was stated that an application would be made to the Federal Conciliation and Arbitration Commission under the Vehicle Industry Repair Service and Retail Award to insert provisions for permanent part-time employment.

The article noted that about 8 000 workers in the private sector would be affected.

Presently there are tens of thousands of other workers in this State who, by agreement with employers or under award provisions, are working part-time as permanent employees rather than face the prospect of a proportion of their work unit being dismissed. They recognised that the only alternative for employers may be to resort to engaging casual workers. Such workers have no entitlement to annual leave and can be dismissed without notice.

The State Government at present employs about 70 000 persons on weekly hire within Government departments, whilst State statutory authorities employ an additional 30 000 persons on weekly hire. I ask the following questions:

1. Since departments and authorities essentially are providers of services and since demand for such services will have reduced because of the recession, will the Minister take action to have provision for permanent part-time employment inserted in relevant State awards if no provision at present exists?

2. Will the Minister then ensure that some of the under-utilised weekly hired Government employees are put on part-time work?

3. Will the Minister agree that if only 10 000 of the under-utilised workers went on to a four-day week whilst the recession lasts, it would save the Government about \$500 000 per week or about \$25 000 000 per year.

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

#### SOUTH AUSTRALIAN JOCKEY CLUB

**The Hon. ANNE LEVY:** I seek leave to make a brief explanation before asking the Minister of Agriculture, representing the Minister of Recreation and Sport, a question concerning the South Australian Jockey Club.

Leave granted.

**The Hon. ANNE LEVY:** I understand that until a few years ago the South Australian Jockey Club did not accept women as full members. This policy has changed and there are now quite a number of full women members in the S.A.J.C., paying the full membership fee. Until a few months ago the S.A.J.C. had a policy that women members, although paying the full membership fee, did not receive full membership rights and that they were, in fact, excluded from the members bar and a section of the members stand.

According to my information, a few months ago— I am unable to determine just how long ago— the committee of the S.A.J.C. reversed this decision and decided that in future there would be no discrimination against women members and that they would be permitted to go into the members bar and into all parts of the members stand. However, not only is the members bar still referred to by people in the S.A.J.C. as the men members bar but, on the decision of the committee, no publicity whatsoever has been given to the fact that the discrimination against women members has been removed. In fact, women members of the S.A.J.C. have not been informed that they can now enter the members bar and all sections of the members stand.

I was approached by a woman member of the S.A.J.C. who was unaware that she could now go into the members bar and that there was no section of the members stand that was now denied to her. Until I conveyed that information to her that I had received, she had been limiting her use of the facilities provided for members in accordance with what she thought was still the rule, although I stress that she was paying full membership fees.

Further, I understand that the S.A.J.C. has recently been having problems and has been seeking Government assist-

ance and advice about these problems and certainly wants more members to improve its financial situation. In view of the fact that publicity on the removal of discrimination might attract some badly needed new members, will the Minister urge the S.A.J.C. to give wide publicity, both to women members and to the public at large, to its decision to remove all discrimination against women members in the interests of both women and the S.A.J.C. in this State?

**The Hon. B.A. CHATTERTON:** I will refer the honourable member's question and suggestions to the Minister of Recreation and Sport and ask him to see whether he can take the course of action that the honourable member has outlined.

### BORDERTOWN STOCK SALE YARDS

**The Hon. G.L. BRUCE:** I seek leave to make a brief explanation before asking the Minister of Health a question about the problem of the Bordertown stock sale yards.

Leave granted.

**The Hon. G.L. BRUCE:** On 15 September I asked the following question of the then Minister of Health, the Hon. Jennifer Adamson:

I believe that sheep started to arrive at the Bordertown sale yards on Sunday 5 September for sales conducted on Monday 6 September, the sale yards then being cleaned up on Thursday 9 September. I understand that an officer of the Health Department at Mount Gambier discussed the matter of cleaning the yards after sales with the council and/or the council engineer and that agreement was reached on having the yards cleaned on a regular basis after a sale.

Because of the apparent time lag in the cleaning of the yards after a sale, can the Minister of Health say what agreement was reached between the officer of her department and the council regarding when the yards were to be cleaned after sales? Can the Minister also say how much a health and nuisance problem the officer of her department considers that the cleaning of the yards are after a sale?

Has the new Minister of Health any information on this matter?

**The Hon. J.R. CORNWALL:** I must say that I was caught off guard there when the honourable member was saying what she said and what she did not say. I thought that the honourable member was going over old questions and not actually directing them at me. The history of the sale yards at Bordertown is a very vexed one. I have some recollection that in very early days when I first came into this Parliament there were moves afoot to set up new sale yards several miles out of Bordertown at Cannawigara. That never happened, unfortunately. The sale yards are situated quite close to a residential area in the town. The noise and dust on sale days and prior to sales has caused some problems. There have also been some suggestions of possible contamination of underground water. My knowledge of this is fairly superficial, I must confess. I have not had any specific inquiries made. I understand that further upgrading is currently proceeding, and at this point there are probably only a relatively small number of people affected by the things to which the honourable member refers. I do not have these things at my finger tips, but I will be delighted to get a report on the state of play in regard to health hazards and the other questions and get it to the honourable member as soon as possible.

### FISHING LICENCES

**The Hon. H.P.K. DUNN:** I seek leave to make a brief explanation before asking the Minister of Fisheries a question about fishing licences.

Leave granted.

**The Hon. H.P.K. DUNN:** Under the transferability criteria of professional fishermen, any person can purchase an A class fishing licence. However, before persons can obtain the necessary approval from the Department of Marine and Harbors to operate a boat, they must have had 12 months experience at sea. An amateur, on the other hand, can purchase a boat and immediately apply for a licence from the Department of Marine and Harbors, and then take to the high seas fishing. It therefore appears that there is discrimination against professional fishermen. Is the Minister aware of this and will he rectify it?

**The Hon. B.A. CHATTERTON:** I am not convinced by the honourable member that there is discrimination. There is quite a considerable difference between professional and amateur fishing activities in the level of skills required. I am well aware of the fact that over time it has been necessary to raise the level of competency of professional fishermen. We have had some unfortunate accidents; I do not say that they were necessarily caused by incompetence, but it is of concern to us that the people who are out professionally fishing for periods have to have adequate navigation skills and so on. The only matter that has to be resolved is that those levels of competency that are required of professional fishermen have to be levels that are practically achievable. One of the concerns that I have—and I am having discussions with the fishing industry—is that we want tests of competency that are practical for fishermen who have the required experience. We do not want to refuse them because they cannot pass written tests.

**The Hon. M.B. Cameron:** It is a great difficulty.

**The Hon. B.A. CHATTERTON:** Yes. It is not easy to establish practical tests. It is a matter which we have already discussed, and I suggested that the fishing industry take it up with the Minister of Marine to see what could be done to provide that sort of test of skill. It is not right that they should be refused for reasons that are not related to the skills that are needed in their fishing.

### PUBLIC RISK INSURANCE

**The Hon. R.C. DeGARIS:** I seek leave to make a brief explanation before asking the Attorney-General a question following the question that I asked earlier of the Minister representing the Minister of Local Government.

Leave granted.

**The Hon. R.C. DeGARIS:** No doubt the Attorney-General heard the question I asked of the Minister representing the Minister of Local Government in relation to the public risk policy held by the Tantanoola council and the claim for \$300 000 in connection with an accident. Whilst this is of grave concern in the council area, there is also a great deal of concern being expressed by a number of people, including those in the farming community, relating to the ability to carry high public risk policies in connection with accidents that may occur on their properties. It is possible that a farmer, or any person (including a householder), could be driven to the point of bankruptcy by high damages that have been awarded in the courts recently. For example, there could be a possibility of a person on a tractor striking a stone on a farmer's road or near the gate to his house. The claim for damages could be in the vicinity of \$1 000 000. This could completely bankrupt the farmer or the person. I do not think it is possible for people to carry public risk insurance for damages of about \$1 000 000. Will the Attorney-General make some investigation of the question? I do not know what the answer is; perhaps it is 'no fault' insurance, or some other measure. It is a question causing very grave concern to the community, particularly in relation to

the very high damages that have been awarded by courts recently in regard to serious accidents.

**The Hon. C.J. SUMNER:** I will be happy to have that matter looked at for the honourable member. I do not want to give the Council a lecture on the law relating to feaseance or non-feaseance in relation to local government bodies of that kind, nor a lecture on occupier's liability at this stage, but they seem to be areas about which the honourable member is concerned, and I will have the issue looked into and reply as soon as possible.

#### FINANCIAL TRANSACTIONS TAX

**The Hon. R.I. LUCAS:** I seek leave to make a brief explanation before asking the Attorney-General a question about a financial transactions tax.

Leave granted.

**The Hon. R.I. LUCAS:** Earlier this week the Treasurer released a Budget review that indicated that one option facing the Government was an increase in State taxes. This was in spite of the fact that the Premier gave an unequivocal assurance during the recent election campaign that he would increase expenditure significantly without increasing State taxes or introducing a new State tax. In fact, yesterday on radio 5DN the Premier was quoted as having told Jeremy Cordeaux that he regretted the unequivocal assurance that he had given during the election campaign.

Honourable members will all be aware that the Labor Governments in Victoria and New South Wales have already introduced a new financial transactions tax at a cost of many millions of dollars to taxpayers in those States. First, is a financial transactions tax one option that the Treasurer is considering? Secondly, is it true that senior officers in the Treasury Department are currently undertaking or have been requested to undertake an analysis of how much revenue could be generated in South Australia by a financial transactions tax? Thirdly, would there be some advantage to South Australia in attracting industry to this State if the Government did not introduce a financial transactions tax?

**The Hon. C.J. SUMNER:** I am somewhat surprised that the honourable member has decided to embark on this question of the State Budget. As I said the other day, I believe that the Liberal Government's record in this area leaves much to be desired, and I think that would be recognised by any fair-minded observer concerning the disastrous situation in which we find ourselves. That is clear to anyone who looks at the facts in any objective sense. As I have stated before, it is only the Hon. Mr DeGaris who has objectively looked at the facts from the Liberal side. I challenge the Hon. Mr Lucas to do the same. Does he honestly think that what has happened over the past three years is acceptable in terms of financial management of the State? If the honourable member looked at the situation, he would come to that same conclusion, just as any right-minded person would do. How could the former Government's back-benchers let the former Government get away with it?

In reply to the specific questions asked by the honourable member, before the election the Labor Party promised that there would be a review of State revenue raising methods. There was nothing secret about that: it was specifically contained in our election platform. I do not know what matters the Treasury is currently looking at. It may have commenced preliminary studies on that review. Although I do not have specific information for the honourable member, I have no doubt that a more detailed statement will be made about the taxation review, which was promised before the last election, by the Treasurer some time in the new year.

#### MARIHUANA

**The Hon. L.H. DAVIS:** I seek leave to make a brief statement before asking the Attorney-General a question about the marihuana laws.

Leave granted.

**The Hon. L.H. DAVIS:** On Wednesday 8 December the National Organisation for the Reform of Marihuana Laws (NORML) inserted an advertisement in the *Advertiser* which, *inter alia*, referred to an M-Day march and rally for marihuana law reform on Saturday 11 December. The speakers were billed as the Hon. Anne Levy, M.L.C., and NORML. Does the Hon. Miss Levy's publicised appearance at this rally in support of a reform of marihuana laws indicate that the Labor Party is in favour of amending the State's existing marihuana laws?

**The Hon. C.J. SUMNER:** No.

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#### RACING ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 15 December. Page 163.)

**The Hon. K.T. GRIFFIN:** I was somewhat surprised to find, when this Bill came into the Council, that the Attorney-General took responsibility for the first and second reading. I would have thought that he would abdicate his responsibility for this area of legislation to one of the other Ministers on the front bench in this Council. I suspected that he was trying to emulate my record as Attorney-General when I represented the Minister of Recreation and Sport in this Council during the past three years when I had to deal with amendments to racing legislation. I notice that this Bill has now been passed down the front bench to one of the other Ministers.

It was made clear in another place that within the Liberal Party this matter is being treated as a matter of conscience, so that each member is able to vote without being required to adhere to any Party view. Accordingly, the view that I express is my view on this Bill, and other Liberal members may express the same or different views on this important piece of legislation. The Bill seeks to introduce in South Australia for the first time betting on human beings. All other betting in South Australia is on animals: horses, whether in the racing or trotting arenas, or dogs. So, for the first time we have a move into a new area. One could easily ask whether this is but the start of a much wider range of opportunities for betting on human endeavour.

Will this Bill be the forerunner of an extension of betting on foot racing beyond the Bay Sheffield? Will we see betting on football matches, cricket matches, cycling, boxing or events like the Miss South Australia and Miss Australia quests or on other areas where there is competition? This does occur to a large extent in the United Kingdom where that wellknown firm, Ladbrooks, seems to take wagers on any event, whether human endeavour, animal endeavour or act of God. I must say that that extension within Australia would certainly be novel.

One could foresee that if human endeavour became the subject of wagers on a consistent basis, even the way in which members of Parliament might exercise their vote on any particular issue might be the subject of a wager. That might well be a wager on which the odds would be too long. I have a general concern about the extension of betting to areas of human endeavour. There are some who say that by legalising betting on, for example, the Bay Sheffield foot race we will merely be legalising what already occurs behind



the scenes. Although there may be illegal activity occurring behind the scenes in not only foot racing but also other endeavours, that is no justification for making it legal. The argument in that context is one of slick expediency.

One may well then ask the question 'Why not legalise marihuana?' It is illegal to possess it at present, yet we know that possession occurs contrary to the law. If one continues the argument to which I referred, why not legalise anything which is presently illegal but occurs behind the scenes? The argument has also been raised that by legalising betting on this particular event or other areas of human endeavour more people will be attracted to either participate or act as spectators at both the Bay Sheffield carnival and other areas of human endeavour on which betting is legalised. There is just no basis for reaching that conclusion. That, in relation to the Bay Sheffield, may be based on hope rather than anything of substance.

The concern I have is that if foot racing becomes the subject of legalised betting it will, in fact, open up opportunities for abuse, malpractice and illegal conduct. It may be that it will have some benefit for the people behind the scenes and the bookmakers. However, it will probably have very little, if any, benefit for the participants. Also, it will mean that a great apparatus will need to be established to police the activity and to ensure that it is conducted legally. Some suggestion has been made that betting on this race will be subject to control by the Betting Control Board, which has staff available at present to service its responsibilities in the horse racing and dog racing areas. I suggest that, with foot racing, as with any other human endeavour, there will need to be additional staff and additional expense incurred in ensuring that the operation is conducted legally. There will need to be stewards, testing for drugs and investigators for any malpractice.

Turning to the question of testing for drugs, for example, one only need look at major international events such as the Commonwealth Games and Olympic Games to see the extent to which the amateur federations have gone to ensure that drugs are not taken by swimmers and athletes participating in those events. How much more will that need to be done when there is an element of profit introduced into the scene? One of the major questions which need to be considered when considering the effect of legalising betting on foot racing, in this instance, and on other areas of human endeavour, is the effect that it will have on that activity. It is my belief that by introducing betting one changes the dimension of the event or sport. One then introduces incentives for the use of drugs and for malpractice because the rewards increase dramatically but, as I have already indicated, rewards not necessarily for the athletes.

Another area of major concern in this Bill, and I speak now as much as a member of the Legislative Council representing all South Australians as I do as a resident of Glenelg, is that the Bay Sheffield, over many years, has been a carnival conducted on a public recreation reserve in an area very popular with families. It is an area where there is ready access to a well developed entertainment and side-show area. There is no admission fee. The area is in close proximity to parking facilities and a range of other community facilities. It is, in fact, open to the public without any control at all. If one compares that with existing events in South Australia which are the subject of betting such as the races, trotting and greyhound racing, one sees that they are all open to the public but that the public must take the positive decision to go to the venues and pay an admission fee to enter. Even for the Stawell Gift, I understand, there is an admission fee charged to enter a venue which is not a public recreation area.

I have very real concern about the fact that this event is in a public recreation area accessible to a wide range of members of the community of all ages and that the dimension of this activity and this event will be changed quite dramatically by the introduction of betting on the Bay Sheffield. I have some strong views on this Bill. I do not believe that it needs to be rushed through as the Government is rushing it through because it is a matter upon which ordinary members of the community ought to have more notice. It was not part of the Labor Party policy during the last election, yet here we have it being rushed through to satisfy the demands of a small number of people in the South Australian community. For those reasons I strongly oppose the Bill.

**The Hon. M.B. CAMERON (Leader of the Opposition):** As has been stated, this Bill raises the question whether or not betting should proceed on a particular foot race in South Australia. I am somewhat ambivalent about the measure, because I accept the sentiments put forward by the Hon. Mr Griffin as being genuine. However, I do not believe that that situation will apply to a greater number of foot races. I understand that the South Australian Amateur Athletic Association does not intend to push for gambling on races other than this event. On that basis, I would be prepared to support this Bill.

We must consider very carefully the extent of this action and the fears expressed by the Hon. Mr Griffin that it may cause problems. We do not want Commemoration Day to become a fiesta of gambling, because the event has a more serious motivation than the running of only one foot race. I have always been concerned that far too little finance is made available for the very individual sport of athletics, and I believe that the community should not expect athletes to raise funds in this way.

It may be that we must seek greater Government involvement in providing funds for athletics, because athletics is not a great spectator sport but is an individual sport, and satisfaction comes to the individual rather than to the crowd. The crowd tends to comprise people who are directly associated with the athletes, except in the case of major games such as the Olympic Games and the Empire Games. I do not deny that in regard to major events; however, in regard to local events, there is a problem in attracting sufficient spectators to gain a reasonable return to provide the necessary funds.

I believe that this foot race requires financial support. This action could well lead to greater participation in the Commemoration Day ceremony. Athletes may be able to receive some remuneration for their efforts. There is no doubt that the Stawell Gift and the Bendigo Thousand have become very much a part of the Australian way of life, and I trust that this race will also become part of our way of life and will lead to greater publicity for our Commemoration Day ceremony. I support the Bill.

**The Hon. FRANK BLEVINS:** An issue such as this involving an extension of gambling is a conscience issue for members on this side. We are free to vote as we wish on such issues. I support this Bill and I hope that at least a majority of members of the Council do the same. The Hon. Mr Griffin suggested that this action could lead to an extension of gambling in boxing, cricket, football, and other sports where gambling at present (as Mr Griffin thinks) does not apply.

I have never had a bet in my life (as far as I can remember), and on a personal level I am not particularly concerned. My understanding of these other sports and the activities surrounding them is that a great deal of gambling already takes place and that individuals have been known to place

the odd wager among themselves on the winner in these sports. I see nothing wrong with that.

**The Hon. B.A. Chatterton:** What about football pools?

**The Hon. FRANK BLEVINS:** The Hon. Mr Chatterton has referred to football pools. I remember that the Hon. Mr Griffin voted for an extension of gambling in regard to United Kingdom soccer matches when the legislation was before this Council. I am not sure of the Hon. Mr Griffin's attitude: on one occasion he supports an extension of gambling, and on another occasion he does not support it. That seems to show a little inconsistency.

Be that as it may, gambling already occurs on foot racing and in many other areas, and I see nothing wrong in regularising that practice. In fact, not only do I see nothing wrong with that but also I believe that it is highly desirable.

**The Hon. R.C. DeGaris:** What about cricket?

**The Hon. FRANK BLEVINS:** I have no objection to bookmakers attending test cricket matches, as occurs in other countries. I would query the wisdom of players entering tents and betting on the result of the game in which they have a great personal interest, but that is really a side issue.

**The Hon. R.C. DeGaris:** What about foot runners betting on themselves?

**The Hon. FRANK BLEVINS:** I would also question the wisdom of that, but whether or not I would want to do anything about it is another matter. It is highly desirable that, where gambling occurs, it is undertaken in an orderly manner. That would ensure that, to the greatest degree possible, undesirable practices do not occur. Another benefit of gambling undertaken on a proper basis is that some revenue will accrue to the organisations that run the contest. I believe that that is very important, because to some extent it seems to me that gambling on these sports is drawing money.

Some people are making a profit from sport but are not participating directly, while those people who participate directly both in the organisation and competing areas are doing all the work but gaining none of the benefits that accrue to those who organise the gambling. That is quite unfair. The prime participants in these sports should gain some financial reward to assist them in putting on those events. It is highly desirable that gambling is organised to enable the various bodies to gain some direct benefit from the gambling that occurs. I cannot remember ever having a bet on anything in my life, but I have no desire at all to restrict the rights of other people to have a bet.

**The Hon. R.C. DeGaris:** Have you ever bought a lottery ticket?

**The Hon. FRANK BLEVINS:** I have not personally bought a lottery ticket, but on occasions someone has suggested that I go halves in a lottery ticket and I might have contributed \$1. However, I have never heard anything further. This action is a further extension of the individual's freedom to do as he wishes with his money.

For that reason and the reasons I have already indicated, I will support this Bill. If any amendments are moved to extend the provisions further, I will support those amendments.

**The Hon. G.L. BRUCE:** I support the Bill. I lived in Victoria for some time and I understand that betting has been prevalent on the Stawell Gift and Bendigo foot races in that State, and it does not seem to corrupt the Victorians.

**The Hon. R.C. DeGaris:** One could not do that.

**The Hon. G.L. BRUCE:** That is a matter of opinion. Betting on foot races does not seem to have done any harm in that State. I understand that it is policed in exactly the same way as betting on racing involving animals, and that minors are not involved. I see no harm in this legislation. If people wish to bet on these foot races they will now be able to bet in a legal atmosphere.

**The Hon. R.C. DeGaris:** I support the Bill. I was interested to hear what the Hon. Mr Griffin had to say about this matter. I take the view of the Hon. Mr Blevins that there is a demand for betting facilities on the Bay Sheffield. There is no doubt that betting now takes place on the Bay Sheffield, and I see no reason why we should not move to legalise what is presently happening. I raise the question of betting facilities being provided on the Bay Sheffield only. I will move an amendment to ensure that the Minister, if he so desires, may grant licences to any other meetings organised by the athletic association.

This move will be a success for bookmakers at the Bay Sheffield, as has happened at Stawell, Bendigo and several other foot race meetings in Victoria. I have no doubt that similar foot race meetings will occur in South Australia, as has occurred in the South-East, where quite large athletic meetings have been held. Such meetings would probably be held in the cities of the Iron Triangle.

**The Hon. Frank Blevins:** There is the Whyalla Gift and others.

**The Hon. R.C. DeGaris:** Quite so. I see no reason, if betting is allowed on the Bay Sheffield, why other meetings organised by the association should not be granted bookmakers licences, which the Minister should have power to do under this legislation. The other point raised by the Hon. Mr Griffin is that the Bay Sheffield is run on public ground. This argument is valid, except that one must not forget that Victoria Park also has a flat, to which people have the right of access without paying, and that bookmakers operate on it.

**The Hon. K.T. Griffin:** It is not an easily accessible public recreation area as at Glenelg. It is not used in that way.

**The Hon. R.C. DeGaris:** If one looks at all bookmakers meetings in South Australia one can find cases where races are held on what is known as public grounds. Nevertheless, I accept what the Hon. Mr Griffin has said, but do not support it. The Bill is reasonable. It will be a success and make a difference to the meeting of the Bay Sheffield. In Committee, I will move an amendment to allow the Minister to grant licences for any other meetings conducted by the association.

Bill read a second time.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

#### MINING ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 15 December. Page 162.)

**The Hon. M.B. CAMERON (Leader of the Opposition):** The Opposition supports this Bill, which is a very simple amendment and, as I understand it, is a redraft of the proposal that was originally put forward.

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

#### EXECUTORS COMPANY'S ACT AMENDMENT BILL (No. 2)

In Committee.

(Continued from 15 December. Page 182.)

Clause 2 passed.

Clause 3—'Declarations by directors.'

**The Hon. R.I. LUCAS:** I move:

Page 2—

Lines 15 to 19—Leave out subclause (3).

Line 31—Leave out 'or within forty-five days of the commencement of the Executors Company's Act Amendment Act, 1982 (whichever is the later).'

In moving this amendment, I am well aware that my short speech will be deemed to be my first speech in terms of the conventions of this Council. I therefore accept that what was to be my first speech in the Address in Reply debate will now be fair game for the likes of the Hon. Mr Blevins to interject, and I welcome that. I believe that I could not do justice to my conscience if I let this matter slip by on the pretext of waiting for my first speech in the Address in Reply debate.

I would first like to thank the Attorney-General for his consideration and assistance in making available senior members of the Corporate Affairs Commission for discussion last evening. I have a healthy degree of wariness towards any provision in a Bill that is retrospective in nature. That is not to say that I would unequivocally oppose all retrospective provisions, as that would be a foolish position. However, I consider that an overwhelming case must be developed for any retrospective provision before it should receive support. I do not believe that an overwhelming case for the retrospective nature of new section 29a (3) has been developed by the Government, and I therefore will oppose the provision. It seeks to validate retrospectively certain actions taken by the company that might not have been valid at the time of those actions being taken. In discussions last evening with senior officers of the Corporate Affairs Commission, I was assured that this retrospective provision is not essential to the legislative intent of the Act. That is, Mr Brierley's group of interests or any other shareholder's group of interests who are deemed by the directors to have a shareholding of greater than 1.67 per cent of the share capital of the company must either divest those shares or take the matter to the Supreme Court and prove that they are not associated shareholders within the terms of the Act.

I repeat that the removal of this retrospective provision will not affect the Government's intention of limiting Mr Brierley's shareholdings in the company. It will mean some inconvenience in that the board of the company will need to issue a new declaration under new section 29a and then serve a new notice on Mr Brierley's group under section 31. I do not believe that the inconvenience to the company is sufficient justification for the use of a retrospective provision in the Bill. I therefore can see no overwhelming case for the need for retrospectivity and urge honourable members to vote to remove it.

I would also like to comment on two other aspects of this clause which gave me some cause for concern. Under new section 29a (1) the directors of the company can simply deem certain shareholders to be associated shareholders within the terms of the Act. It is then up to the shareholders concerned to prove otherwise before the Supreme Court. This subclause is another example of a reverse onus of proof; that is, a person is guilty of something until that person can prove his innocence. This trend, which, I understand, is increasing throughout Australia, is of concern. I believe that a Senate select committee recently compiled a list of some 200 such instances in Federal legislation. I have not sought to amend this subclause, as I am informed that there is no other way of achieving the legislative intent of the Bill. Nevertheless, this Council ought to be mindful of the increasing tendency to use a reverse onus of proof in its legislation.

The second aspect to which I wish to refer relates to new section 29a (4) and to the use of the word 'may' rather than 'shall' in line 4. I ask the Attorney-General whether the use of the word 'may' means that the Supreme Court could establish that it was satisfied that proper grounds for the directors making a declaration did not exist, but could still

decide not to exclude the shareholder from the operation of the declaration. If that was the case (and more learned colleagues than I—particularly in the law—have indicated to me that they do not think that it is, but I am interested in the views of the Attorney-General, as it is his Bill), I would express some concern about the use of the word 'may' rather than 'shall' within that subclause.

**The Hon. C.J. SUMNER:** I can assure the honourable member that we will not treat that as his maiden speech, although it is a very good contribution. I think that all honourable members would recognise that it is a contribution made during the Committee stages of this Bill and, therefore, does not really qualify as a speech.

**The Hon. Frank Blevins:** He's not getting away with it so easily.

**The Hon. C.J. SUMNER:** The Hon. Mr Blevins says that he is not getting away with it so easily, but for my part I will deem it not to have been a speech because it was made during the Committee stages of the Bill.

**The Hon. J.C. Burdett:** So you won't interject?

**The Hon. C.J. SUMNER:** As the Hon. Mr Burdett says, I will not interject. As he well knows, I do not interject because interjections are not sanctioned by the Standing Orders of this Council.

Three points were raised by the honourable member. The first basically deals with the very vexed question of retrospectivity. I can understand the honourable member's concern and comments about this. There is a general principle, or convention, against retrospective legislation and, certainly, whenever retrospective legislation comes before this Council it is viewed most critically and must be justified to Parliament, usually under some fairly critical and searching examination by honourable members. I have certainly done that myself on occasions. I certainly do not wish to argue with the proposition that a general position is adopted by the Parliament against retrospective legislation. However, as in so many other areas, there are exceptions. It is just not possible to be absolute in opposing retrospectivity.

The honourable member's own Party has introduced in the Federal Parliament legislation which deals with tax evasions and avoidance and which has some retrospective aspects. I am not sure whether the honourable member is a part of that section of the Party which believes that that retrospectivity is not justified but, nevertheless, his Liberal Government in Canberra felt that it was and, indeed, over the past three years in this Parliament the Liberal Government introduced Bills that had some retrospective effect. I remember the Survival of Causes of Action Act Amendment Bill which passed during this year and which went so far as to annul a court case which might have been taken by a litigant under the existing law and in which judgment had not been given.

So, although the litigant had used the existing law and taken his claim through the courts (a claim for damages following the decease of a person in a situation involving the negligence of another party), someone could have taken action that would have resulted in a certain damages payout. That action could have proceeded through the courts and got to the point where judgment had not been given and proceedings were nullified by the legislation, if it happened. I do not believe that any case actually got to that point when the legislation was passed, but that was the effect of the Bill which subsequently became law.

I pointed out the retrospectivity aspect of that, and on that occasion I moved an amendment to remove the retrospective effect and to allow the existing proceedings to proceed. In the end, a compromise was worked out where S.G.I.C. (the other party involved) undertook to pay the costs of any party that had instituted proceedings on the basis of the existing law. The reason for retrospectivity was

that the Government argued that the law had been understood to be a certain way for many years, as a result of a High Court case (Fitch), and what was generally considered to be the law was changed. The legislation that was introduced put the situation back to what people had assumed the law to be before that High Court decision.

Nevertheless, it was retrospectivity and it did interfere with people's rights, with actions that had actually been commenced in the courts. There are two examples where retrospective legislation had been introduced by the Liberal Government over the past three years. Nevertheless, I appreciate the honourable member's concern, and I think we all need to be alerted to the fact that retrospective clauses—

**The Hon. R.C. DeGaris:** There have been 10 Bills in the past three years.

**The Hon. C.J. SUMNER:** The honourable member did some research on the topic contained in his report from the Legislative Council. He says there were 10 such Bills in the past three years, and I am willing to accept his research on that topic. In this case the retrospectivity is there—it is admitted. All we are doing in this Bill is clarifying a legislative intention that was agreed to by Parliament in 1978. It was reaffirmed by Parliament under a Liberal Government in 1980, but there is some doubt in terms of drafting the legislation.

As all we are doing is clarifying a potential problem with the clear intention expressed by the Legislature in 1978 and 1980, it is a provision that should be accepted now, despite its retrospective aspect.

The second matter that the honourable member raised is the reverse onus of proof. He is right in saying that many more of these situations are creeping into the legal processes. One reason for that is the more complex nature of society. With increasing technology and the like, whether one is operating in the area of drug law enforcement or corporate law enforcement, there are techniques and devices, because of the greater complexity of society and the great technology available, that can be used to avoid the law.

The law then seeks ways of getting around these matters by deeming certain acts to be the case if certain others are established. In effect, it places an onus on the defendant in certain situations. Again, we must view those alterations in our traditional concepts with much care. I appreciate the fact that the honourable member has drawn the Committee's attention to this matter. Indeed, as he said, it is an increasing tendency, but I am sure that he will find it in much Federal legislation that is now flowing through, particularly in areas such as drug law enforcement. Unfortunately, some unpalatable measures seem to have to be taken in this area which, to some extent, disturb the traditional concepts on which we have operated in the criminal law. I hope this will be kept to a minimum and that other protections can be built into criminal procedures.

The final questions raised were in relation to the powers of the Supreme Court. In my view (and if the honourable member is not satisfied with that, I am willing to obtain further information), the use of the word 'may' means that there is still a residual discretion in the Supreme Court, even though it may find that the matters contemplated by the section are established.

I can understand if that is not particularly satisfactory to the honourable member but, if he wishes, I am willing to examine it further. However, I do not believe that a court in normal circumstances, once it had found a situation contemplated by new section 29a, would refuse to exercise its discretion. The legislative intent is clear, despite the fact that the word is not 'shall', the obligatory word which is used in the legislation, but 'may', which is discretionary. I do not believe that the court, despite the use of the word

'may', if it found the situation contemplated by the provision, would refuse to exercise its discretion, although I concede that on the wording it is probably open.

**The Hon. M.B. CAMERON:** In speaking briefly on this matter I indicate that I do not intend to support the honourable member's views on retrospectivity. Nevertheless, in general terms I express doubt about the use of retrospectivity. I am sure that that is a view shared by all members of the Council, certainly a majority of members, because retrospectivity should be used extremely carefully by Parliament. In this case there is no doubt that the people associated with the Executor Trustee Company knew exactly what the intention of the legislation was but continued to operate around it.

It has always been my belief that once Parliament expresses its view one should back up that view if there is any problem with the legislation. It is important that people understand that, when Parliament sets out on a particular course, and that course has been clearly expressed, if they continue to try to circumvent Parliament's wishes, Parliament will take further action.

In this case there is no doubt that the company knew exactly what Parliament intended. Therefore, I will not support the changes desired by the Hon. Mr Lucas, although I congratulate him on the way in which he has been alerted to the use of retrospectivity. I trust that he will always take that view when Parliament intends to insert retrospectivity provisions in legislation.

Amendment negatived.

**The Hon. R.I. LUCAS:** As my following amendments are consequential, I withdraw them.

Clause passed.

Clause 4 and title passed.

Bill read a third time and passed.

#### ADDRESS IN REPLY

Adjourned debate on motion for adoption.  
(Continued from 15 December. Page 165).

**The Hon. C.W. CREEDON:** I would like to refer to the death of Mr Gordon Gilfillan and Mr Cyril Hutchens. I did not know Gordon Gilfillan prior to coming into this Council so my knowledge of him was not very great, but I always found him a kindly and tolerant person who gave me considerable help and advice. I very greatly appreciated his attitude. Cyril Hutchens was a person I met soon after coming to South Australia. I lived in his district for about 10 years and came to know him and his family very well. It was he who encouraged me to become active in the Labor Party (although I had been a member for some time before going to live in Hindmarsh) and who went out of his way to make sure I received the encouragement and the responsibility to deepen my interest in our Party. It was he who took me out on my first door-knocking expedition, and I must say I was petrified, but his insistence on my doing that kind of work paid dividends—I got to like that kind of work and had a great deal of practice at it.

Before I was elected to Parliament I spent an endless number of weekends over many years knocking on thousands of doors and putting thousands of people on the Legislative Council roll. To this day it is the job when it comes to political activity that I prefer most. My colleague, Mr Blevins, said that there were many people in Parliament who could thank Cyril Hutchens. In fact, they would never have been here but for his aid, and I am one of those. He was a great family man, very well thought of in the community, and very loyal and active for his Party and his State.

I would now like to turn my attention to local government. We are all well aware that in this State it is a fairly restricted operation governed by an Act that has been amended piecemeal over the years and every session with further amendments to correct the drafting errors in the previous amendments. Local government has been through some trauma in recent times, the most prominent of which was probably the Boundaries Commission Report which indicated that local government bodies should be greatly reduced in number. Talk about a red rag to a bull! That certainly disturbed the sleepy quietness of the local government backwater. In fact, it brought to light some snarling wild cats which were certainly in a minority, but their screeching was heard all over South Australia. It greatly disturbed the political equilibrium and, although the dissidents could only raise about 12 000 or 13 000 signatures, it was sufficient to give an A.L.P. Government cold feet. We were not prepared to take the step to merge council areas because we would be likely to lose a couple of seats if these dissidents became active enough. Sure enough, we did lose those two particular seats in 1979.

That was a great disservice to local government, because many councils ever since that report have been wrangling with neighbouring councils in boundary disputes. Some of it has become quite bitter; one particular council, Munno Para, has been besieged on all sides and has written imploring members of Parliament to enact legislation that will help it, but to date no Parliamentary action has been taken that will solve that council's problem. Munno Para sits in a no-man's land between Gawler and Elizabeth with its electors attending to their main needs in the well-endowed town of Gawler and the city of Elizabeth while still paying big rates to Munno Para. It is neither city nor country and some of the open country it does govern adjoins the District Council of Mallala. I gather that Mallala would like to gather some of that to its bosom. Munno Para provides none other than the barest essential service to its electors and it is fully time that at least a select committee was set up to examine this problem and to recommend a solution to it.

Some effort was made by the Hon. Mr Hill, when he was Minister of Local Government in the previous Liberal Government, to straighten out some of these council boundaries. He is entitled to great credit for those efforts. I served on a number of select committees that he formed to examine the joining together or the severing of sections of one council and attaching them to another. And, although many of the district councils had become outer suburbia to the town or city corporations they adjoined, there was no way that the district councils wanted to part with their suburbs. In some cases, there was distinct hostility shown to the inquiry. The select committee could understand that the district councils did not like losing their rate revenue but that really belonged to the adjoining corporations, because the corporations were supplying the majority of the needs and services and, in any case, the district councils were side by side with other district councils that were an economic disaster.

However, I only recall the one case where district councils got together and became one which made a sensible economic and working proposition. In a number of cases the rate revenue could not meet the wages bill, but they persisted in hanging on, depending on hand-outs from ETSA, the Highways Department and the Grants Commission. I note that the previous distribution of council boundaries was made during the depression of 50 years ago. I do not know whether it was the economic circumstances of the time that forced that action. If so, with conditions as bad as they presently are, perhaps Government or councils themselves will be forced to take action that will keep them workable.

I would like to compare our style of local government with that of Canada. The Canadians have a similar back-

ground to ours, being of British and European stock, but their style of local government is different. In fact, they have more expensive Government generally than we do. They have a Federal Government, State or Provincial Government, powerful Regional Government, and the municipal councils, which handle a great deal more responsibility than ours do. Their major responsibilities involve water, sewerage, police, fire brigades, health, welfare, schools, major roads and bus transport. I did find that the various States approached these matters differently. For instance, the police in Toronto work on a regional basis, in Ottawa they work on a council area basis, but in Vancouver they rely on the Federal Police.

Each Police Force has its own Commissioner, and the board is elected and paid for its services. The region or a council, as the case may be, levies taxes on its ratepayers to support the schools (actually a region does not levy taxes—this is only done by councils at the request of the region). Each school board is an elected body and is paid for services rendered.

Where regions exist, they own the water and sewerage mains, and the councils own the subsidiary lines. This also applies to road construction. Councils cannot argue with the estimates of the school board or the police board. Usually, these boards refuse to answer questions. There is some appeal to the State Government on this attitude, but generally the councils lose.

From what I can gather, councils and regions make their own by-laws without reference to State Parliament. The first rate account for half of the sum goes out in January, based on final assessment for the previous year, half of which is payable by mid-February and the balance by the end of March. After estimates and budget have been verified by the council, the second half of the rates account is sent and is paid in three instalments in mid-June, at the end of July, and in mid-September. Interest of 1 per cent is charged monthly on overdue accounts.

In Ottawa, about 40 per cent of home owners' accounts are sent to the various mortgage companies. The lending authorities arrange to collect over a 12-month period the rates that the borrower would be expected to pay. The councils look upon this as a very sound idea. It is maintained that it takes the worry out of a \$1 000 rate bill. Council elections take place on the first Monday in December every 2 years, and all elected people retire at the same time. The City of Vancouver votes at large for all office holders, while in Ottawa voting is by ward for councillors and at large for the Mayor and the four man board of control. The Mayor and his board bring down recommendations to council after considering officers' reports. All elected people are paid, and in Ottawa the Mayor and members are paid a salary equivalent to what we receive in our State Parliament. Even in the smaller municipalities, members are paid and they determine their own salary. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

#### RACING ACT AMENDMENT BILL (No. 2)

Adjourned debate in Committee (resumed on motion).  
(Continued from page 244.)

Clause 2—'Interpretation.'

The Hon. R.C. DeGARIS: I move:

Page 1—

Line 28—Strike out 'the' first occurring.

Line 30—After 'Incorporated' insert 'or any other foot race meeting conducted by that body and approved by the Minister'.

Line 32—Strike out 'of the' and insert 'of a'.

Page 2—

Line 3—Strike out 'of the' and insert 'of a'.

Line 5—Strike out 'and the' and insert 'and a'.

I have already referred to what I require in this amendment. I agree with the Government's intention to allow bookmakers to operate at the Bay Sheffield, and there is no question in my mind that the operation of bookmakers will be a success. I have no doubt that an application will be made in regard to other meetings run by the association, which will seek the attendance of bookmakers. To avoid bringing back the Bill for amending in regard to another meeting, the matter should be left to the discretion of the Minister.

The Parliament has agreed that bookmakers can operate on the Bay Sheffield, and the Bill has passed the second reading stage in this Council. The Minister should have sufficient power to allow the operation of bookmakers on any other meeting that is conducted by the association. I believe that there is only one other race of high standing, and that is the Whyalla Gift, although honourable members may know of other races. I have no doubt that the operations of bookmakers at meetings will flow on. Bookmakers operate at several meetings in Victoria, and it appears reasonable that there will be a growth in that type of operation in South Australia.

**The Hon. FRANK BLEVINS:** I support this amendment strongly. I want to correct a comment made by the Hon. Mr DeGaris, who stated that there is only one other event of high standing apart from the Bay Sheffield, and that is the Whyalla Gift. Unfortunately, some years ago the Whyalla Gift folded as a foot race; indeed, the meeting no longer occurs, and I believe that that is a great pity. The lack of finances and the insufficient number of people in Whyalla who were willing to organise this event were significant factors.

I would hope that one very good result from the Hon. Mr DeGaris's amendments would be that the Whyalla Gift may be resurrected and that those who were involved in organising that race may be able to organise a meeting with the Whyalla Gift as the principal event. If the amendments are carried, the Minister would have the power to allow betting on that event. From this provision, we may see ultimately a surge in athletics in South Australia, and that would benefit both athletics and the community as a whole. I strongly support the amendment and I urge all other members of the Council to do the same.

**The Hon. G.L. BRUCE:** I also support the amendment on much the same grounds as those outlined by the Hon. Mr Blevins. This action may have effects as far away as Mount Gambier. That city could draw on people from Victoria to come to South Australia. We are trying to promote tourism and we are trying to encourage people to come to South Australia. People can bet on the Stawell Gift, which is held just across the border from Mount Gambier. I cannot see why the same facilities could not be provided so that a first class athletics meeting could develop and Mount Gambier would attract visitors. I have no objections. If we are to be competitive, we must attract people from over the border. I support the amendment.

**The Hon. J.C. BURDETT:** I cannot support the amendment. Representatives of the Amateur Athletic League, which is the professional body, had discussions with some members of this Council in regard to the Bill. Of course, those representatives supported the Bill and asked us to do so, but they made very clear that they had no intention of going beyond the Bay Sheffield. They stated that this was not the thin end of the wedge and that betting on the Bay Sheffield was all that they wanted: they did not want to extend betting to other meetings. It seems to me that it is a bad principle to legislate for something for which there is no need and no call.

**The Hon. K.T. Griffin:** The amendment gives power to the Minister.

**The Hon. J.C. BURDETT:** That was the next point that I was going to make. If one gives power to the Minister to extend, one is, in a sense, allowing the Minister to extend the operation of the Act and, for those reasons, I cannot support the amendment.

**The Hon. M.B. CAMERON:** I cannot support the amendment for the same reasons as those outlined by the Hon. Mr Burdett. We interviewed a representative from the South Australian Athletics Association. We asked that representative whether this was a beginning to have betting extended to other foot races, and he directly and specifically answered 'No', that it was not the intention. I believe that we should not step into this area unless there is a request from the association. If that happens, I would certainly consider the matter. If this amendment passes I will reconsider my position in relation to the Bill as the amendment will extend the Bill beyond the scope that applied when I previously made up my mind, and that was for betting only on the Bay Sheffield. I understand that gambling is taking place on two foot races in Victoria but, whether or not that is the case, I will certainly have to reconsider my position if this amendment is carried.

**The Hon. R.J. RITSON:** I oppose this amendment. In doing so I confirm what the two previous speakers have said. I was approached by a lobbyist from the South Australian Athletics Association. I asked him whether or not this was an agreed Bill and whether or not the league and the Government had come to an agreement as to the exact terms of the Bill. The lobbyist told me emphatically that it was an agreed Bill and emphasised that it was only required that the Bill apply to the Bay Sheffield. The lobbyist advanced arguments based on tradition and the history of the meeting at Glenelg and emphasised that there would only be three bookmakers involved.

I am aware of the social and ethical matters raised by the Hon. Mr Griffin. From what the lobbyist told me I was not led to believe that there would be a great array of bookmakers, let alone an extension of the principle of extending betting to the point where the whole area of gambling on foot racing would be opened up. This amendment is not a consequential extension of the first principle that persuaded me to support the Bill in the first place, but an introduction of an entirely new principle about which I have grave misgivings. Therefore, I do not support the amendment.

**The Hon. C.M. HILL:** I oppose the amendment. Any measures dealing with the extension of gambling or increasing gambling activities ought to be decided by Parliament. I do not think that any extension in this case should be placed in the hands of the Minister. The public generally want Parliament to make decisions as to any extension of gambling activity. Historically, it has been a very controversial issue within South Australia. It is far better to place the matter in the hands of Parliament than to give Ministerial discretion, as is proposed in this amendment. I support the original Bill, but have grave doubts about supporting the Bill if this amendment is carried.

If the original Bill came on to the Statute Book, observations could be made as to the development of the Bay Sheffield event and, if other major athletic meetings sought to have bookmakers available at such meetings, in due course that approach could be made to the Government of the day and then Parliament could consider it. It is going too far to simply leave it to the Minister to, at his whim, extend this facility to any other meetings.

**The Hon. G.L. BRUCE:** Surely it would be a foolish Minister who approved betting on a race where the body conducting the race had not sought approval for it. If there is to be betting on a race that approval would surely have

been sought by the body conducting the race. The Minister would not just say arbitrarily that there is a race at Whyalla or Mount Gambier and that betting would be allowed on it, without the body conducting the race seeking approval. So, it is a two-way exchange, not one-way, as is argued by the Opposition.

**The Hon. I. GILFILLAN:** If there are so many misgivings about the extension of betting to other Ministerial approved venues, members who support the Bill should look seriously at it. The amendment does achieve a wider scope. It offers an opportunity, without going through the time-consuming process of involving Parliament in a specific decision each time, to have betting at foot-race meetings. Although I am not enthusiastic that there be an extension of gambling facilities, and as I am not a promoter or engagee in that form of entertainment and do not have any personal interest in it, I justify my support of the amendment because, after having sighted the Bill, which is acceptable, I feel that the amendment is an effective and worthwhile extension of it.

**The Hon. B.A. CHATTERTON:** I have consulted with the Minister responsible for this Bill and he is quite happy with the amendment moved by the Hon. Mr DeGaris. I support the amendment that has been moved. I point that out in the context of this debate and reinforce the point made by the Hon. Mr Bruce that betting can only take place on events conducted by the South Australian Athletic League Incorporated. It seems to me that it is not giving the Minister an unfettered power; it is up to the league to put the proposal to the Minister. I do not see the Minister forcibly holding a meeting and the league not being anxious to have a meeting which involves betting. The Bill would not give the Minister the power to do it on any other race meeting conducted by any other body. For those reasons I support the amendment moved by the Hon. Mr DeGaris.

**The Hon. R.J. RITSON:** There is a vast difference in principle between, on the one hand, supporting a Bill which is claimed by the league to be an agreed Bill in every detail and which is specifically stated to be based on the position at Glenelg and, on the other hand, supporting a Bill based on the general concept of opening up foot racing to gambling. Those were the specific conditions on which members on this side of the Chamber supported the Bill.

To introduce a new principle of general betting on foot racing with an amendment that to my knowledge has not been agreed to by the league with the Government is unsound and almost smacks of funny business. An entirely new principle is involved in this amendment, quite distinct from the arguments based on tradition and agreement between the league and the Government on every detail in the Bill.

**The Hon. G.L. BRUCE:** To me, it is a very timid approach and seems like the attitude that you can be a little bit pregnant. Some members say, 'The Bill is okay, but we will not extend it any further. We have gone only this far and saved our consciences.' It is saying that there is nothing wrong with giving it to that association and agreeing with it for the Bay Sheffield, but not for others. I can see no difference.

The Committee divided on the amendment:

Ayes (11)—The Hons Frank Blevins, G.L. Bruce, B.A. Chatterton, J.R. Cornwall, C.W. Creedon, R.C. DeGaris (teller), M.S. Feleppa, I. Gilfillan, Anne Levy, C.J. Sumner, and Barbara Wiese.

Noes (9)—The Hons J.C. Burdett, M.B. Cameron, L.H. Davis, H.P.K. Dunn, K.T. Griffin (teller), C.M. Hill, Diana Laidlaw, R.I. Lucas, and R.J. Ritson.

Majority of 2 for the Ayes.

Amendment thus carried; clause as amended passed.

Clause 3 and title passed.

**The Hon. B.A. CHATTERTON (Minister of Agriculture):** I move:

*That this Bill be now read a third time.*

**The Hon. K.T. GRIFFIN:** I made my views clearly known at the second reading stage. The prediction to which I referred is now coming true, that from the Bay Sheffield it now goes to all foot racing. Where is it likely to stop in the area of wagering on human endeavour? For that reason, I oppose the third reading.

The Council divided on the third reading:

Ayes (13)—The Hons Frank Blevins, G.L. Bruce, B.A. Chatterton (teller), J.R. Cornwall, C.W. Creedon, R.C. DeGaris, M.S. Feleppa, I. Gilfillan, Diana Laidlaw, Anne Levy, R.I. Lucas, C.J. Sumner, and Barbara Wiese.

Noes (7)—The Hons J.C. Burdett, M.B. Cameron, L.H. Davis, H.P.K. Dunn, K.T. Griffin (teller), C.M. Hill, and R.J. Ritson.

Majority of 6 for the Ayes.

Third reading thus carried.

Bill passed.

#### ADDRESS IN REPLY

Adjourned debate on motion for adoption (resumed on motion).

(Continued from page 247.)

**The Hon. C.W. CREEDON:** When I sought leave to continue my remarks earlier, I was discussing local government in Canada. I will continue to deal with that topic now. Health and social services of a general standard operated by the councils are in the main paid for by the provision of State and Federal moneys, but councils can improve on these services if they so desire out of their own revenue, and this does happen where wealthier councils provide extra services such as day-care facilities, home nursing, dental care, etc. However, smaller and less financial councils are not able to provide these, while on the other hand hard-headed rural councils that do not believe in these amenities see to it that they are not provided.

The Ottawa River divides Hull City and the Federal Capital of Ottawa. Raw sewage is pumped into this river, and the water for both cities comes from this river, so I felt it was no wonder that many citizens drew their water from well supplies.

In Quebec, local government receives about 2 per cent of State value-added tax, which applies to all purchases, excluding bar groceries, besides other numerous grants, some of which are tied and others are not. There are some 1 500-odd local government areas in Quebec, and it seems that the law of the State demands that all elected members are paid some amount.

I turn now to Sweden in order to give a comparison. Local self-government by means of municipalities is basic to Swedish democracy. Although its traditions are of ancient date, in its modern forms its foundations were laid by the Municipal Administration Act of 1862. Since then municipal self-government has grown steadily, both in importance and scope, until today the municipalities are responsible at local and regional level for a great number of vital social tasks.

The municipalities have become important executive organs for social reform policies. The distribution of tasks within the public sector as between central Government and municipalities has leaned more and more heavily on the latter, and since the mid-1950s the municipal share of the G.N.P. has surpassed that of the central Government.

A distinction is drawn between three types of municipality: primary municipalities, secondary municipalities, and special municipalities. Primary municipalities fall into two categories—civic and ecclesiastical. Today there exists only one type of civic primary municipality, earlier distinctions

between cities, boroughs and rural municipalities having been erased from legislation and been replaced by a single uniform concept; the municipality. An ecclesiastical primary municipality is called a parish.

A secondary municipality corresponds to the field of jurisdiction of a county council. Usually it comprises a single county, comprehending several primary municipalities. And the administrative duties which normally devolve upon a county council—notably the provision of medical and health services—are there carried out by the municipality. A special municipality is an association of municipalities. These have been established in order to take care of certain special administrative tasks on behalf of two or more primary municipalities, which in South Australia we describe as regional.

At the time of the 1862 municipal reform, the country's division into municipalities followed the lines of the old church parishes. The municipalities then amounted in number to about 2 500, a distribution which persisted until the early 1950s. Then a new reform reduced their numbers to about 1 000. Despite this massive reduction in numbers, yet another reform was carried out in the late 1960s and early 1970s, still further reducing the number to 278 in 1974.

In regard to the tasks of a primary municipality, almost the entire Swedish public education system is municipally administered, whilst universities and colleges are administered by the central Government and most folk high schools by county councils. Direct responsibility for schools within the municipality lies with the education committee.

Municipal welfare, too, is regulated by a number of laws and regulations. Under the Social Welfare Act, municipalities are obliged to ensure that all persons residing within their boundaries shall receive such care and assistance as they may need. Municipal child care is in high degree prophylactically oriented. A municipality can also take charge of such children as are in need of care and attention. One comprehensive field here is day-nurseries and leisure-time centres for children of gainfully employed parents.

Municipalities are also obliged to take care of the aged. Old-age homes are provided for those old people who are in need of permanent care and attention. Many municipalities also offer a comprehensive service to the handicapped and municipalities are also responsible for local planning. The administration of central Government loans for housing construction is also their responsibility. Municipalities are also heavily engaged in road and street construction and in laying out public parks. The municipality is responsible for the building and upkeep of streets and roads within any area falling inside a town plan. The central Government is responsible for those roads which link various communities.

A field which has grown extensively in recent years is the provision of recreational facilities. Opportunities for physical recreation are being provided by the establishment of municipal sports grounds and stadiums, swimming pools, etc., and other sporting facilities.

In regard to the tasks of a county council, far and away the largest task of a county council region is public health and medical care. Certain training hospitals apart, and if we leave out of account those municipalities which do not come under a county council, virtually the whole Swedish public health service and, today, even mental hospitals and the care of the mentally retarded, are administered by county councils. County councils administer dental health. A county council's involvement in education takes the form of schools for the mentally handicapped, training colleges for medical personnel, and folk high schools.

The tasks of a parish are defined as the provision and care of a church, burial ground, parish hall, dwellings for parish officials and other property intended for ecclesiastical purposes; measures to promote divine service and the prop-

agation of the faith in general, and the provision of Christian activities among children and young people, among the aged, the sick, and others who are in need of care; and the provision of salaries for a clergyman, a church musician and other personnel. The care of churchyards and cemeteries may be transferred to the civic municipality, subject to central government decision.

Turning to the municipal organisation, a fundamental principle of municipal administration is that it is directed by elected representatives. Formerly, these representatives themselves carried out most of a municipality's tasks. But as municipalities have grown in size and ever larger duties have been imposed upon them, more and more local government officials and staff have had to be employed in an executive capacity. Today some 600 000 persons are employed by municipalities, as against an estimated 40 000 elected representatives. The council members are directly elected by the population at general elections.

The municipal council makes all important decisions of principle. It fixes the goals for each field of activity, outlines the manner in which those goals shall be reached, and allocates and distributes the requisite resources. The municipal board also has a right to insight into the activities of the other boards and authorities, though its control over them is limited in principle to the right to make comments and give advice and directives. Usually the municipal board consists of between 11 and 15 representatives.

Certain special municipal legislation requires the existence of a special local authority for particular activities—an Education Committee, a Public Health Committee, and so on. In recent years more and more municipalities have begun to employ one or more of their representatives on a full-time basis. This differs somewhat in Canada, where all their elected representatives are paid people. There are only one or two such people in the municipalities here.

The growing burden of municipal activities has made it hard for a representative holding a central position to combine his civic functions with his civil employment. Where there is only one such full-time representative, he is usually the chairman of the municipal board; where there are more, they are often board members, as well as chairmen of various subsidiary boards and local authorities. Like municipal representatives county council representatives are elected at general elections.

I turn now to the parishes. The decision-making organ of a parish is the parish vestry or the parish assembly. As in the civic municipalities, parish councillors are roughly proportionate in number to the number of parishioners, varying between 15 and 40. The church council is the parish's board—the equivalent of the municipal board in a municipality and the executive committee in a county council.

I turn now to municipal finances. The expenditures of the municipalities are covered mainly by the municipal income tax. This proportional tax is levied independently from the national income tax but uses the same basis for taxation. Municipal tax rates are set by the municipality itself in connection with the passing of the municipal budget. These decisions are not subjected to ratification by any national Government authority.

A very important source of income for the municipalities are the grants-in-aid from the central government for various purposes; teachers salaries, school construction, public institutions, some forms of social welfare and child care, fire protection, etc. A great number of special Government subsidies exist. Municipalities with an exceptionally high rate of taxation may be awarded a special tax equalisation subsidy.

The allotment of the special Government subsidies is often dependent on the economic situation of the municipality, with regard to the number of residents in relation to



the total income tax. Other sources of income are revenues from municipally-owned enterprises (for example, gas and electric works) and income from municipally-owned housing.

For municipal loans the permission of the central government is required if the sum is considerable and the period of repayment exceeds five years. Municipal loans are most often raised in order to finance the capital expenditures of the municipality in connection with constructions for permanent use. The expenditures of the county councils are covered by the county council tax which is levied by the council in the same manner and according to the same taxation rules as the regular municipal tax.

Parishes, like municipalities and county councils, have the right to defray their expenses by taxation if other sources of income prove insufficient. Anyone who has formally left the State Church has his tithe reduced by 40 per cent. The remaining 60 per cent is regarded as his contribution to the maintenance of churchyards and cemeteries, to the census work (which devolves upon the parish office), and so on.

The thing that impressed me most about the Swedish system, and about the whole elective system there, was that they hold elections on 19 September every three years and all persons elected to Government in any way at all are elected on that date. It can be clearly seen from the recital I have just given that there are vast differences in our approach to local government, and I am not for a moment recommending that we adopt the attitudes of the two countries I have quoted. In fact, in many areas I would be quite opposed to following their example. All the paid boards and commissioners add extremely to the cost of Government, and two or more bodies sharing the building of water mains and subsidiary lines, as with sewerage and roads, would cause expensive bureaucratic bungling. I believe that that is one of the reasons why a place like Ottawa has sewage pumping into the river from an adjoining city across the river.

It seems to me that the attitudes of Canada and Sweden are very similar to those of America and much of Europe. It makes local government a very costly form of government as opposed to our attitude of seeking a very cheap local government. Perhaps it is too cheap for the best kind of government. There are certainly very many ideas and actions that are worthy of examination and even trial. It is time our local government was upgraded and given greater responsibility and the income to make it effective or given new ways of raising moneys effectively to service the community at a more personal level.

The Hon. Mr Hill took some action to strengthen some local council areas, but it was a slow process, and I would like to see it quickened somewhat to ensure that over the next year or two local government councils will be greatly reduced in number and that greater efforts be made by Federal and State Governments to produce a method of providing local government with the wherewithal to do its job effectively. Municipal self-government could provide excellent conditions for the citizen to make his presence felt in public affairs. In this way the citizen can influence both the form and direction taken by such social activities as affect him, inasmuch as the municipality is the social organisation that is the closest in touch with individual community problems. I support the motion.

**The Hon. G.L. BRUCE:** I rise to support the motion that the Address in Reply, as read, be adopted. I congratulate former members of the Council who have been re-elected to this Council and issue a warm welcome to the newly elected members. I trust that they will achieve a measure of satisfaction in their new role and that their deliberations are of benefit to the people of South Australia.

I join in extending my sympathy to those families of former members of this Parliament who passed away during the past year—Cyril Hutchens and Gordon Gilfillan. Of major concern, not only to the people of South Australia but also to the people of Australia, are the current severe economic problems facing us all. This concerns the increasing number of unemployed people and the worsening of the drought, not only in South Australia but Australia-wide.

While the drought is not a man-made problem and in one sense is beyond our control, I believe that more cognisance should be given to the fact that Australia is subject to natural disasters such as bushfires, floods, and droughts. It seems to me that a fund of some sort based on sales of produce should be established and relate to a farm so that, if and when a natural disaster overtakes the man on the land, he will be entitled to compensation as a matter of course instead of having to rely on Government hand-outs and loans which often place an impossible burden on him in the future and also subject him to a severe change of lifestyle. It is not as if the drought is something new: in many areas it occurs on a regular basis, the only difference being its severity. A large percentage of Australian farmers go through every summer with the fear of bushfires.

I am not sure how such a scheme would work or how it should be funded, but I believe that it could be investigated, reported on and seriously considered by the farming community. Perhaps that has already been done; my involvement with the farming community has not been great. I merely offer the suggestion as an observation from an outsider who is concerned about the future and welfare of people who are caught up in these natural disasters. The *Advertiser* of 14 November 1982 gave some insight into the problems of the farmer. In relation to a farmer at Ceduna, it was stated:

It has not rained since July. Mr Stott, 27, a third generation farmer, of Charra, about 50 kilometres west of Ceduna, is facing not only an \$80 000 loss because of the failure of his crops but the frightening task of keeping his remaining 500 sheep alive with a non-permanent water supply.

He is one of about 50 farmers in the area between Ceduna and Penong which is not serviced by the Tod Pipeline from Port Lincoln . . . 'We didn't even cover the cost of fuel used during harvesting. If we don't get Government aid we are sunk. We already owe the bank a heap. We'll get further and further into the muck,' he said. 'Three farmers already are on the market, but they haven't got a bid because no-one's got the money, and if it's like this next year there'll be at least 20 on the market . . . and no-one will buy. Some farms still haven't paid off the Government since the last drought, and some will never ever get out of debt,' he said.

To fend off the impending financial doom, the Stotts have planted vegetables in a bid for some self-sufficiency.

That is the sort of thing that farmers are up against. In relation to the economy, I believe that the greatest single factor affecting us all is the lack of confidence in the future, the lack of confidence that, if people have a job, it may not be secure, the lack of confidence that, if people do not have a job, they may not get one. This lack of confidence has put a stop to the purchase of goods that would normally occur if one was not concerned about job security, and so on.

To illustrate this, I will quote the figures in relation to the saving per capita in South Australia and Australia for the past years. In 1978, the per capita saving was \$1 511; in 1979, it was \$1 654; in 1980, \$1 753; and in 1981, \$1 878. It is different now: as things get worse, more people have money in the bank. There is a difference per head of about \$300 between the figures for 1978 and 1981. It would appear that, as the going gets tougher, people become more frightened. Mentally, a siege evolves, and people tend to batten down the hatches. Who can blame them?

It would also appear that the economists do not have the answers to what is a world-wide problem, because, no matter where one turns, solutions are being offered and are tried,

but we still have increasing unemployment. We have a consumer society and everything has been oriented that way. That trend has now been reversed, and we are all suffering because of it. I cannot see that a wage freeze as is currently mooted will get us out of our troubles. I do see that the one thing that will assist in regard to the deal offered with the wage freeze is the injection of \$300 000 000 into projects. To my mind that will have a greater impact on job creation than will any aspect of the wage freeze. I look with interest and concern to the future of Australia and Australians.

On a recent trip to a Commonwealth Parliamentary Association conference in the Bahamas, and in visiting briefly some countries en route and on the way home, I was left with no doubt in my mind that we live in one of the greatest countries in the world, with all of our natural resources and wealth, coupled with our food production and variety of climates. We should be at the very top of the list of those countries that are showing the way out of this recession. I understand that Australia is currently fourteenth on the list of countries that have the best standard of living.

This is a man-made disaster and it should be able to be solved by man. Technology should be working for us, not against us: it should enrich our lives, instead of creating unemployment and misery for large sections of our community. The old argument in regard to productivity has been rolled up: we must produce more and keep costs down to be competitive. When technology and incentive produce more, it becomes a disaster for the worker as he is made redundant in his particular sphere of employment. A look at the stockpile of cars, fridges, air-conditioners and all manner of consumer goods shows that we have the productivity but we do not have the confidence or the wherewithal to purchase these goods.

Any increase in productivity does not seem to result in a cheaper consumer item. In fact, on my recent trip I came to the conclusion that, in the service industries concerned with hospitality, the more depressed the country in relation to wages and conditions and the more tourists using hospitality facilities, the higher the prices. As my visits to these places were brief and I did not have the time for in-depth examination of this matter, I am happy to stand corrected if this impression was wrongly formed.

Possibly, the morality of the society in which we are living has a lot to do with the present circumstances. To illustrate this, one has only to pick up the daily newspaper. We are only just recovering from the disclosures of the bottom of the harbor schemes, which evidently cost the Australian taxpayers millions of dollars. In the *Advertiser* of Friday 10 December, under the heading, 'Unemployment soars again. \$20 000 000 plan to create more jobs', it was stated:

The Federal Government announced major new unemployment relief measures yesterday, hot on the heels of another big rise in unemployment. The \$20 000 000 package of manpower programme initiatives was announced by the Minister for Employment and Industrial Relations, Mr Macphee. They were announced soon after the Commonwealth Statistician reported another big rise in unemployment during November which took Australia's jobless total to 552 600 . . . The new measures include big subsidies for employers who offer jobs to adults who have been unemployed for a long time.

Mr Macphee said the scheme under which employers would be subsidised by the Government to take on unemployed adults would be available from next March. Employers taking on adults over 25 who have been unemployed for eight of the past 12 months would get a subsidy of \$100 a week for each employee for 17 weeks, followed by \$75 a week for another 17 weeks. A more generous subsidy of \$125 a week would be paid for those over 45 who had been continuously unemployed for 12 months.

The scheme in itself sounds quite commendable. However, I would like to know what safeguards will be written into the scheme to ensure that abuses do not occur. I can envisage people being sacked so that industry can get into this sub-

sidised wage scheme. What will happen to those people who are put off but who have not been out of work for the required eight months or 12 months? They will continue to be unemployed. However, I digress. I wanted to show that this \$20 000 000 plan to create jobs was given prominent display in the same newspaper that carried an article under the heading, 'Blitz on medifraud urged'. The *Advertiser* of Friday 10 December 1982 stated:

Canberra—A Parliamentary committee has urged a crackdown on medical fraud and overservicing by doctors and expressed 'shock' at the extent of the problem. The joint Parliamentary Public Accounts Committee says at least \$100 000 000 a year is being lost in medical fraud and overservicing.

The P.A.C. says it finds the Department of Health's response to abuse of the medical benefits system 'grossly inadequate'. It points to the department's slow reaction and says: 'In almost every respect, too little has been done too late.'

What I am trying to show is the hypocrisy of our society. On the one hand, the Government is endeavouring to create jobs with taxpayers' money, and on the other hand one section of the community is evidently defrauding that same community of five times the amount of money that the Government is using to create employment. I repeat that perhaps the morality of our society requires attending to before we can hope to extricate ourselves from the financial straits and high unemployment in which we find ourselves.

If we are no longer to consider that our society is a consumer society and if we are to turn our backs on that way of life and go into commune-type living, let us at least consider the ramifications on our community of such a shift of priorities. It is happening in regard to farmers, the unemployed, and people on low wages. A recent announcement by the Federal Government that, after having instituted the wage freeze it intends to attack penalty rates in awards and endeavour to abolish them, shows the appalling lack of forethought that goes into the knee-jerking reactions involved in formulating policies for our guidance. Penalty rates in the hospitality industry from which I came were formulated over many years with consensus, arbitration, conciliation, and common sense.

The give and take of award negotiations allowed for penalty rates, and points were conceded that never would have been conceded if penalty rates had not been a part of the package. I imagine that other industries and unions are in a similar situation.

Yet, here we have a Government that, overnight, wants to step in and abolish penalty rates without reference to the parties concerned, and in the name of the national interest. I imagine that the greatest unrest Australia has seen on the industrial scene will result from such actions. If penalty rates are to be abolished, that can be done only by discussion and consensus between the parties concerned. Anyone with an ounce of common sense would realise that. Evidently, the Federal Government does not have an ounce of common sense. Confrontation, not consensus, seems to be the name of the game.

However, enough doom and gloom. I must refer to my recent overseas trip as a delegate of the Commonwealth Parliamentary Association (C.P.A.). It is not, as some might think, the Communist Party of Australia. My contact with the C.P.A. was fleeting: a couple of meetings a year and the receipt of a newsletter which did not really mean much to me. The trip that I joined as a delegate from this Parliament was an eye opener.

According to the agenda there were 55 branch delegates and, allowing for some countries to be represented on a provincial basis, it made for almost 50 Commonwealth countries meeting and discussing common problems. There were in excess of 400 members at the conference, and this included delegates, observers, and guests. Geoff Mitchell from the House of Assembly was also at that conference

and provided invaluable aid to the State as he serviced State delegates.

The agenda items were many and varied. They discussed world peace and development, the security and future of small countries of the Commonwealth, approaches to unemployment, the freedom of the individual, human rights and responsibilities, the authority of Government in a Parliamentary democracy, the development of alternative energy resources, Parliamentary privilege (with special reference to confidentiality), population control, preservation of the environment (with special reference to wildlife), Parliament and the scrutiny of public finance, the role of the Opposition in a Parliamentary system, and Parliament and the Executive. While no votes were taken, the discussions were most enlightening as an insight to the problems of other countries. *Hansard* reporters were present and all speeches were noted and, no doubt, will become available to the Parliaments of C.P.A. delegates in due course.

The Australian Federal delegation sought more frequent representation on C.P.A. There were two parts to the two-week conference. The activities of the first week were relatively informal, with every encouragement being given to delegates to meet and mix socially. Far from being an excuse for delegates to sit in the sun, the exchange of backgrounds and ideas set the scene for the formal activities of the second week, when delegates became more aware each day that, despite their vastly differing backgrounds in relation to country, colour and language, they had a common bond, namely, to endeavour to do the best for their country, with the C.P.A. being the umbrella under which they could meet.

English was a common language to all the delegates, and the C.P.A. would have to be a most unique institution that can unite in one forum so many countries representing so much of the world. Some comment was made as to the cost of such an exercise, but my personal view is that, whatever the cost, it must be cheap by world standards if it gives an insight into the problems of people in other countries. I am sure that just one of the boats or planes destroyed in the Argentine conflict would have adequately covered the cost of the conference and, if such a conference can contribute to world happiness, peace and the exchange of ideas, it must be worth while, irrespective of the cost. I commend the C.P.A. on its organisation and endeavours in bringing the peoples of the Commonwealth together and hope that, in time, all my Parliamentary colleagues will have an opportunity of such a unique trip and the chance to mix and contribute to such a future conference.

During the past three years I have voiced my concern at the role that this Council plays in the legislation of South Australia. My main concern is that it is nothing more than a rubber stamp for the other House. I believe that the one real and vital role that it plays is on select committees, and time has not changed my view. I trust that the present Government, even though its policy may be to abolish this Council, will consider, until that occurs (if ever it does occur) utilising the talents of people in this Chamber. I am of the belief that committees from this Council could examine legislation as it comes from the other House and prepare and issue reports as to what they see as being the best way for this legislation to act and work for the interests of the people of South Australia. These reports should be made on a consensus basis and could be examined and assessed by the people and the Parliament, whether they were accepted or rejected, and would be subject to debate in the community and Parliament.

I believe that not all legislation should be dealt with on a confrontation basis. It should be subject to proper analysis and discussion, rather than a hurly-burly debate in the Council. My mind goes back to the Workers Compensation Act that was passed last year, where scant consideration

was given to it and matters were not properly thought through—at least to my way of thinking. I trust that the Government recognises the validity of the points that I have raised.

I wish all members of this Council all the best for Christmas and the new year and trust that all the people of South Australia benefit from our deliberations in this Chamber. I support the motion that the Address in Reply, as read, be adopted.

**The Hon. H.P.K. DUNN** secured the adjournment of the debate.

#### ADJOURNMENT

**The Hon. C.J. SUMNER (Attorney-General):** I move:

That the Council at its rising adjourn until Tuesday 15 March 1983 at 2.15 p.m.

In moving this motion, which is the first time I have had the pleasure of doing so in my 7½ years in Parliament, I extend to all members of the Council, and particularly to those people who assist in the running of Parliament, the compliments of the season. I take this opportunity of thanking them for their work. On this occasion they have only been subjected, as we all have, to a comparatively short few days. I cannot guarantee that all the sittings of the Parliament in the next three years will be as short as the two weeks that we have just experienced. Nevertheless, I sincerely thank them for their efforts in keeping the Parliament functioning. I know that it can be tiring and wearing at times for all persons, but they certainly do a stirring job in assisting us.

This motion has been moved at probably the closest to Christmas that it has been moved for many years. Certainly, it is the closest I know of in my 7½ years in this place. I suspect that in the more leisurely days of previous times, when Parliament tended to get up towards the end of November, a motion such as this would probably not have been moved as late as this. This year there were special circumstances, as all members recognise, that required us to sit so close to Christmas. I wish all members and other staff the compliments of the season.

**The Hon. M.B. CAMERON (Leader of the Opposition):** I second the remarks made by the Attorney-General concerning the many people who have assisted this Council and the Parliament during the past 12 months. I would particularly like to refer to some of them.

I refer, first, to the members of the *Hansard* staff. This is probably one area where we members are very grateful. I have certainly found in my time in Parliament that very few corrections are needed. I never know quite how they achieve that, but they certainly give us a tremendous amount of assistance.

Without the messengers, Parliament would not operate, because they are an essential part of the operation of this place. The Clerk, Assistant Clerk, and clerical staff are of tremendous assistance to us. The library is an essential part, and the Librarian and his staff have always been very kind and helpful. Certainly, there is no member who does not appreciate their assistance.

There are a number of other people, and I refer particularly to the switchboard girls. Anybody who has had reason to phone this place would know the assistance that they give us. I understand that one person on the switchboard will be resigning shortly, and we all wish her well. The typists who assist us as members are essential. We hope that at some time in the future we will have more of them, but that will be looked at by the Attorney-General at some

stage. The maintenance staff and caretakers are always very helpful, particularly the caretakers when we come in after hours. The catering and dining room staff have been very good to all of us. The police who look after my vehicle at the front are of tremendous assistance.

I express my thanks to all those people and to you, Mr President, for the way in which you have carried out your duties as President. You are very fair, and we appreciate the way in which you have treated all of us. I wish everybody a very merry Christmas and a prosperous new year. I trust that everyone will drive carefully and avoid the random breath testing units that we have put on the roads. I hope that they assist us to keep everybody alive and well during the Christmas break. I particularly wish a merry Christmas to the members of the Council, and I trust that we will see everybody here in a good frame of mind next year.

**The Hon. I. GILFILLAN:** On behalf of the Democrats, I support the very genuine comments that have been made by the Leader of the Government and the Leader of the Opposition. Our Leader, the Hon. Mr Milne is on his way by air to Switzerland at this very moment and is, therefore, unable to personally deliver the Democrats' thanks to the staff and the good wishes to our fellow councillors. One thing of which we can be assured is that he will have a very merry Christmas. Those members who are concerned need not worry about his well-being. It would probably be rather impertinent of me to thank in copious detail people in this place. Because I have been here such a short time I would not presume to speak with the authority of others. It is unique in my experience anywhere to find so much personal consideration to the people who are in this place from those who serve it. I would embrace everyone with whom I have had contact in this building in that statement. I hope that they take it personally. This is not just a matter of form, but something about which I feel very strongly. It helps anybody who comes in to feel as quickly as possible at home and to use the facilities. In that way, they have contributed to the spirit of Christmas more than anything else that I have experienced recently. With pleasurable anticipation, I look forward to getting to know them better and appreciating their services.

Specifically, I mention the messengers, the Clerk, and Black Rod for a particularly careful and caring attitude to my requirements and to those of the other new members. To you personally, Mr President, I express my appreciation for the fact that you have understood some of the human frailties of some of the new people coming in. It does not belittle your office that you have shown that human concern. I conclude by saying that the Democrats wish all those who work in this place a merry and joyful Christmas, and we wish our fellow Councillors God's blessing on their Christmas.

**The PRESIDENT:** I add my own personal thanks to those of the Attorney and the Leader and of you, Mr Gilfillan. Thank you for your mentioning anything that I may have done. Our Chamber officers and messengers work as a team—the four officers and the three messengers. We are very well served and I know that we wish them every success. Our catering staff serve us extremely well. Someone mentioned *Hansard*—that group of people who always make our speeches better. Our sincere thanks to all staff members. I appreciate the co-operation that I have had from both Leaders and from all honourable members, and I conclude by wishing you all a very happy Christmas and success in 1983.

Motion carried.

### STAMP DUTIES ACT AMENDMENT BILL (No. 3)

The House of Assembly intimated that it had agreed to the Legislative Council's amendments.

### GOVERNMENT FINANCING AUTHORITY BILL

The House of Assembly intimated that it had agreed to the Legislative Council's amendments.

*[Sitting suspended from 5.50 to 10 p.m.]*

### EXECUTORS COMPANY'S ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

### RACING ACT AMENDMENT BILL (No. 2)

The House of Assembly intimated that it had agreed to the Legislative Council's amendments Nos 1, 3, 4, and 5, and had agreed to amendment No. 2 with the following amendment:

Leave out 'approved by the Minister' and insert 'prescribed by regulation'.

Consideration in Committee.

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

That the House of Assembly's amendment to the Legislative Council's amendment No. 2 be agreed to.

**The Hon. M.B. CAMERON:** I support the motion although, I express amazement at the turn of events that has occurred. I am quite certain that the majority of members on this side of the House, if the original proposition had been that betting should be allowed on each foot race in South Australia run by the South Australian Athletic Association would have moved an amendment to change the meaning of the Bill to this. It is surprising that the mover of the amendment, who caused the altercation tonight, is not in the Chamber now. I find it amazing that he has not seen fit to appear.

**The Hon. Frank Blevins:** Don't get down to personalities.

**The CHAIRMAN:** Order!

**The Hon. M.B. CAMERON:** I am not doing that. I would have expected him to be here at least to hear the result of his amendment. However, that is his problem. It was a surprising turn of events, to say the very least, to find that a Bill introduced by the Government with certain commitments that it would be on one race only, namely, the Bay Sheffield, was changed to a Bill where it could be on virtually any run sponsored by the South Australian Athletic Association. It could be on a pair of sleepy lizards walking down the street, provided that the Minister agreed. Goodness knows what the Minister would agree to.

**The Hon. Frank Blevins:** That is reflecting on a decision of this Council.

**The Hon. M.B. CAMERON:** Not at all. I am surprised at the turn of events. However, I support the amendment that has come back. It is sensible to have Parliament in some sort of control over the series of events that will take place in relation to foot racing in South Australia.

**The Hon. K.T. GRIFFIN:** Honourable members are aware of my attitude to the original Bill and to the amendments that were proposed by the Legislative Council. My attitude to the original Bill has not changed; nor has my attitude to the amendment changed. However, I recognise that the principle of those amendments has now been supported by

a majority of members of this Council and of the House of Assembly. I also recognise that the amendment now proposed by the House of Assembly makes a dramatic improvement to the original amendments.

*Members interjecting:*

The CHAIRMAN: Order!

The Hon. K.T. GRIFFIN: As I was saying before I was interrupted, I recognise that the amendment made by the House of Assembly to the earlier amendments made by the Legislative Council is a dramatic improvement. No longer does the Minister have the sole right to decide what foot race should or should not be approved. The decision will now be made by regulation. It will be laid before both Houses of Parliament and, by the very nature of the decision,

the regulation will have to be made many months in advance of the event for which approval is to be given by regulation. There will therefore be some Parliamentary scrutiny of the extension of the principle of betting on foot races. So, recognising that it is an improvement and that the majority of both Houses of Parliament obviously support the amendment, I do not propose to take my objection any further.

Motion carried.

#### ADJOURNMENT

At 10.17 p.m. the Council adjourned until Tuesday 15 March 1983 at 2.15 p.m.