LEGISLATIVE COUNCIL

Thursday 17 March 1983

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

ASSENT TO BILLS

His Excellency the Governor, by message, intimated his assent to the following Bills:

Dog Fence Act Amendment,
Executors Company's Act Amendment,
Government Financing Authority,
Licensing Act Amendment (No. 3)
Mining Act Amendment,
Pay-roll Tax Act Amendment (No. 2),
Planning Act Amendment,
Racing Act Amendment (No. 2),
Savings Bank of South Australia Act Amendment,
South Australia Jubilee 150 Board,
Stamp Duties Act Amendment (No. 3).

QUESTIONS

SOUTH AUSTRALIAN ENTERPRISE FUND

The Hon. M.B. CAMERON: I seek leave to make a brief explanation before asking the Attorney-General a question on the matter of the South Australian Enterprise Fund.

Leave granted.

The Hon. M.B. CAMERON: On 16 December 1982, which was some time ago (I had hoped to ask this question yesterday on an anniversary of the question, which is now three months old), I asked the Attorney-General, as the senior Government representative in this place, a series of questions concerning the South Australian Enterprise Fund, which was a central plank in the Labor Party's economic development strategy. The Attorney, despite being the chief Government spokesman in this place, claimed he did not have the details and was unable to give any answers to my questions, but promised to provide a response, and added that he expected an announcement early in the new year. That was over three months ago. So, again I ask the Attorney: 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 takeover of some South Australian industries and resource projects?

The Hon. C.J. SUMNER: I will attempt to obtain the information for the honourable member. Obviously, it is not a matter within my responsibility.

The Hon. M.B. Cameron: You said there was going to be an announcement early in the new year.

The Hon. C.J. SUMNER: I am sorry that the information that the honourable member requested early in December has not been made available. It is clearly something that should be attended to, and I will attend to it as soon as possible.

COMMUNITY HEALTH CENTRES

The Hon. J.C. BURDETT: I seek leave to make a brief explanation before asking the Minister of Health a question on the subject of community health centres.

Leave granted.

The Hon. J.C. BURDETT: The question relates to community health centres and pay-roll tax. I appreciate that the Minister may have to consult his colleague, the Premier and Treasurer. I ask the question of him because I know that he shares the interest that I have in community health centres. I understand that various community health centres have applied for exemption under the Pay-roll Tax Act and they have been informed by the Commissioner of Stamps that these centres do not qualify for exemption as benevolent institutions. In particular, the Adelaide Womens Community Health Centre has been seeking such exemption. Almost all of the community health centres are funded by State and Federal Governments, especially by the State Government. It seems to me to be anomalous that they are provided with funds by the State Government on the one hand but taxed on their pay-roll by the same Government on the other hand. I believe that consideration is being given by the Government to the general question of exempting community health centres from pay-roll tax. Has any decision yet been reached on this matter? If administrative change is needed, will the necessary legislation be introduced and, if so, when?

The Hon. J.R. CORNWALL: It is pretty obvious that that question really should be directed to the Premier and Treasurer, but I am sure that the honourable member is being very reasonable today and will bear with me if I say that I will have to take that one on notice and bring back a reply as promptly as possible.

CORPORATE AFFAIRS COMMISSION INVESTIGATIONS

The Hon. K.T. GRIFFIN: I seek leave to make a brief explanation before asking the Attorney-General questions about Corporate Affairs Commission investigations.

Leave granted.

The Hon. K.T. GRIFFIN: On 14 December 1979 I appointed the Corporate Affairs Commission to investigate the affairs of Kallin Investments Pty Ltd and a number of other companies which were either subsidiaries of Kallin Investments Pty Ltd or associated with it. When the Liberal Government ceased to hold office in November the report was in a draft stage, almost at the point of printing.

Early in 1980 I appointed a special investigator to the Swan Shepherd group of companies. That was a particularly complex and difficult matter because of the number of investors involved with the group and because provisional liquidators were appointed initially and then official liquidators were appointed.

I am not sure of the stage that has been reached by the Corporate Affairs Commission in its special investigation into that group of companies. First, what is the present status of the report of the special investigator into Kallin Investments Pty Limited and associated companies? Secondly, if the report is completed, is it intended that it will be tabled? Thirdly, are any prosecutions to be launched? If the answer is 'Yes', can the Minister identify against whom the proceedings will be launched and on what charges? Fourthly, what is the current status of the special investigation into the Swan Shepherd group? Fifthly, is the report likely to be tabled? Finally, are any prosecutions to be launched? If the answer is 'Yes', can the Minister give any

details of the charges and against whom prosecutions will be launched?

The Hon. C.J. SUMNER: I must confess to a feeling of reverse *deja vu* when the honourable member asked me those questions about corporate affairs investigations. The questions are detailed and I certainly wish to obtain the information for the honourable member. I should say that my general position on reports is that they should be tabled, if it is appropriate. That was done, as the honourable member knows, in the case of the von Doussa Report into the Elders share transactions. I will obtain full details of each of those investigations for the honourable member and bring down a reply. If there are any other investigations that he wishes to add to the list, I shall be happy to accommodate him.

FORESTRY PRODUCTS

The Hon. FRANK BLEVINS: As all honourable members will be aware, the Minister of Agriculture earlier this year was in the United Arab Emirates with the intention of seeing whether any South Australian products could be exported there, especially timber, landscaping consultancies, forest mulch and similar products. Can the Minister advise the Council whether there have been any further developments involving trade with the United Arab Emirates?

The Hon. B.A. CHATTERTON: The purpose of the mission to the United Arab Emirates which I undertook earlier this year was to seek markets principally for timber and also for a package of expertise in landscaping, urban environments, Australian native plants and forest mulch produced from waste timber from our forests.

The Hon. L.H. Davis: From State forests?

The Hon. B.A. CHATTERTON: Yes, from the department's forests.

The Hon. L.H. Davis: What about private enterprise forests?

The Hon. B.A. CHATTERTON: Private enterprise would be happy to be involved, as I will later explain to the honourable member. Since that mission the situation in South Australia has changed considerably because of the disastrous bush fires. We do not have the surplus of timber that we had, although we now have a much greater surplus of forest mulch. Much of the timber that was burnt during the fires will not be salvaged, because it was too severely damaged; the only possible use for it is as a forest mulch type of product which is obtained when the tree is put through a chopper. The wood, the bark and everything that is there produce a forest mulch which is equivalent to pine bark or any other mulch used in urban landscaping of the environment.

We have many millions of tonnes of timber that can be used only in that way. With the additional urgency to find markets for that product, we have decided to send a follow-up mission to the United Arab Emirates, Saudi Arabia and Kuwait consisting of a group of officers from the Woods and Forests Department and private interests to look for landscaping consultancies and markets for Australian native plants and forest mulch in a combination that will be useful to those people in beautifying their urban environments.

We have also entered into a joint venture with a private company to supply forest mulch. The joint venture company will be called Ecology Management Pty Ltd and it will try to develop the market. We have sent a trial shipment of 100 tonnes to the Emirate of Sharjah in the United Arab Emirates. That shipment will be used for experimental purposes. Following this mission, which should leave in April, we hope to receive further inquiries and that we can send further trial shipments. If those trials are successful, naturally we hope to receive substantial orders for this product.

OMBUDSMAN

The Hon. M.B. CAMERON: I seek leave to make a statement before asking the Attorney-General a question about the Ombudsman.

Leave granted.

The Hon. M.B. CAMERON: Honourable members would be aware that on Tuesday I asked the Attorney, as the senior Government representative in this place, whether any discussions had taken place between the Government and the Ombudsman concerning the possibility of the Ombudsman taking up a new position elsewhere in the Public Service. In his reply the Attorney indicated that he was not a party to any discussions but that he would not be surprised if there had been any subsequently. The Premier has indicated that discussions have been held with the present Director-General of the Premier's Department, the Agent-General and the Ombudsman about their respective futures. In fact, I understand that the Premier admitted in the House today that he has had discussions with the Ombudsman.

The Hon. C.J. Sumner: It would be surprising if he had not.

The Hon. M.B. CAMERON: That is a surprising comment. It has already been suggested that the Government has planned to replace the present Director-General of the Premier's Department, Mr Scriven, with Mr Bruce Guerin and that steps are being made to install Mr Scriven as Ombudsman. For this to occur the present Ombudsman, Mr Bakewell, would be required to take up an alternative position. A series of manouvres would seriously undermine public confidence in the impartiality of the position of Ombudsman.

In introducing the legislation to establish the post of Ombudsman the then Attorney-General (Hon. Len King) opposed any plan to place a limited term on the working life of an appointee to the position of Ombudsman. (I must indicate at this stage that in error in my explanation I indicated my belief that the position was held for a period of five years. In fact, it can be held until the age of 65 years.) This retirement provision was expanded by Mr King in his explanation to Parliament on 17 October 1972, when he introduced the Bill which brought the present position into being. Page 2134 of *Hansard* of 17 October 1972 states:

> It is obvious that the person sought for this position must be a person of standing and authority in the eyes of Parliament and of the community. He must be able to command the respect of Parliament and of the citizens.
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> I take the view that the appointment of an Ombudsman is much the same sort of thing as the appointment of, say, an Auditor-General or a judge. In each of those cases the Government makes the recommendation on which the appointment is made, but the office is independent of the Crown. It is an office the holder of which must command the support and respect of Parliament generally and of the community.
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> The primary consideration is that the Ombudsman should not only be independent but clearly be seen to be independent of the Government of the day and of the majority Party in Parliament at any time. Exactly the same consideration should apply to him as applies to a judge, namely, that he should be appointed for his working life and should be removable only by the redress of both Houses of Parliament. The reason why a judge is appointed for life is precisely that he is then independent of the Executive.

Mr King continued:

> Once appointed, a judge has nothing to fear from the Executive. Inevitably, if he does his work well, he will tread on corns. He must act fearlessly, being willing not only to criticise public servants but also, if the occasion arises, to criticise Ministers and the Government. Therefore, he must be independent of the approval or disapproval of the Government of the day, and thus of the majority Party in Parliament . . . For that reason alone, it is essential that the Ombudsman be appointed for the duration of his working life . . .
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> The primary consideration is that the Ombudsman should not only be independent but clearly be seen to be independent of the Government of the day and of the majority Party in Parliament at any time . . . We dare not create the conditions that could lead

to suspicions that the Ombudsman was not acting independently because he desires to secure the favour of a particular Party, Government, or the majority Party in Parliament, thereby securing his reappointment. That type of suspicion would be disastrous to the confidence that the community ought to have in the position.

Does the Attorney-General agree with the sentiments expressed by the former Labor Attorney-General concerning the role and responsibilities of the Ombudsman? Does he agree also that the comments made by the Hon. Mr King indicate that discussions such as those that the Premier acknowledged have been held between the present Ombudsman and the Government are quite inappropriate and improper? Does the Attorney-General stand by his former statement, which was made in reply to a question asked by me in this place on Tuesday, that he sees nothing wrong in discussions between the Government and the Ombudsman relating to a change?

The Hon. C.J. SUMNER: I agree with the sentiments expressed by former Attorney-General King, the present Chief Justice. I thank the Leader of the Opposition for the lecture that he presented to the Council on the role of the Ombudsman. I am sure that it was a useful reminder to us all about the importance—

The Hon. L.H. Davis: A timely reminder.

The Hon. C.J. SUMNER: Yes, it was a timely and useful reminder to us all about the role of the Ombudsman. I do not believe that anyone ever thought that there was a dispute about the principles set out by Mr King when he introduced the Ombudsman Act, which, I might say, was introduced by a Labor Government to provide the citizens of this State with access to an independent person who could take up complaints against Government instrumentalities and local government on behalf of the complainant.

The honourable member asked whether I believe that the discussions between the Premier and the Ombudsman were inappropriate in view of the remarks made by Mr King. My answer is, emphatically, 'No'. Quite clearly, the Premier is entitled to discuss matters with the Ombudsman. In fact, I am entitled to discuss matters with the Ombudsman, and I would suggest that the Leader of the Opposition is also entitled to do so.

The Hon. M.B. Cameron: We are talking about his future.

The Hon. C.J. SUMNER: The Leader of the Opposition drew a parallel between the Ombudsman and a judge. No-one is arguing that the Ombudsman has tenure until retiring age, which is quite appropriate. But, is the honourable member trying to suggest that a judge who decides to accept a position on the bench is thereby bound to remain on the bench for the rest of his working life? If the honourable member does say that, what does he also say about his colleague in his Party, Mr Ellicott, who, apparently, became tired of judging recently and decided to leave the bench. Does the Hon. Mr Cameron find anything objectionable about that? Indeed, we could go further back into history.

The Hon. M.B. Cameron: Did he take a position in the Public Service after that?

The Hon. C.J. SUMNER: Mr Bakewell is not taking a position in the Public Service. There has been a certain amount of newspaper speculation about that.

The Hon. M.B. Cameron: It has been fuelled by the Premier and you. You could put it all to rest now.

The Hon. C.J. SUMNER: I assure the honourable member, and I am sure that the newspapers concerned will vouch for my statement, that I have not been involved in fuelling any speculation about the future of the Ombudsman. Nevertheless, we can go further back into history. Mr Justice Evatt took a position on the High Court bench during the 1930s. That did not mean that he had to stay there for the rest of his life. If he wanted to stay there for the rest of his life, then that was his constitutional right. But, he chose to retire from the bench and enter politics, just as Mr Ellicott apparently decided that the bench was not for him and, before that, decided, for some reason I do not intend going into, that politics were not for him, either. He has apparently returned to the bar.

Is the Hon. Mr Cameron saying that Mr Ellicott is acting improperly? I do not think the Hon. Mr Cameron believes that he can impose on a person in judicial office, or the Ombudsman, the requirement to stay in that job until retirement, or for life. What a ludicrous position.

The Hon. R.J. Ritson interjecting:

The Hon. C.J. SUMNER: Mr Bakewell cannot be shunted anywhere. Mr Bakewell, as the honourable member has just indicated to the Council—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: Mr Bakewell, as the honourable member has just indicated, has tenure until retirement, the same as a judge. I do not see what the Government can do about that. I would have thought that the answer was 'nothing', unless we decide to present an address and a motion passes both Houses of Parliament to have him removed. I do not think that even the Hon. Mr Cameron in his wildest flights of fancy is suggesting that that proposition is being floated. The fact is that if the Ombudsman wants to stay as the Ombudsman, that is where he stays, unless he comes within the terms of the Act which would lead to his removal by Parliament.

The Hon. L.H. Davis: And if the Government does not want him to stay as Ombudsman?

The Hon. C.J. SUMNER: If the Government does not want Mr Bakewell to stay as Ombudsman, the same position applies. If Mr Bakewell wants to stay as Ombudsman, he can do so. If I do not want the Chief Justice to stay as the Chief Justice, there is nothing I can do about it unless I present an address to Parliament and a motion is passed through both Houses. I do not know whether it involves the press, the Hon. Mr Cameron, or whoever, but there seems to be an attempt to beat up the fact that Mr Bannon had discussions with the Ombudsman. I would be surprised if he had not had discussions with the Ombudsman. The fact that the Ombudsman takes that appointment does not mean that he is compelled to stay in that position for life or until retirement. If he wants to leave—

The Hon. M.B. Cameron: Has he said that?

The Hon. C.J. SUMNER: I do not know what the Ombudsman has said or whether or not he wants to leave.

The Hon. L.H. Davis: There have been no discussions at all?

The Hon. C.J. SUMNER: There have been discussions. I think that that is very sinister. It is very worrying that the Premier has had discussions with the Ombudsman. I think that discussions that the former Attorney-General had with the Ombudsman were a matter of grave concern during the period of the Liberal Government because it appeared in most of the reports that the Ombudsman put out that he had had discussions with a large number of Ministers in the previous Government. Apparently, those discussions were not very amicable. Nevertheless, there were such discussions. There is no doubt it is very sinister. There is no question that the community and the Council should be deeply concerned about the Premier discussing anything with the Ombudsman, the Agent-General, the Director-General of the Premier's Department, or anyone who might be involved in Government or semi-government activities.

The Leader's propositions do not have any substance at all. If Mr Bakewell wants to remain as the Ombudsman he is, statutorily, under the law, able to do so. If Mr Bakewell wants to try another field of endeavour, as Mr Ellicott did, he is entitled to resign from the position of Ombudsman

and take another position in Government or in the private sector. I cannot see anything improper in that.

So, I agree with the principles governing the Ombudsman Act, as stated by a former Attorney-General, the Hon. Mr King. That was Labor Party legislation. I do not believe that there is anything improper in the Premier's having discussions with the Ombudsman, but the legal position and the Ombudsman's rights under the Act are quite clear.

The Hon. M.B. CAMERON: After that remarkable recitation by the Attorney-General, I quickly come to the conclusion that he does not know anything that happens in Government. Perhaps he can direct my questions to someone in Government who knows what is happening. Did the Government initiate discussions with Mr Bakewell about his future, or did Mr Bakewell initiate discussions with the Government? If so, does the Attorney-General consider it proper during this period of negotiation about the position, if such is the case between Mr Bakewell and the Government, that Mr Bakewell should be in the position of handling community complaints, as the community should have complete trust and confidence in the independence of the Ombudsman?

The Hon. Frank Blevins: They don't like Bob Bakewell.

The Hon. M.B. CAMERON: The honourable member can say what he likes, but that is the situation as it would be seen by the community.

The Hon. C.J. SUMNER: I think that it is irrelevant to say who initiated discussions between the Premier and Mr Bakewell. All I can say is that there have been discussions.

The Hon. L.H. Davis: You said before that you did not know and would not have been surprised—

The Hon. C.J. SUMNER: I said when the question was asked previously that I had no personal knowledge of discussions. But, I also said that I would be surprised if there had not been discussions. That is still the position.

The Hon. L.H. Davis: Now you are saying that there have been discussions. You are shifting your ground.

The Hon. C.J. SUMNER: Yes, because two days have elapsed and I have been advised that discussions have been held between the Ombudsman and the Premier. I have also been advised that discussions have been held between the Premier and the head of his department, the Director-General, Mr Scriven. I have also been advised that discussions have been held between the Premier and the Agent-General, and I imagine that the Premier has had discussions with a large number of other people since he took office. That is all perfectly proper and regular. I do not know who initiated the discussions between the Ombudsman and the Premier, but there have been discussions. There is no question about that.

The Hon. L.H. Davis: I am glad you know that now.

The Hon. C.J. SUMNER: Indeed. I am quite happy for anyone to know it. What I cannot understand is why the Leader of the Opposition and apparently some of his gullible backbenchers are getting into such a lather about the matter.

The Hon. Frank Blevins: They do not like Bob Bakewell.

The Hon. C.J. SUMNER: We know that they do not like Mr Bakewell, because he was a very effective Ombudsman. Should he desire to continue in that position, I am certain that he will continue to be a very effective Ombudsman. First, there have been discussions. Secondly, there is nothing wrong, as far as I can see, with the Premier having discussions with the Ombudsman. I do not think that that in any way at all impinges on the role that the Ombudsman must play under his Act.

As I said the other day, unlike the Liberal Party, the Labor Party is committed to amending the Ombudsman Act to make the power of the Ombudsman more effective by altering the requirement that he must give notice before he conducts an inquiry. The Ombudsman found that that restriction placed him in conflict with the law, and it was a restriction that the previous Government did nothing about despite recommendations to that effect in the Ombudsman's Report presented to Parliament year after year. The former Attorney-General and Premier did nothing about it. The Labor Party says that it will amend that section, and that is something that we will stand by. The Labor Party wants the Ombudsman to act effectively. We introduced the legislation and are prepared to deal with amendments to the legislation which the Ombudsman considers are necessary.

PROGRAMME PERFORMANCE BUDGETING

The Hon. R.C. DeGARIS: I ask the Attorney-General, as the Leader of the Government in this House, whether the Government intends to continue to use programme performance budgeting. If the Government intends dropping it, does it intend to make any changes in the Committee stages of the Budget discussions in the House of Assembly?

The Hon. C.J. SUMNER: There has certainly been a considerable amount of controversy, both in the community and, I think it would be fair to say, in the Parliament, about the effectiveness of programme performance budgeting. On the face of it, it is a desirable thing; I do not think that anyone would argue about that. The problem is that in practice it sometimes produces difficulties, and there is often a suggestion that the amount of time and energy that must go into programme performance budgeting bureaucratically is counterproductive, because one spends more time and resources on it than one would save on a system introduced by oneself.

One aspect of it, for instance, is whether a department should cross-charge—for example, whether the Crown Law Office should charge another department for advice that it gives. That is an aspect of programme performance budgeting, and one can question whether that is applicable in all circumstances. All I can say to the honourable member is that the Government is carrying out a review of its activities. The future of programme performance budgeting will be considered by the Government and I imagine at least by the time that the Budget is debated later this year that a definitive position will be taken.

I do not know about the Committee stages and whether there will be any change in the way in which the Budget is dealt with in the Parliament. I think that members were concerned to some extent whether the Estimates Committees were effective and operated properly. There was some doubt whether they were operating properly.

The Hon. K.T. Griffin: It depends on whether you have done your homework.

The Hon. C.J. SUMNER: In principle, the notion of that sort of scrutiny of Government activity is good, and I would not want to resile from that. The question is whether or not the Estimates Committees were effective in achieving that objective, which is desirable. As the honourable member says, it depends on whether one has done one's homework. It does not depend only on whether honourable members have done their homework: it depends on whether Ministers answer questions in a forthright manner or whether they spend the time shilly-shallying around, avoiding the issue. It is also true to say, as the Hon. Dr Cornwall interjected, that we were presented with very little information about some vital areas of Government activity such as the Health Commission, which, because it is a commission, did not have a detailed, line-by-line analysis in the Budget papers presented to Parliament. Obviously, that presented problems to the Estimates Committees.

I can only say that the general principle that is embodied in the notion of Estimates Committees ought to be supported as giving Parliament a proper capacity to scrutinise Government finances. Whether the Estimates Committees were successful in achieving that objective, there must be more doubt about. I am sure that doubt would be shared by people in this House. There may be better ways of going about it.

Both matters raised by the honourable member—programme performance budgeting and the future of the Estimates Committees—will be addressed by the Government over the next few months before the presentation of the next Budget. At that time we will be in a position to advise the honourable member further about the matter.

RECONDITIONED CAR ENGINES

The Hon. R.J. RITSON: The Attorney-General has provided me privately with an answer to a question that I asked on 16 December regarding motor vehicle engine reconditioning but, as it is of such interest, I ask him to read the answer to honourable members.

The Hon. C.J. SUMNER: Officers of the Consumer Services Branch have investigated the Adelaide engine reconditioner whose activities were the cause of concern to the Hon. Dr Ritson. It has been reported to me that 'John French Engines' is an unregistered business name and that there is presently some confusion over who is responsible for debts incurred under this name. Mr French claims that the business was owned by a company called Artep Pty Ltd, but this is not yet clear. The business closed down before Christmas and has been prevented from re-opening by a number of factors, including adverse publicity.

Machinery necessary for carrying on the business has been repossessed, and liquidation proceedings have been instigated by a major creditor against the company Artep Pty Ltd. Fifty-six complaints against John French Engines were handled by the Consumer Services Branch between 28 January 1981 and 22 February 1983, of which 28 complaints remain unresolved due to the closure of the business.

Mr John Leo French has been interviewed concerning consumer redress on the unresolved complaints, and it appears that insufficient funds are available to assist consumers. Consequently, an attempt by French to obtain a licence as a secondhand motor vehicle dealer in South Australia was opposed by the Commissioner for Consumer Affairs, and Mr French withdrew the application on 23 February 1983.

RYE GRASS TOXICITY FUNDING

The Hon. H.P.K. DUNN: I seek leave to make a brief explanation before asking the Minister of Agriculture a question regarding rye grass toxicity funding.

Leave granted.

The Hon. H.P.K. DUNN: A recent press release indicated that after a long period sufficient money has been raised to appoint a bacteriologist to the research team seeking a cure to the major problem of rye grass toxicity which is spreading throughout South Australia where annual rye grass is a pasture. The deep concern for a speedy cure or preventive had prompted the South Australian stud merino breeders to raise $10 000 from their own pockets. Recently the Electricity Trust of South Australia has added to this a sum of $50 000, which will be sufficient to employ a bacteriologist for two years, and you, Mr President, I believe, played a significant role in acquiring this extra money. Despite the fact that the Government has not contributed to the employment of a bacteriologist, can the Minister tell the Council whether a suitable bacteriologist is available and whether he has been appointed?

The Hon. B.A. CHATTERTON: There has not been an appointment. There were problems initially in finding enough funds and also in finding enough funds on a continuing basis to be able to appoint somebody of sufficient calibre to do the job. Obviously, if we are to attract a suitable person he would need an assurance that the job would be for more than a few years; otherwise, such a person would not leave his current position. I believe now that the funding is available from various sources. We can finance an appointment, and I have asked the Director-General of Agriculture to review the position in the light of the donations of money that have become available. He will prepare for me a report on whether we can proceed to that position and whether we can call for applicants. He has not yet provided that report, but I expect that he will provide it shortly. When it is available I will be able to inform the honourable member exactly what steps can be taken.

CONSULTATIVE COMMITTEE AGAINST SEXUAL HARASSMENT

The Hon. DIANA LAIDLAW: I seek leave to make a brief statement before asking the Attorney-General a question about the South Australian Consultative Committee Against Sexual Harassment.

Leave granted.

The Hon. DIANA LAIDLAW: I wish to congratulate the Government on the formal establishment of this committee and I wish the committee success in its endeavours. Sexual harassment is a tremendously infuriating problem that many women encounter at some stage in their working lives. It is a form of sex discrimination that is demeaning for the woman concerned. It is equally difficult for women to counteract for fear of reprisals in the form of ridicule, dismissal or non-promotion. Certainly, too few people in the community have an understanding of the trials many women endure because of such harassment.

The press statement issued by the Attorney, when announcing the establishment of the committee, omitted reference to the number of people on the committee, their names, the organisations they represent and their terms of appointment. I now seek such information from the Attorney. I hope that his reply will confirm that the committee comprises persons repesenting trade union and employer organisations for, if the problem is to be stemmed and ultimately eliminated (a goal mentioned in the terms of reference), such organisations must be active participants in this exercise.

Further, as the Attorney acknowledges sexual harassment in the work place is 'A tremendously important and difficult area', is it the Government's intention to provide the Commissioner for Equal Opportunity with the funds and personnel to undertake research on the extent of the problem in this State? Surely, such a study is required if the committee and the Commissioner are to devise 'truly effective strategies to eliminate such harassment in both private and public sector work areas'.

The Hon. C.J. SUMNER: I will obtain the information that the honourable member has requested about the names of the people on the committee and the organisations that they represent and bring back a reply as soon as possible. I agree that representatives from trade unions and employers should be involved in the deliberations and work of the committee if it is to be successful, whether as members of the committee or in close contact with it. By the very nature of the problem, assistance from employers and trade unions

is essential. When obtaining information on the precise membership of the committee I will also obtain information on the final question that the honourable member asked about the funds and research for the Commissioner for Equal Opportunity.

Clearly, that is again something that is important. A major problem that we have in Government at pesent is a lack of funds for many desirable projects, but I will attempt to obtain information from the Commissioner on the precise state of any research that she has carried out on the problem. Certainly, I would expect her to be guided by the consultative committee that has been set up.

HANSARD

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

Leave granted.

The Hon. ANNE LEVY: Over the past three years I have asked the previous Leader of the Council questions about the posting of *Hansard,* which is at present posted in a rolled up form. This causes many problems for the people who receive it. Rolled *Hansard* will not fit into letter boxes. It is hard to remove the wrapper without tearing pages, and *Hansard* having been rolled up for a while is very hard to read. The previous Attorney-General told me that the matter was being investigated when I first asked this question. Later last year in response to a subsequent question he told me that the Government Printing Division was investigating the re-equipping of the Mailing and Distribution Section, which is the section responsible for the dispatch of *Hansard.*

This involves the possible purchase of a magazine inserter, which allows such a publication to be inserted in an envelope and mailed flat. While this investigation was continuing, the previous Attorney assured me that officers from the Government Printing Division had been asked to investigate alternative means of handling the product to overcome the problems caused by the present means of mailing. Will the Attorney see whether officers of the Government Printing Division have been able to find alternative means of handling *Hansard* for posting as last requested on 19 August 1982, and whether they have found any solution to this problem?

The Hon. C.J. SUMNER: There is one thing that both the Council and the honourable member can be assured of—the investigation is proceeding (although I do not know for sure whether it is rolling on).

The Hon. L.H. Davis: What is your personal view on the matter?

The Hon. C.J. SUMNER: I preferred a rolled *Hansard* when I got them sent to my home.

The Hon. K.T. Griffin: They are still piled up in the corner.

The Hon. C.J. SUMNER: I found considerable difficulty in getting rid of *Hansard* on a regular basis, which of course one is forced to do. Rolled *Hansard* is more familiar because it comes in the same way as my newspaper which is delivered every morning and, if there is one thing that I like, it is familiarity in dealing with the literatue that I get at my house. Much time and effort has to be spent in laying *Hansard* out in preparation for the assiduous attention that I give it when it arrives. As I said before, I have no doubt that the investigation is continuing. For how much longer it will continue I really cannot say, but I will certainly find out for the honourable member and let her know. Also, I will obtain a detailed report on the alternative methods to which she has referred.

FINANCIAL MISMANAGEMENT

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the Attorney-General, representing the Treasurer, a question about State financial mismanagement.

Leave granted.

The Hon. L.H. DAVIS: In December I asked a Question on Notice relating to repeated claims made by the Treasurer (Mr Bannon) that the previous Liberal Government had mismanaged the State's finances. I asked specifically for the Treasurer to provide the details of the projects commenced by the Liberal Government which were not justified and the cost of such projects, the details of the financial mismanagement in Government agencies and the cost thereof, and the action that the present Government would take to remedy these alleged deficiencies. It was a serious question which deserved a serious answer.

Parliament and the public are entitled to an answer. Both before and after the State election, the Treasurer had made repeated allegations of financial mismanagement by the Tonkin Administration. He should be willing to back his rhetoric with reasons for his allegations. Yet, three months after I asked these questions, quite deliberately, on notice, the answer that I received on Tuesday was a non-answer which ducked the question and referred me instead to a Ministerial statement made by the Premier to Parliament on 14 December 1982 (pages 104 to 106 of *Hansard*).

If one examines that statement it can be seen that it relates to increased expenditure on unavoidable commitments such as increased wages and salaries, drought relief and the pumping of water. The last two matters quite obviously arose after the Budget was framed, presumably sometime in July 1982. The overrun in wage and salary increases resulted from pressure from public sector unions. That is certainly something that the Labor Party does not oppose, and that is underlined by its earlier opposition to the wage pause.

I note that the Attorney-General is a most reluctant handmaiden in this Chamber for the Treasurer in relation to financial matters. I ask the Attorney to inquire of the Treasurer and reply to my question of today in relation to specific details of the alleged financial mismanagement of the previous Administration. I would really like to have a reply to that question.

The Hon. C.J. SUMNER: The honourable member would like a reply to his earlier question. He has received a reply, but he now says that he is not satisfied with it. I pointed out to the Council before Christmas, before the election, in 1981 and possibly even before that, the problems that the Tonkin Government was leading the State into through its financial policies. It must be patently clear to everyone in this Chamber what happened. I am surprised that members opposite have not yet come to grips with that, although I should exclude the Hon. Mr DeGaris who, of course, is no longer a member of the Opposition Party in this Chamber.

The Hon. K.T. Griffin: He is.

The Hon. C.J. SUMNER: He remains a member of the Liberal Party, but he is not a member of the Opposition Party in this Chamber in so far as it relates to this Chamber.

The Hon. K.T. Griffin: He is.

The Hon. C.J. SUMNER: He is not attending Opposition Party meetings, as the Hon. Mr Griffin would know because he attends assiduously. The Hon. Mr DeGaris has said that he will not serve under the present Leader of the Opposition, Mr Cameron.

The Hon. L.H. Davis: Answer the question.

The Hon. C.J. SUMNER: I am answering the question. I am merely trying to point out to members opposite that the Hon. Mr DeGaris drew the Council's attention to the

difficulties that the Tonkin Government's financial policies were getting us into.

The Hon. L.H. Davis: You haven't answered the question.

The Hon. C.J. SUMNER: I have answered it. I answered that question during the Budget debate in 1981, I answered it during the Budget debate in 1982 and I answered it in relation to questions asked in this Council before Christmas. All honourable members would know that the Tonkin Government budgeted for a deficit of $142 000 000 at the end of this financial year, for goodness sake! A transfer of capital funds—

The Hon. R.I. Lucas: $142 000 000?

The Hon. C.J. SUMNER: Yes, $142 000 000.

The Hon. R.I. Lucas: In one year?

The Hon. C.J. SUMNER: No, over three years. I believe that the anticipated deficit at the end of this financial year was $42 000 000 and, of course, that is totally unrealisable. Prior to that, about $100 000 000 was transferred from capital funds to keep the State going. I have pointed out on previous occasions that that was not a desirable financial policy, and it is not a policy that can be continued.

The Hon. L.H. Davis: I want the answer from the Treasurer, not you.

The Hon. C.J. SUMNER: The Hon. Mr Davis asked about financial mismanagement and I am telling him about it. The Hon. Mr DeGaris talked about financial mismanagement two years ago but, instead of listening to him, members opposite sent him to Coventry and they will not have anything to do with him.

The Hon. L.H. Davis: That's not true.

The Hon. C.J. SUMNER: That is not what I hear. The Hon. Mr DeGaris will not serve in the Opposition Party, because he pointed out a few home truths to the Tonkin Government and now members opposite will not have a bar of him. I am happy to debate this matter in this Chamber.

The Hon. L.H. Davis: I want the answer from the Treasurer.

The Hon. C.J. SUMNER: I am giving the honourable member the answer. The financial mismanagement was inexcusable. The revenue state of the State Budgetary position deteriorated to such an extent—

The Hon. C.M. Hill: You are upset because we abolished death duties.

The Hon. C.J. SUMNER: It has nothing to do with death duties. Why did the previous Government get the State into such a mess that it had to use capital funds which, to some extent, are borrowed. They are borrowed funds on which interest must be paid.

The Hon. C.M. Hill: You would have preferred us to keep those taxes on.

The PRESIDENT: Order!

The Hon. C.J. SUMNER: That situation cannot be allowed to continue in a State Budgetary situation, because we cannot print money. We cannot finance a deficit forever. A State Budget should not be allowed to deteriorate to the extent that it did under the previous Government. That was put to members opposite on many occasions by me and by the Hon. Mr DeGaris. I have no idea what the Liberal Party would have done had it won the last election, because it would have been in an incredible mess. The previous Government was punting on using capital funds to prop up the State—they were punting on that and hoping that it would get them out of trouble. I am saying that I do not believe that that was good, sound financial management.

The Hon. C.M. Hill: We will see what you do.

The Hon. C.J. SUMNER: We are now in a mess. The State's finances are in a mess, and there is no denying it.

The PRESIDENT: Order!

The Hon. C.J. SUMNER: In three years—

The PRESIDENT: Order! If the Attorney wishes to continue he will have to suspend Standing Orders.

The Hon. C.J. SUMNER: Yes, Mr President. I will only be a moment. I have answered the honourable member's question and if he wants any further detailed information he can ask his question again on Tuesday. I have pointed out that the financial mismanagement over the last three years has left us with $142 000 000 transferred to the Revenue Account by the Liberal Government, and that has left the State Budget in an incredibly difficult situation. If honourable members opposite do not recognise that, they must have their heads completely in the sand.

OATHS ACT AMENDMENT BILL

The Hon. C.J. SUMNER (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Oaths Act, 1936-1981. Read a first time.

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

That this Bill be now read a second time.

It is principally introduced to enlarge the classes of persons who may act as Commissioners for taking affidavits in the Supreme Court under the Oaths Act, 1936-1981. A review of the classes of people who should be able to act as Commissioners was instigated after the Law Society of South Australia recommended that the principal Act be amended to permit all legal practitioners to take affidavits and administer oaths. The Government accepts the Law Society's view that members of the public will be better served if all solicitors are able to act as Commissioners for taking affidavits, and not just those solicitors who have specifically been appointed by the Governor as Commissioners under the Oaths Act, 1936-1981, or by the Supreme Court under the Supreme Court Act, 1935-1982.

Furthermore, as part of the review of that Part of the Oaths Act which deals with Commissioners, it has been decided to include as Commissioners the Supreme Court and District Court judges and special magistrates. In this way those who are well qualified to take affidavits and administer oaths will clearly be available to the public to do so. The amendments do not affect the power of the Supreme Court under the Supreme Court Act, 1935-1982, to appoint in its own right Commissioners for taking affidavits in the Supreme Court.

I seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides for the commencement of the measure. Clause 3 repeals sections 28 and 29 of the principal Act and substitutes new sections. Section 28 presently provides that the Governor may appoint any justice, legal practitioner or clerk of a court to be a commissioner for taking affidavits. The section also recites their powers and provides for the signatures of clerks of courts acting as commissioners to be authenticated by the court's seal.

The proposed new section 28 expands those who may be commissioners to include Supreme Court judges, district court judges, special magistrates, legal practitioners on the roll of the Supreme Court, provided that they are not suspended from the practice of law, and all other persons whom the Governor may wish to appoint. The new section also does away with superfluous matters presently appearing in the section. The enactment of a new section 29, dealing

with perjury, is consequential to the proposed new section 28 and revamps the present wording.

Clause 4 provides a consequential amendment to section 31 of the principal Act, which directs the Supreme Court to take judicial notice of the signatures of commissioners subscribed to affidavits, declarations or affirmations.

The Hon. K.T. GRIFFIN secured the adjournment of the debate.

BUILDERS LICENSING ACT AMENDMENT BILL

Third reading.

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

That this Bill be now read a third time.

In doing so, I merely wish to reiterate that the Government has now taken over this Bill, which establishes a builders indemnity scheme. I confirm the information I gave yesterday, that Government time will be made available in the House of Assembly to ensure the speedy passage of the Bill. I thank the Hon. Mr Burdett for introducing the Bill and, as it has now been accepted by the Government and taken on as a Government Bill, I believe that time should be made available in the reasonably near future for its debate and consideration in the House of Assembly.

Bill read a third time and passed.

CONSUMER TRANSACTIONS ACT AMENDMENT BILL

Read a third time and passed.

ASSOCIATIONS INCORPORATION BILL

The Hon. C.J. SUMNER (Attorney-General) obtained leave and introduced a Bill for an Act to make provision for the incorporation, administration and control of associations; to repeal the Associations Incorporation Act, 1956-1965; and for other purposes. Read a first time.

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

That this Bill be now read a second time.

The Government regards this Bill as important. It updates existing legislation affecting over 7 000 incorporated associations on the register at the Corporate Affairs Commission. It is no exaggeration to say that a very significant number of South Australians are members, or supporters, of incorporated associations, or persons who derive benefit from the activities of this very diverse group of corporate bodies, which among other things promote philanthropy, education and health care. It is this diversity of activity which makes the updating and administration of the legislation a difficult task.

South Australia was the first Australian State to legislate to allow certain voluntary non-profit organisations the opportunity to gain the benefits of corporate status in a simple and inexpensive way. The first legislation, which was passed in 1857, was intended primarily to assist churches in holding title to land. Because an unincorporated association has no legal personality of its own under the general law, it cannot hold land or contract in its own name. Such an unincorporated association must act through its members or through trustees. Because the body of members and trusts is often a fluctuating one, an unincorporated association is often forced to continually revise titles to land and other important legal documents.

An incorporated association is a legal entity which has perpetual succession apart from its members, which overcomes many of the administrative and legal difficulties arising from the fluctuating membership of many associations. It must not be assumed that the advantages of this corporate status are confined to the members of an incorporated association. Creditors also benefit from the removal of the very considerable difficulty which they would experience in dealings with unincorporated associations under the general law.

The benefits of this legislation became apparent in other jurisdictions which, with the exception of the three Eastern States, have had similar legislation for many years. It is of significance that in recent times Queensland, New South Wales and Victoria have enacted, or are proceeding towards the enactment, of similar legislation following recommendations from law reform bodies in those States. The only means of incorporation open to associations in those three States was under a special Act of Parliament, or under the Companies Act. Those associations which opt for incorporation under the Companies Act are usually incorporated as companies limited by guarantee, and are subject to substantially the same obligations as a public company formed under that Act. Those obligations can be quite inappropriate to the nature and resources of many associations.

Considering the pioneering role of this State in being the first to pass legislation on this subject in any common law jurisdiction, it is of concern that the present Act has become so far removed from present day conditions and needs. The principal Act has not been amended in any significant way since it was enacted in 1956, and has become inadequate and anachronistic. A previous Labor Government recognised those inadequacies when it introduced the Incorporated Associations Bill, 1978. That Bill was not proceeded with following the subsequent change of Government.

This Bill is in substance the Bill which the previous Liberal Government had ready for introduction before the end of the last Parliament. However, the Bill now includes several matters which reflect the policy of the Government and the requirements of the Corporate Affairs Commission. I emphasise that, because the present legislation imposes negligible obligations on incorporated associations, it is unavoidable that this Bill must regulate them to a greater extent. The regulation imposed under the Bill is moderate and appropriate to the diverse nature of the organisations covered by the legislation.

Because a consequence of incorporation is to place an association in a position at least as favourable as that of a company under the companies code, it follows that there must be public accountability. While this Bill provides for public accountability in cases where it is appropriate in the public interest and in the interests of creditors, it does not seek to interfere in matters of private concern where external interests are not involved. It contains many of the characteristics of modern body corporate legislation, tempered to suit the bodies with which it will be concerned.

The Bill contains relatively simple provisions, which do not disturb the status of associations or rules registered under the present legislation. The procedure for incorporation is simplified, while the categories of organisations eligible for incorporation are set out in a form which is a substantial improvement on the present Act. Those provisions also have the virtue of flexibility, in that the Corporate Affairs Commission is given discretions which can only prove advantageous to those involved with the incorporation of associations. The Bill deals with the securing of pecuniary profit for members. In doing so it gives recognition to activities which are necessary for the proper fulfilment of charitable and other worthy objects, but which under the Act as it now stands could well result in the cancellation of incorporation.

Under the present legislation the Corporate Affairs Commission is powerless to investigate complaints about the activities or the management of incorporated associations. This situation was commented upon in the forty-first report of the Law Reform Committee of South Australia, which recommended that the investigation powers relating to companies be extended to associations. That recommendation has been reflected in the Bill. The Bill also makes the special investigation provisions of the companies code applicable to incorporated associations. The Government considers that the application to incorporated associations of these and other provisions of the companies code is essential for this legislation to be effective in protecting the members and creditors of incorporated associations, and the general public.

The Government, in introducing this Bill, wishes to emphasise that there is no intention to affect the position of small associations that do not have a commercial and/or social basis that is of significance in the public interest. Another area of deficiency in the present legislation is the absence of any provision requiring accounts and audit, and of any provision imposing any standard of conduct on committeemen. These are serious deficiencies which have been dealt with in the Bill.

This Bill seeks to reflect a balance between the needs of the small association that does not have any public involvement and the larger association that can be equated in a general sense with other commercial organisations. In the latter instance, there are obligations to the wider community, to creditors and others, and because of this wider relationship the public interest requires that there be adequate disclosure of the financial affairs of the association. This is reflected in the provisions in the Bill relating to audit and annual return requirements. I stress that these will not affect the small incorporated club, such as the small church congregation or the local tennis club.

The Bill will enhance the interests of members by providing for matters such as model rules, general meetings and disputes. A general right of appeal to the Supreme Court against any decision of the Corporate Affairs Commission is conferred in the Bill. The provisions for winding up an incorporated association are extended and clarified. The Minister has been given a power to issue a certificate to wind up an incorporated association in appropriate circumstances and with the commission's recommendation. While this provision is new in the area of associations, it is not dissimilar to provisions which exist in relation to the winding up of building societies and credit unions.

The distribution of surplus assets following the winding up of an incorporated association, and the application of outstanding assets discovered after the association has been dissolved, are matters for which this Bill makes provision. The absence of these provisions is another deficiency of the present legislation.

In summary, this Bill provides a moderate and appropriate means of regulating incorporated associations. It should have wide acceptance in that it seeks to balance the public interest against the desire for privacy and independence in relation to the affairs of incorporated associations. In the preparation of the present Bill, comments made after the introduction of the 1978 Bill, including the report of the Incorporated Associations Bill Review Committee set up at that time, have been taken into account.

As there are a number of new initiatives that are dealt with in this Bill the Government is concerned that all parties who have an interest be allowed the opportunity to comment upon its provisions. Accordingly, the Bill is therefore introduced, but will not be proceeded with until such time as the Government has had the opportunity to consider comments made by members of the public. The Bill will remain open for public comment until 22 April 1983. Comments should be forwarded to the Commissioner for Corporate Affairs, Mr K.I. MacPherson, 25 Grenfell Street, Adelaide (phone number 227 0722). I seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1, 2 and 3 are formal. Clause 4 sets out the definitions that are required for the purposes of the new Act. Clause 5 provides for the repeal of the Associations Incorporation Act, 1956-1965, and contains certain necessary transitional provisions. Clause 6 provides for the administration of the new Act by the Corporate Affairs Commission. The commission is to be subject to the control and direction of the Minister.

Clause 7 provides for the keeping of registers by the commission and provides for inspection of the registers and inspection of documents lodged with the commission under the new Act. Clause 8 empowers the commission to extend limits of time prescribed by the Act or to grant exemptions from obligations imposed by or under the Act. Clause 9 provides for the commission to furnish an annual report upon the administration of the Act. The report is to be laid before Parliament.

Clause 10 extends the provisions of the Companies Code relating to the inspection and special investigations to incorporated associations. Clause 11 deals with eligibility for incorporation. Subclause (1) sets out the kinds of purposes for which an association must be formed if it is to be an eligible incorporation. Subsequent provisions of the clause make it clear that, subject to certain exceptions, an association is not to be incorporated under the new Act if it is eligible for incorporation under the Industrial Conciliation and Arbitration Act, 1972-1982, or if a principal or subsidiary object is to engage in trade or commerce or to secure a pecuniary profit for its members.

Clause 12 deals with the manner in which an application for incorporation is to be made. Clause 13 deals with the incorporation of associations under the new Act. It empowers the commission, in special circumstances, to direct that a particular association should not be incorporated under the new Act. It also sets out the general powers of an association incorporated under the new Act. Clause 14 provides that the liabilities of an incorporated association do not attach to members or officers of the association.

Clause 15 provides for the amalgamation of the associations. Clause 16 provides that the rules of an incorporated association bind the association and all members of the association. Clause 17 deals with an alteration of the rules. Clause 18 sets out certain general powers of an incorporated association. Clause 19 deals with the manner in which an incorporated association is to enter into contracts.

Clause 20 limits the operation of the doctrine of *ultra vires* in relation to incorporated associations. Clause 21 deals with the rule in *Turquand's* case. It provides that a person dealing with an incorporated association is not to be presumed to have notice of its rules. Clause 22 deals with the management of the affairs of an incorporated association. Clause 23 deals with disclosure of interest by members of the committee of management. Clause 24 prevents members of the committee of management who have a pecuniary interest in contracts proposed by the association to refrain from taking part in deliberations or decisions of the committee with respect to such contracts.

Clause 25 sets out the duties of honesty and diligence that must be fulfilled by members of the committee of management. Clauses 26 and 27 deal with the obligation of

certain classes of associations to keep accounts and to have those accounts audited. Clause 28 provides for certain classes of associations to furnish periodical returns containing financial and other information. Clause 29 provides for the holding of an annual general meeting for associations to which the accounts and audit provisions apply.

Clause 30 provides that the committee of an association must act in accordance with principles of natural justice in adjudicating upon disputes. Clauses 31 and 32 deal with winding up and the distribution of surplus assets. Clause 33 empowers the commission to dissolve a defunct association. Clause 34 empowers the commission to require an incorporated association to transfer its undertaking to some other body corporate where in the opinion of the commission it would be more appropriate for a body incorporated under some other Act to carry on the undertaking.

Clause 35 provides for the removal of the name of an association from the register upon dissolution. Clause 36 provides for appeal against decisions by the commission. Clause 37 provides that where a decision of the commission to cancel the incorporation of a defunct association is successfully appealed against, the registration of the association shall be restored.

Clause 38 prevents an incorporated association from issuing invitations to the public generally to deposit or invest moneys with the association. Clause 39 requires an association to print its name on certain documents that are commonly used in its affairs. Clause 40 allows the use of the abbreviation 'Inc.' for 'Incorporated'. Clause 41 provides for proof of certain formal documents. Clause 42 provides that an incorporated association must have a public officer.

Clause 43 requires members of the committee of an association to take reasonable steps to secure compliance by the association with its statutory obligations. Clause 44 provides for service on the association. Clause 45 deals with proceedings for offences against the new Act. Clause 46 provides that where a fee is payable upon lodgment of a document of the commission, the document shall not be regarded as having been duly lodged until the fee is paid. Clause 47 provides for the making of regulations.

The Hon. K.T. GRIFFIN secured the adjournment of the debate.

ADDRESS IN REPLY

Adjourned debate on motion for adoption.
(Continued from 16 March. Page 375.)

The Hon. R.C. DeGARIS: I thank His Excellency the Governor for opening this Forty-fifth Parliament. I extend my sympathy to the families of the Hon. Cyril Hutchens and the Hon. Gordon Gilfillan, who both passed away during the last year. As we know, both those men gave very long service of note to their community and the State of South Australia. I know that all members extend sympathy to their families.

I extend my congratulations to the new members elected to this Council and wish them well in their Parliamentary careers. I also extend my congratulations to the Government on its election to office. It was predictable before the last election that the A.L.P. would win 25 seats in the House of Assembly, and those predictions proved to be quite accurate. The road ahead for this State in the immediate future will not be easy, as was mentioned in the Governor's opening Address. Since the Governor's opening Address the State has suffered its worst bush fires to date and some flooding, adding to the difficulties faced by any Government.

I hope that this Council does not develop into being a critical House but sees its role as a responsible Council, seeking to assist the Government in the interests of all people of this State. The question of financial management has already been raised and I will deal with it. I am critical of both political Parties. The basis of both policy speeches prior to the election, as I understood them, appeared to be somewhat similar: the creation of employment, increased expenditure, but no increase in taxation. The only difference appeared to be that the A.L.P. intended to increase expenditure more than the Liberal Party intended to do so.

As has been mentioned previously, in the three Budgets presented by the previous Government approximately $140 000 000 of capital funds was absorbed to balance the recurrent Budget deficit. I was one of the members who drew the attention of the Council to this matter as each Budget was presented, and I will be touching on that later in my speech.

In view of the absorption of capital funds in three Budgets I ask the question: how can any political Party go to the people of this State with a promise of no increase in State taxation and an increase in expenditure? One answer may be that State charges will increase, and neither Party promised that State charges would not increase. Over the years some Liberal Party spokesmen have claimed that the reason for this transfer of capital funds was due to the poor financial management of the previous Government. That appears to be the continuing song of any Government taking office these days.

The Hon. C.J. Sumner: Didn't the Labor Party leave a surplus of $15 000 000 in 1979-80 to be transferred from Revenue to capital?

The Hon. R.C. DeGARIS: I will deal with that in a moment. As I said, spokesmen for the Liberal Party have said that the transfer of capital funds was due to the poor financial management of the previous Government. This claim may be responsible for a portion of it, but the blame cannot be sheeted home totally on that point. The concern now is that this Government will probably continue this type of economic management and with the absorption of capital funds for a continuing recurrent Budget deficit.

I would like to deal with this matter for a moment as it relates to the American States. They have done something about this debilitating disease and there are statutory provisions to require the presentation of balanced recurrent budgets. The concept of a balanced recurrent budget has a long tradition in American political thinking and now, even at the Federal level, considerable pressure is being generated to require similar Federal Budgets in the United States. After the United States election in 1981 the Republicans forced a balanced Budget amendment adopted by the Senate Judiciary Committee. The proposal states:

> Prior to each fiscal year, the Congress shall adopt a statement of receipts and outlays for that year in which total outlays are no greater than total receipts.

State Parliaments in the United States have all instituted procedures to insist on Government presentation of balanced recurrent Budgets. It seems reasonable, on what has been said on this matter, that State Parliaments in Australia should consider similar measures, if we are anxious to protect the economic future of the State from short-term measures that a Government can devise.

On the question of the absorption of capital funds in this State, one must also recognise that there are capital grants to the States from the Commonwealth.

Whether we should consider those grants as the absorption of capital funds confuses me a little, but there is no doubt that over a period of time a considerable amount of Loan money on which interest must be paid has been absorbed in the Budget. On two occasions—I may be corrected—the

previous Labor Government did use Loan funds to balance Budget deficits.

The Hon. C.J. Sumner: One.

The Hon. R.C. DeGARIS: One, was it? I said that I may be corrected.

The Hon. C.J. Sumner: Twice by previous Liberal Governments: Playford did it once; Hall did it once.

The Hon. R.C. DeGARIS: On both occasions, it is fair to say, the money was repaid. Whether it was the Hall Government, the Playford Government or the Dunstan Government, those funds were reimbursed. Indeed, if one goes through the Playford era one sees that there were many Budgets in which revenue money was transferred to capital for that purpose. That was probably one of the answers to the success of the Playford era.

This point raises the question of Parliament being able, irrespective of the colour of the Government, to insist on a greater degree of long-term financial policy and a greater degree of accountability, because this process cannot continue without grave consequences to the State. Accountability is the essence of any democratic form of Government and should flow from the Public Service through a Minister to Parliament and ultimately to the people of the State. That chain of accountability begins and ends with Parliament, so in principle let us hold Parliament accountable as well as any Government.

In the simplest terms, the beginning of the chain of accountability is the presentation of the annual Budget when Ministers present their departmental budgets for approval to Cabinet and the Budget as a whole is presented to Parliament for scrutiny. Finally, the Minister is responsible for accounting to Parliament for the operation of his department and its expenditures. In considering this process, we need to recognise that Parliament is under the domination of Cabinet.

To improve the process there is a need to extend the role of the Public Accounts Committee to encompass an Estimates Committee, a device that is used in many Parliaments. The committee should have access to the expertise and knowledge of the departmental heads, which would provide more meaningful Parliamentary involvement in the estimating process.

At the annual reporting level, both for the departments and for other authorities, a standard annual reporting procedure should be insisted on by Parliament. We receive many annual reports now, but little interest is shown because of the inability of the ordinary member without expert assistance to digest that information. Of course, there are many areas of Government expenditure where there is no reporting at all; we need turn only to the recent Rae Committee reports on the Australian Wheat Board and its operations to illustrate this point. Review and consideration of these reports needs to be the responsibility of a Parliamentary committee, well staffed with expert investigators and researchers.

The Hon. C.J. Sumner: What do you think of the Estimates Committees?

The Hon. R.C. DeGARIS: Which ones?

The Hon. C.J. Sumner: The ones held here in the past year?

The Hon. R.C. DeGARIS: I do not want to go into that at this stage, but I was not altogether impressed by that system. I think that there is a better system than dividing the House into two committees to look at the annual finances.

The Hon. C.J. Sumner: What do you think should be done?

The Hon. R.C. DeGARIS: I do not want to go into it at this stage; it would take a long time.

The Hon. C.J. Sumner: Even briefly it might be useful.

The Hon. R.C. DeGARIS: The Public Accounts Committee should have an estimates committee operating for the whole period. The Public Accounts Committee on its own at this stage is looking at things virtually 15 to 24 months after the actual expenditure of the money. It should be a continuing process. Also, the annual Budget needs to be examined as well. We must have longer term Budgets; five-year Budgets should be presented. But, I have spoken on this before. At this stage I do not want to get bogged down on that question. The system that we have in this State is not one which I would see as the best in this regard. We have to look at the question of the Public Accounts Committee and at arguments on establishing an Estimates Committee, even in this Chamber—as they do in the Senate, where I believe an Estimates Committee does a lot of the estimating work.

This committee should require both quantitative and qualitative reports, looking at the relevance of expenditure to Government policies, the efficiency of the expenditure and the resources employed. It is interesting to note that overseas changes in reporting techniques and budgeting methods have often been forced on Governments by legislators. So far, except for a small case in the Senate, that is not the case in Australia. Public confidence in both the public sector and the Parliament will be enhanced if it can be demonstrated that public servants are managing soundly and are being held responsible and accountable for performance and results.

The system should be capable of, first, planning and defining Government priorities; secondly, converting priorities into proposals with clear objectives; thirdly, allocating the required resources and setting standards and procedures; fourthly, delegating to managers the authority to implement proposals by the use of both human and financial resources; fifthly, providing monitoring and appraisal procedures to ensure accountability in an unbroken chain to the Parliament.

The chain of accountability relies on the doctrine of responsible government and its bedfellow, Ministerial responsibility. Because of the demands of the modern political Party machines, Parliament has been unable to match the changing scene, and as a result is declining in its ability to require Ministerial responsibility, if ever that was a viable doctrine.

In the late nineteenth century a new authority emerged—the statutory authority. Here was a means of separating a function from direct Ministerial control and responsibility—to shift it out of sight a little. Today, we have such an array of qangos that any examination of the question makes the mind boggle. Four years ago, in answer to a question in the House of Assembly, the then Premier, Mr Corcoran, replied that there were 249 statutory bodies operating in South Australia. In some surveys that I have done I have reached over 400 of those authorities. I think there are 500 authorities in the Federal jurisdiction and over 1 000 operating in Victoria.

Apart from statutory authorities, there is yet another group which has been described as the 'interstitial group'. These organisations are not in themselves established by Statute but consume considerable amounts of public finance in fulfilling functions for and on behalf of the Government. I am not being critical there, but I will mention the S.A.J.C. as one, and the Red Cross is probably another organisation in that category.

The liberalising democrats of the mid-nineteenth century were trying to overcome the problem developing in the lack of public accountability and responsibility. Subsequent developments of a multitude of statutory authorities and the interstitials have significantly undermined that doctrine, if ever that was practical. Parliament at the moment is

incapable of being the beginning and the end of the chain of responsibility and accountability.

To fill this gap we have developed systems which may be described as peer group controls and which have contributed to executive dominance. That relates to the struggle for power. Let us look again at the two policy speeches at the last election. Following three years of capital absorption to meet the enormous State current Budget deficit, a position that must eventually reach the point of increased State taxes and charges, both political Parties promised in the election campaign increased expenditures with no increases in taxation.

The fight for executive power has placed the State in a most difficult position. To illustrate my point a little more clearly, the previous Government introduced a Bill which created a committee of the Legislative Council to inquire into, review and report upon the operations of statutory authorities. The Bill provided that only those statutory authorities that the Government, by regulation, declared to be statutory authorities could be reviewed by the committee. The committee would have to consult the Minister to whom the Bill was committed as to its priorities of investigation. Ministers were exempted from giving evidence. A Minister could declare that a document, paper or other information should not be disclosed to the committee. To the credit of this Council, these provisions were all amended to allow the committee to fulfil its function without those executive strictures. But, it indicates the point I am trying to make in this speech.

The doctrine of Ministerial responsibility was spawned at a time when there was a very small public sector. Even at the turn of the 20th century the public sector was so small as to be almost unnoticeable. For instance, at the turn of the 20th century public spending was approximately 7 per cent of the gross national product. Today it is between 30 per cent, 40 per cent or even 50 per cent if one takes into account expenditure in local government and the Federal and State scene.

The problem faced by the Western world is two-fold: how can public expenditure be contained and how can public expenditure become more efficient? Perhaps I should say the problem is threefold—protecting the suffering public from promises that no Government can fulfil.

The question arises whether the Parliament should consider placing a limit on public expenditure as a proportion of the gross national product, thus making public programmes compete under that ceiling for the limited funds. At the State level we should be considering providing constitutional restrictions upon the use of Loan funds to bolster revenue deficits. We must consider, at least, the question of self limitation. Individual expenditure decisions do not add up to what the public would choose. However, under the existing system each part of that expenditure is politically motivated. In other words, collectively the expenditure is not wanted, but individually it is.

Somehow it is necessary to bring the two types of decisions together—totals over time and particular parts one at a time. This would enable competition of the parts for a share of the whole which is a controlled amount. As I pointed out before, already in the States of America there is constitutional or statutory requirements in relation to the use of Loan funds and the presentation of balanced budgets. At the Federal level in the U.S., there is a significant lobby for limitation of Federal expenditure on a proportion of gross national product. I must emphasise here the decreasing size of what may be termed the discretionary budget—that portion of the public sector revenue that is available for new projects. Every capital project requires maintenance and adds to the recurrent budget. Further to this, we must add capital schemes which have, at the time, political mileage, but which in the long term are financial disasters. We have seen a few of those in the past few years.

Also, Governments use Loan funds to bolster revenue deficits. All these add to the diminishing ability for new and important initiatives. The problem is not restricted entirely to the use of capital funds. The way in which Governments finance superannuation schemes, meeting the costs of an indexed pension on retirement, places stress on future budgets. No doubt many honourable members have seen the effect that that is going to have both Federally and at a State level. If honourable members look at our State Budget they will see that in the past nine years our contribution to Public Service superannuation has multiplied by 10 times. I believe that in the next 10 years there will be a similar multiplication. This is largely because the Government superannuation schemes are not funded at the time but are indexed pensions that are met when the pensioner retires.

For public servants and Ministers, this declining percentage of what can be determined a discretionary Budget means that we must look carefully at old expenditures. It is clear to me that Parliament needs to place more restrictions on the financing options of the Government to ensure that future Budgets are not carrying the burden of politically motivated expenditures of the moment. This applies to any Government of whatever complexion that may be in power. It is interesting to note that the constitutional or statutory controls on the use of Loan funds were initiated by Parliamentary committees, not by elected Governments.

As a person who has been in Parliament for 20 years, I see a problem in the plain fact that Parliament is a weakening institution. This weakening has allowed the Executive to be the beneficiary of the power ceded by Parliament's inabilities. It has been weakened by the development of dominant Party machines. It has been weakened by Parliament no longer being concerned about legislation, accountability, morality, management—but being concerned with power and only power. The Parliament is being turned into no more than a three-year political campaign ground, with constant confrontation rather than trying to analyse and reach consensus. While this development has been common to all Australian Parliaments, the Senate has recently been able to break itself away from the main stream of Executive domination—and more power to its elbow. Through its six standing legislative committees, it is subjecting Government legislation and budgets to close scrutiny. Its work in looking at statutory bodies is well known and supported by most who follow Parliamentary practices and procedures.

The Hon. C.J. Sumner: Do you know what they have done in Victoria?

The Hon. R.C. DeGARIS: I know what they are trying to do. Quite a change is occurring in that State.

The Hon. C.J. Sumner: There are six committees.

The Hon. R.C. DeGARIS: Perhaps one of our problems in this Council (and I think that the Attorney is referring to the Upper House)—

The Hon. C.J. Sumner: To joint houses.

The Hon. R.C. DeGARIS: One of the problems in this Council compared with the Senate is the difficulties of having committees in a Council of 22 members. It is a problem. The Senate has 64 members and can form six committees comprised of eight members each. If we had committees comprised of four members instead of eight members (four Legislative Councillors are equal to about eight Senators, anyway) we—

The Hon. R.I. Lucas: Particularly Labor members.

The Hon. R.C. DeGARIS: I would not say that. I know some nice Councillors who are Labor members. If we are going to adopt this procedure we should look at the smaller committees that are proposed by the Victorian Parliament

and the committees that operate in the Senate, but it is difficult in a Council of only 22 members to have sufficient committees to cover the whole area.

The Hon. Diana Laidlaw: We could get rid of Ministers.

The Hon. R.C. DeGARIS: It would make it much easier if we did get rid of Ministers. It is funny that the Attorney-General does not seem to adhere to the view of his Federal colleagues on this matter. As I understand their policy before they won the last election, the Labor Party was much in favour of getting rid of Ministers from the Senate so that it would act as a House of Review.

The Hon. C.J. Sumner: It is a long-term proposal.

The Hon. R.C. DeGARIS: I know the problem. Once one is a Minister one does change one's mind. The most important point is that the Senate has been able to break the shackles of an Executive-dominated Lower House. But it has run into vituperative treatment from Governments who want a placid, dormant and compliant Upper House that is subject to the Cabinet will.

The argument which is used very often against making changes for a more liberal democracy is the notion of ungovernability. One often reads that if this happens the State will be ungovernable. I reject that argument absolutely. I do believe in a liberalised democratic structure but, if our institutions are to be saved from the stagnation that will eventuate from the present weakening of Parliament and the growth of the Executive dominance, we will all need to examine the fundamental principles of democratic philosophy.

I read with interest the A.L.P.'s policy speech in which a clear undertaking was given for changes to the structure of this Chamber. However, the Governor's opening address contained no specific reference to that clear statement in the A.L.P. policy speech. However, clause 34 of the Governor's Speech could be relevant, because it states:

> My Government believes that many matters of importance should be tackled in a bipartisan and consensus way. It will actively attempt to develop that common approach.

I trust that that clause refers directly to the proposals suggested by the A.L.P. in its policy speech. Much more bipartisan work is needed in this Chamber, much more striving for genuine consensus between the Parties rather than the development of a second-rate Chamber similar to the style of the House of Assembly. There is a vast amount of work to be done. Much of that work is not of a Party political nature.

I do not wish to investigate all the possibilities, except to point out that in many areas of law reform a committee of this Council could be of immense value to any Government. One particular area that needs urgent attention is the medico-legal considerations. That is not a Party political issue. I am pleased that the Minister of Health, the Hon. Dr Cornwall, introduced a Bill yesterday dealing with the question of transplantation of human tissue. Two private members Bills, one introduced by the Hon. Mr Blevins and the other by the Hon. Miss Levy, received the approval of this Council, but they were rejected in the House of Assembly. I think that it is sad that that happened, because they were both satisfactory and important Bills.

The Hon. Anne Levy: One Bill was rejected and the other one lapsed.

The Hon. R.C. DeGARIS: Yes, but neither of them passed, and I am sorry about that mistake. Evidence given to those committees, particularly on the Hon. Mr Blevins' Bill in relation to natural death, showed that extremely serious problems were emerging in the medico-legal area. In fact, I think that that committee made a recommendation in relation to that matter. I am pleased that the Hon. Dr Cornwall has introduced a Bill that deals with this area, because a tremendous range of difficulties are emerging and they require a two-Party approach.

The Hon. I. Gilfillan: Three-Party.

The Hon. R.C. DeGARIS: Yes, three-Party.

The Hon. R.I. Lucas: And yourself.

The Hon. R.C. DeGARIS: Yes, and myself. We need a consensus opinion in this area. It is not a Party-political matter and it does contain many difficulties. Unless we solve some of the legal problems that will emerge, we could have a disastrous situation on our hands. I do not wish to investigate all the possibilities, but in areas of accountability, economic management, pastoral legislation, and conservation there is a means of achieving consensus without the stupidities of constant political confrontation. The Hon. Mr Milne would be well aware of that in relation to pastoral legislation which, I believe, was handled badly in this Council.

While there is a great amount of investigatory work to be done, I suggest that the work of the Council, regularly, should be through a number of committees of a manageable size. This process would avoid the direction that we are taking. The standing committee process would shorten the second reading debate structure of the Council when a Bill was referred to a standing committee. There would be a need to ensure that the reference of a Bill to a standing committee was handled expeditiously. A period should be stipulated in Standing Orders that the committee must report to the Council in a certain time. There would also need to be some provision that Bills of an emergency nature must be dealt with more quickly.

I also feel that in the committee structure this Council should be structured on a bipartisan basis. I mean that the Government should have only half the membership. I go further to say that, similar to committee structures in other Parliaments, there should be freedom for the committee or the Council to choose its Chairman. The Public Accounts Committee in Great Britain, for example, is always under the chairmanship of the Opposition. We have taken the view in Australia that Governments must control those committees. I do not believe that that is an effective Parliamentary system. Whether there is argument in the actual structure of the committee system does not matter that much.

However, the important question that the Council must face is the necessary changes to our Standing Orders to ensure that the standing committees can be established. Also tied into this concept is the need for the Parliament to be in control of its own staffing and appropriation. The States of Australia are now the only Parliaments that do not adopt this procedure. It is offensive that the Parliament, which is supposed to be the ultimate authority to which Treasurers are finally responsible, are really at the mercy of the Treasurer. A change was made last year in the Federal Parliament and that leaves the States of Australia now—as far as I can research—the only Parliaments in the Western world that do not have control of their own appropriations. It appears necessary that the Council should investigate the changes recommended Federally, to adopt similar procedures in this Parliament.

The A.L.P. has gained considerable ground throughout Australia in the past few months, winning Government in South Australia, Western Australia and Federally. If the A.L.P. gains further ground in Tasmania and Queensland, the role of the Upper Houses in South Australia and Tasmania in particular could become increasingly important in several matters. We do know, for example, in reading the Prime Minister's views in his Boyer lectures, that he has a firm commitment to a centralist philosophy. At this stage, I could detail some of the matters that Mr Hawke covered in those lectures. I hope that some other honourable member will do that, because I have been speaking for long enough.

If the A.L.P. does gain political control in all States, that centralist view can be more easily achieved. Further to this is another issue that has always concerned me, and that is the foreign affairs power and its interpretation. It is possible that the rights of the States can be cut across by entering into an agreement with foreign powers, or with an international organisation which could produce the position of State rights only by Commonwealth consent. I think that must be of great concern to any State in Australia, because we have a Prime Minister who has publicly stated quite clearly his centralist philosophy. If the position does occur that the only Houses of Parliament not controlled by the A.L.P. are the Upper Houses of South Australia and Tasmania—

The Hon. Anne Levy: What about Western Australia? There is a nice gerrymander there.

The Hon. R.C. DeGARIS: If one looks at the state of the Houses after the last election, one sees that the only Houses that are safe from A.L.P. control are those of Tasmania and South Australia. The only Upper Houses of Parliament not controlled by the A.L.P. in Australia are those of Tasmania and South Australia, which makes it difficult to achieve the centralist objective. The Achilles Heel lies in the interpretation of the foreign affairs power in the Federal Constitution.

The coming events in the next three years could be of absolute importance to the role of this Council, and, as I have drawn attention to this point on previous occasions, I do so again: it is necessary that this Council carefully examines its structure to develop its true role as a House of Review. There are many other aspects of this question that can be dealt with that I do not intend to canvass in this speech—the question of Ministers in the Upper House (raised by the Hon. Diana Laidlaw); the question of the ability of the Council to reject supply, something that has never been done in our history; the question of extension of time in office of elected members if supply is rejected; and the question of money Bills. All these matters need close examination.

I hope that the Government intends to follow its policy speech undertakings—not that it may achieve all its policies. I hope at least that it understands the changing face of politics and its institutions, and develops a means by which this Council can fulfil its role more effectively in our modern society.

I have been impressed, so far, with the views expressed by the Government Leader, the Hon. Chris Sumner, on this question. I do not entirely agree with all his points, but I agree with many of them. The attitude expresed by the Hon. Mr Sumner yesterday in regard to private members' Bills was a refreshing approach. The Hon. Mr Sumner also holds views with which I agree in regard to other matters. I do not agree with all his points, but I believe that it is reasonable to say that there is a possibility that some reforms can take place with the consensus of all members. Those matters will include the standing of this Council. Although I have not covered the matter completely, I hope that other members may take up further points.

Finally, I refer to the conclusion of a speech that I made in 1980 in regard to a paper of Professor Gordon Reid, who won a prize for political matters in about 1976. I stated:

> Professor Gordon Reid's warning, that there is a electoral harvest awaiting the political Party that can blend a catalogue of goals for the modern State with a convincing statement of means for their attainment, is well directed. Also, the means for their attainment must involve accepted democratic principles based upon the significance of Parliament in the formulation of public policy and not upon a further strengthening of Executive power.

That is the most important point that members of this Council should realise.

The Hon. ANNE LEVY: In speaking to the motion, I would like to welcome the new members to this Council. It is certainly refreshing to see new faces opposite, which should not be taken as inferring that I am objecting to the old familiar faces to which we have become accustomed over the years. I endorse the remarks made by the Hon. Barbara Wiese yesterday relating to the position of women in this Parliament and in other Parliaments. I would like to discuss this matter a little further and to correct some inaccuracies that occurred in the *Advertiser* editorial today. While one may applaud some of the sentiments expressed in the editorial, I fear that the editor erred on a number of facts and gave wrong information on the situation regarding women in Australian Parliaments.

Following the recent Federal election, in the three State and Commonwealth Parliaments where the Labor Party has a majority there has been a large increase in the number of women members. Currently in Western Australia there are seven women members of Parliament out of a total of 87 members in both Houses, which is 8 per cent of the Parliamentary representation. I should add that, of those seven women, six are members of the Labor Party and one is a member of the Liberal Party. In Victoria, there are currently 12 women members of Parliament, of 121 members in both Houses, or 9.9 per cent of the membership. Of those 12 women, nine are members of the Labor Party and three are members of the Liberal Party.

In South Australia, there are six women members of Parliament of a total of 69 members, which is 8.7 per cent, four being members of the Labor Party and two being members of the Liberal Party. In the new Federal Parliament there will be 18 women members of a total of 188 members, or 9 per cent. Of these 18 women, 13 are members of the Labor Party, three are members of the Liberal Party, one is a member of the National Party, and one is a member of the Australian Democrats.

In these four Parliaments in which Labor has a majority, there are 43 women members, of which 32 are members of the Labor Party, nine are members of the Liberal Party, one is a member of the National Party and one is a member of the Australian Democrats. The Labor Party has recently been victorious in those four Parliaments. The New South Wales Parliament also has a Labor Government, in which there are 11 women members of a total 159 members, or seven per cent. Seven of the 11 women members are members of the Labor Party, three are members of the Liberal Party, and one is a member of the Australian Democrats.

The Hon. R.I. Lucas: What about the Deputy Leader?

The Hon. ANNE LEVY: Recently, Rosemary Foot was appointed Deputy Leader of the Liberal Party in New South Wales. However, she has only two women colleagues in the whole New South Wales Parliament. In the three Parliaments in which the Labor Party does not have a majority, the situation is very different. In Queensland, of 82 members of Parliament, only two are women, which is a bit less than 2½ per cent. In Tasmania, of a total of 54 members in both Houses, one is a woman. That is just less than 2 per cent. The situation in the Northern Territory is somewhat better: there are only 19 members in the Territory Assembly, of whom four are women, two being members of the Labor Party, one being a member of the C.L.P. and one being an Independent.

Over the whole of Australia there are 61 women members of Parliament out of a grand total of 779 elected members of Parliament. These figures are arrived at after counting the Northern Territory, the Federal Parliament and Upper and Lower Houses of each State Parliament. This gives a proportion of 7.7 per cent overall. We are certainly a very long way away from achieving equality or anything like the proportional representation of women in our Parliaments.

I do not deny that the situation is now better than it was. However, I reiterate that the rapid increase in the numbers of women in Parliament has been largely due to an increase in the numbers of Labor women, and not any change in the proportion of women in the Liberal Party or other Parties.

Over the whole country we have a situation where, of the 61 women in Parliament, 42 are members of the Labor Party, 14 are members of the Liberal Party, two are members of the National Party (that is counting the C.L.P. in the Northern Territory as being the National Party rather than the Liberal Party), two are members of the Australian Democrats and one is independent. One could say that it is 42 Labor to 19 non-Labor: a very significant difference from a one-to-one ratio. I have carried out statistical tests and can say that there is a significant difference between Labor and non-Labor Parties in the ratio of women in Parliament.

The Hon. R.I. Lucas: You have more Labor members than we have.

The Hon. ANNE LEVY: In some States there are non-Labor majorities, and it is those Parliaments that have very low numbers of women. Where there is a conservative majority there are very few women. Where there are Labor majorities there are far more women, but still a totally inadequate number of women I hasten to add. To suggest that an overall figure of between 7 and 8 per cent of women members of Parliament is satisfactory would be far from the truth. We have a long way to go. These figures are strong evidence that the Labor Party is giving a better deal to women, not only women in the community, but in their representation in Parliament, in their consideration for office and in encouraging women to play an important and fulfilling role in our society.

Another topic I would like to mention concerns the question of corporal punishment in schools, which I touched on in my Address in Reply speech last year. I doubt whether many people realise that Australia is one of the very few countries in the Western world or, indeed, the Eastern world, which still permits corporal punishment in schools. As I indicated last year, there is no corporal punishment permitted, and it never has been permitted, in the schools of Greece or Iceland. Poland abolished corporal punishment in 1783, before the French Revolution. Corporal punishment was abolished in the Netherlands in the 1820s, in Luxemburg in 1825, in Italy in 1860, in Belgium in 1867, in Austria in 1870, in France in 1881 and in Finland in the 1890s. This all happened in the nineteenth century.

If one looks at the twentieth century, corporal punishment was abolished in the schools of Turkey in 1923, in Norway in 1936, in Rumania in 1948, in Portugal in the 1950s, in Sweden in 1958, in Cyprus, Denmark and Spain in 1967 and in West Germany and Switzerland in 1970. Ireland, the most recent country to abolish corporal punishment in schools, did so in 1982.

I was delighted to read that Dame Roma Mitchell, the Chair of the Human Rights Commission, indicated yesterday that she wished the commission to undertake a study and prepare a report on the use of corporal punishment in schools. I certainly wish her luck in the preparation of such a report and hope that it may lead to a more enlightened view being taken on that matter in this country. I have also noticed that the Catholic Education Office in Victoria has suggested the abolition of corporal punishment in its schools, which would be in line with the attitude adopted last year by the Victorian Government in relation to the State schools.

Recently I learnt that in the United Kingdom changes are occurring. Currently in England and Wales 61 of the 125 local education authorities have abolished corporal punishment in schools under their control. In Scotland over half the children now live in areas where local authorities have abolished corporal punishment in schools. In the United States, I understand that Maine, New Jersey, Massachusetts, and Hawaii have abolished corporal punishment in their schools. In California a system has recently been adopted whereby corporal punishment is only permitted if parents have specifically given permission for it to be used on their children; in other words, an opt-in system whereby no child can be subjected to corporal punishment if the parents have not specifically indicated that it can be used on their children.

This is not a trivial matter and I hope that before too long there will be changes regarding corporal punishment in South Australian schools. I note also that in New South Wales there was a committee of inquiry into pupil behaviour and discipline which indicated, amongst other things, that teachers are frequently disregarding departmental regulations concerning the administration of corporal punishment in that State and that the use of corporal punishment is often outside the guidelines laid down.

I have a newspaper editorial dealing with corporal punishment published in the United States at a time when changes in connection with corporal punishment in schools were being considered by the State concerned. The editorial states:

> What shall we teach the children? What shall we teach them about violence, about solving problems, about justice, about treatment of the weak? What shall we teach them about the rights of children? For ourselves, we would like our children to learn that violence is the ultimate destructive solution. Look at the consequences of Argentina's embrace of violence to achieve its ends. Look to the agony of the Middle East in which violence is the recurrent recourse. We would also like our children to learn violence is unthinkable in dealing with those weaker than yourself—say children, for instance.

I will not quote any further from that editorial as it then becomes specific and deals with local matters.

I should not really have to be in the situation of arguing for the abolition of corporal punishment. The boot is surely on the other foot. Those who wish to retain corporal punishment should be putting up the arguments. I cannot see that anyone should have to argue for not hitting someone. The whole thrust of arguments for corporal punishment, if analysed, seems to imply that there are inferior members of society who cannot understand reason, who are not subject to reason, but can only understand force. This elite view of society is one which we have certainly abandoned as far as adults are concerned, but for some reason we still have it for children. We currently have a situation where the teacher is the only authority figure in society who can legally hit a subordinate. Nowhere else in society is such behaviour permitted, and I can never understand how as a society we will allow for children what is prohibited for adults. If it is deemed to be an infringement of human rights and dignity for one adult to have authority to hit another, how much more is it a lack of rights and dignity for a teacher to hit a subordinate, that is, a child.

The Hon. R.J. Ritson: Would you carry that through for anyone hitting any child?

The Hon. R.I. Lucas: Parents?

The Hon. ANNE LEVY: The relationship of parents to children is another matter. I would be happy to debate that and point out that in Sweden it is illegal for parents to administer corporal punishment to children. That is not my concern at the moment, but I am concerned with corporal punishment in schools where teachers who are not parents have the authority (under certain conditions, I know, but nevertheless have the authority) to hit children. This is quite wrong, and the sooner we abolish such barbarous attitudes the better. If we do not allow corporal punishment for adults, why on earth should we allow it for children?

The Hon. R.J. Ritson: A lot of parents who wish the right to deal with their children that way would wish the right to delegate it to the school.

The Hon. ANNE LEVY: I mentioned that in California that situation is permitted: if parents specifically give permission, then corporal punishment will be administered. In this State, however, under the previous Government parents who specifically did not want their child to have corporal punishment administered went to the school, asked for their child not to be considered for corporal punishment, and the headmaster refused to confirm that their child would not be subject to corporal punishment. The Minister of Education agreed with the principal. Although the parents specifically requested that their child not be subject to corporal punishment, the Minister refused to grant that exemption. That is utterly disgraceful that the Minister should in this way condone a teacher hitting a child against the express wishes of that child's parent. I conclude that topic by saying that I sincerely hope that there will be changes with regard to administering corporal punishment in the schools of this State in the very near future.

I wish to make a few remarks on a matter which is of great concern to everyone in the community who has any feelings of compassion at all, and I refer to the problems of unemployment. I do not wish to go into a great discussion on the tragedy of unemployment, of the heartache and suffering that it is causing to an increasingly large number in our community. We have spoken about this previously in this Chamber. We all know how the unemployment figures have been rising dramatically and how those under 20, in particular, have been bearing the brunt of the unemployment, although older age groups are now feeling the effects, and how the unemployment rate for women has been far higher than that for men in all age groups. I am sure that we are all familiar with those figures.

I recently, however, discovered some figures relating to unemployment rates during the great depression. It is perhaps worth quoting some of these official unemployment rates from 50-odd years ago. Whilst it is commonly stated that the great depression did not really begin until 1929 or 1930, if we look back to 1927 the unemployment rate in Australia was still 6 per cent. In 1928 it had risen to 11.4 per cent for Australia as a whole, but was 15 per cent in South Australia. One of the most remarkable facts to emerge from these figures is that South Australia had the highest rate of unemployment in Australia right through the depression—a much higher frequency of unemployment than in any other State. In 1929 the unemployment rose to 13.1 per cent nationally, but was 17.8 per cent in South Australia. This is before the depression is supposed to have really started. In 1930 it rose to 23.4 per cent in Australia and 28.5 per cent in South Australia. This is the sort of figure we now have, of course, for the under 20-year-olds, but this was then the figure for the entire workforce. In 1931 unemployment in Australia went from 25.8 per cent at the beginning of the year to 28 per cent at the end of the year.

South Australia reached the figure of 30.6 per cent. To indicate the disparity, at that time in Queensland the unemployment rate was 14.1 per cent, less than half the rate in South Australia. In 1932 the unemployment rate went over 30 per cent for Australia as a whole. In South Australia the official figure was 35.4 per cent of the officially unemployed, although the document that I was reading stressed that this was no doubt a gross underestimate and that in reality the rate was more like 45 per cent.

In 1933 unemployment fell slightly to 26.5 per cent for Australia and 30.5 per cent for South Australia. In 1934 there was a further fall to 21.9 per cent for Australia, although it was still 29.5 per cent in South Australia. In 1935 the changes were fairly rapid and the Australia-wide figure fell to 13.7 per cent unemployment in the last quarter of the year. In 1935 for the first time ever, South Australia was not the worst State and was surpassed by New South Wales.

In 1936 unemployment fell to 13.4 per cent nationally and South Australia, for the first time, fell below the national average in the unemployment rate. In 1937 the Australian rate fell to 9.9 per cent in the first quarter and then to 8.2 per cent in the last quarter. By 1938 unemployment was rising again. It rose to 9.2 per cent for Australia as a whole, and in 1939, just before the outbreak of the Second World War, it rose to 10.2 per cent throughout Australia. There was widespread fear that a new depression was about to start. Of course, the war changed the employment picture considerably, although it took a while for it to do so. At the end of 1940, which was nearly 18 months after the Second World War had begun, the unemployment rate was still 6.2 per cent for Australia as a whole.

I give these figures as a reminder of the horrors of the Great Depression. There has been much talk that perhaps we are entering a new depression which may even rival that of 50 years ago. Although various people say that that will not happen, plenty of quotes can be found in the writings of 1929 and 1930 where writers were sure that the then depression would not deepen and that recovery was just around the corner. How wrong they were. I can only hope that the same situation does not apply in Australia or the world today, and that the horrific unemployment rates that I have quoted will never again apply to this country.

Certainly, full employment was not restored from that Great Depression until the Second World War broke out. I would hope that no-one today would be irresponsible enough to suggest that our unemployment problems can also be solved by having another world war. We all know that the very possibility of another world war would mean the end of civilisation as we know it today and that at all costs we must avoid such a holocaust.

My final point is a brief remark on a matter which I have not heard discussed anywhere and about which I have not been able to do all the detailed calculations. However, I hope that it will be taken up and that the detailed work necessary can be carried out. The Council knows that inflation last year was between 10 and 11 per cent. Also, we were told quite often during the recent election campaign that in the last year average male weekly earnings rose by 17 per cent. The implication was made that wages were rising faster than inflation.

I might add that these are always male average weekly earnings that are quoted and not female ones which are considerably lower in their rate of increase. However, if one takes female weekly earnings into account, the average weekly earnings rose by just over 15 per cent, which is certainly above the inflation rate. However, what is never taken into account is that during last year a large number of people lost their jobs, but those jobs were not distributed at random with respect to income. Those lost jobs predominantly comprised people on low incomes. The result is that, for those remaining in the work force, obviously the average will be higher than it was before, because those on higher incomes remain in the work force and those on lower incomes have ceased to be in the work force so that, without any increase in wages at all for those who are working, average income will rise because those on low earnings are no longer receiving wages.

I have been told that someone made an estimate of the effect of unemployment on average weekly earnings and estimated that 4 per cent of the increase in average weekly earnings can be attributed to the fact not that wages rose by one cent but that the loss of jobs, particularly by workers on low wages, had caused the 4 per cent increase. This

factor has never been taken into account in any discussions on earnings and the relative rise of earnings compared with inflation. I cannot vouch for the accuracy of the 4 per cent. Certainly, I hope that detailed calculations can be made to establish the validity of this figure. Whether the figure is accurate or not, I am sure all members would agree, there is some figure that will be appropriate to use to take account of the fact that unemployment and loss of jobs occurs mainly amongst people on low incomes, so that the average of those who remain in the work force must arithmetically rise even though individuals have not received one cent more in their pockets. I support the motion.

The Hon. R.J. RITSON: I support the motion that the Address in Reply as read be adopted. In so doing, I reaffirm my loyalty to Her Majesty Queen Elizabeth II, the Queen of Australia, and to her representative in South Australia, His Excellency Sir Donald Dunstan. I also wish to pay tribute to those members of this Council who have retired. I recall the service that those members have given this Chamber and the people of South Australia. I refer to the Hon. John Carnie, the Hon. Boyd Dawkins, the Hon. Don Laidlaw, and the Hon. Norm Foster. I am sure I speak for all honourable members when I express thanks to those former members for their service to South Australia.

It is with regret that we recall the death of the late Mr John Coumbe, who served this State as a Minister and in other capacities in public life. I express my deepest sympathy to his loved ones, and I am sure that all other members do likewise. It was pleasing to see the Hon. Boyd Dawkins honoured in the New Year's honours list, particularly because he was honoured for something outside his main calling or profession.

I take this opportunity to comment on the electoral changes that have recently occurred in Australia. Those changes have occurred not only Federally, but, as mentioned by the Hon. Mr DeGaris, fairly broadly across Australia. The question that arises in my mind is whether this shift is merely a community desire to give anything a try in hard times. If so, the electorate is perhaps just as likely to shift again when Labor fails. On the other hand, it could be a progressive philosophical conversion of many Australians to either Labor or socialist attitudes. I suppose that an argument in favour of the first proposition, that Australians have made a whimsical or perhaps desperate attempt to seek change for the sake of change, might be seen in the public response to Mr Hawke, because Mr Hawke is certainly no socialist.

Mr Hawke is an avowed anti-communist who in the past has taken the socialist left severely to task in no uncertain terms. Mr Hawke has been critical of the Palestine Liberation Organisation (which is the darling of the socialist left) and he has presented himself to the electorate as an affluent, stylish, politically moderate working man's liberal democrat. That was the style he adopted during his campaign. In a slightly different way, but in accordance with the same principle, we saw Mr Bannon in South Australia put on his best suit and stand alongside David Tonkin as the alternative conservative Premier of this State.

Mr Bannon eschewed Peter Duncan and he, too, sought the votes of the South Australian people, not on a platform of socialist doctrine but by attempting to do many of the same things that the previous Government was attempting to do and promising to do them more effectively. I suppose one could be forgiven for imagining that the electorate, which has recently had to bear the brunt of unavoidably high interest rates and unemployment, has at both State and Federal level decided to have a change for the sake of change and has seized upon what it saw as an alternative liberal democrat or social democrat Government.

As I have said, if that is the case then future elections will be a lottery, and the electorate is likely to swing back whimsically to the Liberals from time to time. I think that that is the most commonly held view, but that might not account for the whole of the change that we have seen over the past 12 months. Another view is that, quite apart from the swinging votes based on the attitudes that I have just described, there may be a progressive conversion of a significant number of Australians to the socialist philosophy.

Whilst in the short term we may see swings, it may be that there is a progressive evolution of Australian society towards that State which I fear but which others seek, namely, the formation of the Socialist Republic of Australia. In fact, I believe that that is a distinct possibility. I think that people completely underestimate the effect of the various activist groups in society representing the socialist left. These groups, whether founded by the socialist left or infiltrated by it, are in a very strong position to influence people. They can influence children in the classrooms and they can influence people from the pulpits. One thing that marks them and distinguishes them from many other socially active groups in society is their great dedication to their philosophy.

The thing that characterises the grass roots philosophical efforts of socialism to convert Australia and the reason why I believe they may succeed is the power of explanation. One of the things that these people do and are dedicated to is explanation of their philosophy. Over the garden fence or at sporting clubs a socialist will explain over and over again his theory of how society should be organised, why it is the best, and why it will work. Another characteristic of people involved in this sort of activity is, apart from their obsession with explanation, an almost wilful blindness. They refuse to believe that their theory does not work.

It has been said that no political system has been so repeatedly explained and yet has so repeatedly failed as has socialism. It has also been said that no other system has so succeeded and yet has not been explained as has capitalism. I do not think I can blame the socialists for explaining their cause. Their sincerity does them great credit and they do act with great vigor and dedication. I think it is tragic that they refuse to look at the instances where their system has not worked; I think it is tragic that they refuse to look either side of the Berlin wall or behind the Iron Curtain; and it is equally tragic that a lot of Liberal supporters refuse to explain their position and refuse to take part in grass roots community activity.

I am not levelling criticism at my own Party, but one often hears people who say that they vote Liberal and support the Liberal philosophy, but, if they are asked what they do and what they believe, their answer is a blank. It is a much blanker answer than the answer one gets if one asks a socialist or Labor supporter what they do and what they believe in. The Labor Party is not a pure socialist Party. I will not labour that point, because we have been through it before. The Labor Party has a mixture of philosophies that are in conflict from time to time. I believe that the critical factor in its election to office has been the support from the socialist left, and that has been support from the grass roots level of society.

The left has been dedicated to propaganda through agencies such as the South Australian Institute of Teachers. I will not list all the agencies, because that is a separate story. By contrast, the Liberal Party does not have a lot of influential fronts or areas of grass roots activities. We have had electoral success based on performance.

The Hon. Frank Blevins: Based on a gerrymander.

The Hon. R.J. RITSON: No, that is not so. It was based on two things: the personalities of Mr Menzies and Sir Thomas Playford, and the long post-war boom. Everything grew rapidly, including the economy. The whole world was better off year by year. The electors were therefore relatively contented, and by and large they probably did not wish to

think about government, let alone become stirred up about change of government.

In these hard times, of course, things are different. We have never developed avenues of influencing the minds of children—of influencing the next generation, as have the socialists. One good example is a matter that I described about a year ago: a unilateralist disarmament group arranged for a political kit to be distributed in schools. There was common membership between that group and the Institute of Teachers.

Last time I said that, I received a fiery letter from Ms Leonie Ebert, who stated that I was trying to take away her members freedom of speech and freedom of association by making that criticism. I was not doing that. I support the rights of people to undertake such activity: I would not have a bar of preventing them. All I am trying to do is exercise my freedom of speech by drawing people's attention to the fact that they should make their own judgments when they vote. I hope that I do not receive another of those fiery letters from Ms Ebert.

The Hon. B.A. Chatterton: I am sure that you will.

The Hon. R.J. RITSON: Shall I answer it? The point is that these people have spent a lot of time in building up, very sincerely, their avenues for lawful and proper expression of political opinion and influence as they see it. I was extremely disturbed to see a number of letters in the newspaper written by schoolteachers, probably of Liberal persuasion, who stated that they intended to resign from the Institute of Teachers. Certainly, one should never take away people's rights to be political activists, but, if one has the opposite view, one should get in there and explain one's alternative position.

I come back to the idea that socialism is consistently explained and fails, and liberalism is persistently successful by comparison and yet is rarely explained. Therefore, I believe that, quite apart from the pragmatic side of politics, those people in the community who feel that the Liberal Party proposes the best system of government and order in society should learn a few lessons from people who hold opposite views. They should get into groups: they should get into instead of out of political society and explain, explain, explain.

The other matter to which I wish to refer as a consequence of the change in electoral climate and the change of government (and that follows more or less consequentially from what I have just stated) is the question of Australian republicanism. I have no doubt that this is one of the burning issues in the forebrain of Mr Bob Hawke, the Prime Minister.

The Hon. B.A. Chatterton: You are in favour of it?

The Hon. R.J. RITSON: Oh no. Mr Hawke is very much in favour of republicanism. It is one of those issues that can be dressed up with a couple of glib phrases to sound very attractive, such as, 'We want to cut the umbilical cord with England. We want to be independent. We want to have our own flag.' That all sounds very nice. However, Australia is not really an island: it is part of the international economy. We have alliances and international relationships and they are not always rational—at times they are emotional.

Just the other day I was reading a book on the life of Karl Marx. One of the criticisms made of him was that he persistently underestimated the significance of the non-rational forces, such as racial solidarity, religion, and so on. One must look back in history and note the ties of the Anglo-Saxon world to realise that such change does not come about without producing an irrational and very divisive emotional shock. Of course, when Mr Hawke spoke of bringing the nation together, I could not help but feel that he knew not what he said. The issue of Australian republicanism, first of all, involves dividing a very substantial number of English born people from the rest of the community on that one issue of ties with the British Crown.

Of course, quite a separate issue but inherent in the same problem is unitary government. The centralist views of Mr Hawke have been referred to by the Hon. Ren DeGaris, and I just want to say another word about that. Mr Hawke does not have a lot of insight into his own psychological behaviour. Some of his biases show considerably when one looks at his pronouncements analytically. A couple of years ago Mr Hawke was interviewed on television in regard to this issue. In attempting to make the point that, no matter where one lives in Australia, one (all Australians) will receive an equal deal from the unitarian government, Mr Hawke stated, 'You know, it doesn't matter whether you live in Melbourne or Sydney.' Then he stated again, 'It doesn't matter whether you live in Sydney or Melbourne.'

In fact, three times Mr Hawke used the Melbourne-Sydney analogy, which demonstrated his bias beautifully. It did not even cross Mr Hawke's mind to say, 'It doesn't matter whether you live in Burnie, Broome, Ceduna or Darwin.' Dr Freud was hanging on in there hard. If Mr Hawke has his way, people in the outlying towns and cities of Australia will be governed totally by the votes of people in Melbourne and Sydney—swinging suburbia, and, when I say 'swinging', I mean electorally swinging and not in the fashion that has caused honourable members to smile.

To recapitulate, the first danger in Mr Hawke's policy concerning the march towards a republic of Australia is the cultural divisiveness in cutting the last link with the country in which so many of our citizens were born. The second great tragedy will be the political control of all the affairs of all Australians by voters in Sydney and Melbourne.

The arguments raised are that really we are all Australians and we need the same railway gauges and industrial laws. Those are quite profound arguments but, given the geographical and cultural differences throughout Australia, we really do not want people in Melbourne and Sydney passing laws about crocodiles in Darwin. The standard rejoinder is that there would be a strong system of local government. It would be not a sovereign Government under a unitary system but local government and, therefore, subject to change by the new republican government in Canberra. What would influence any change? It would be the voters in Sydney and Melbourne.

If Mr Hawke proceeds with his legal fiction invoking foreign affairs powers to prevent construction of the dam in Tasmania then, quite apart from the arguments for or against the dam, he will again strike a divisive blow and set free neurotic, divisive and irrational emotions—which Karl Marx was said to be capable of understanding—amongst Australians. That is quite unlikely to bring Australia together and, of course, he will be splitting Australia into races, regions and groups of people fearful, suspicious and resentful of each other. I hope that the people of Australia understand that.

The Western Australian election result seems to indicate that in the West they do not. In the past, Western Australians have been jealous of their regional rights and they, more than any other State, have talked about secession. The big move to Hawke in Western Australia might just be an ethnic thing. If one's family lives in Western Australia, one gets a bigger vote than if one's family does not, which makes me feel that Rodney Marsh would have fared even better than Mr Hawke. But, that is an aberration for Western Australians. In the previous referenda, which would have slightly reduced Senate powers, Western Australia, along with Tasmania, produced a solid States rights electoral response.

The Hon. B.A. Chatterton interjecting:

The Hon. R.J. RITSON: Perhaps they will in future. As they start to realise that instead of voting for the local genetic product they are really voting for a republic of Australia—for a unitary Government.

Those brief remarks are not all that can be said on the subject, but I felt compelled to raise the matter on this occasion. Even though it is not directly involved with State legislation, it vitally affects the State of South Australia and the future of this Council. It has been said that we should get rid of State Governments, which would result in fewer politicians and no State Governments and that we could all then be governed from Canberra. If one looks at the British system of unitary government and instead of counting State politicians, counting local government officers, one find this government is just as big. Some local government departments in Britain have bigger budgets than our State Budget. One is not getting rid of big government by going to the unitary system because one still has to have local representation and a State executive of some sort doing the same job and spending the same amount of money in administration. By abolishing State Governments all one is doing is taking away State sovereignty and changing the name. Sure, there would be fewer politicians, but there would be more powerful mayors and town clerks and just as much money would be spent.

The people of Australia, having solidly voted Labor throughout the country, should seriously ask themselves whether or not they voted that way in the hope that the Labor Party would be a moderate liberal-democratic government, or whether they voted that way because they really wanted a socialist republican Government. If it is the latter, the people of Australia ought to think seriously about it. We will not know until we see over the next six, 10 or even 15 years the electoral swings. At this stage the future of the Federation is unclear. It may take that long to work itself out, but then Rome was not destroyed in a day.

The Hon. I. GILFILLAN: I support the motion to adopt the Address in Reply to the Speech of His Excellency the Governor. I acknowledge the debt I owe to my colleague, friend and mentor, the Hon. Lance Milne. At a stage of life where most people are looking to go out to grass, he has pioneered a role in politics which I believe has been of remarkable value. His ability to relate to people has endeared him to so many people in this Parliament that my debut has been much more pleasant than it would have been had a hostile, resentful climate prevailed. But, more valuable than that, he has many times been the catalyst for compromise and the initiator of valuable amendments which have resulted, I believe, in a better end product from this Parliament.

I was propelled into politics from political inertia. I shared with many the sense of frustration with both major political Parties as they existed in the 1950s and 1960s. They represented self-interest groups, neither of which had any intention of co-operating with the other, and it became a gigantic game, particularly for those who were involved in it, to see which team could win the contest. It seemed to me that that was a no-win situation for the people of Australia. As I believe that we have a responsibility beyond our shores, it also seemed to be very restrictive in our participation as people of the world. So with a flag of idealism fluttering at the mast-head, I cheerfully launched into the Australia Party's crusade to establish a third Party, which had allegiance to no interest group. It had very high ideals of international sharing, justice, and charitable inclinations at home, where no Australian, black, white, refugee, migrant, aged, young, male, female, heterosexual, homosexual, asexual, religious, irreligious or atheistic would be discriminated against and where everyone would have a full opportunity to achieve their full potential through adequate provision of health, education and opportunity to work.

This political vision was tailored by a few years of experience in the early 1970s when I stood as a Senate candidate for the Australia Party, and then eventually realised that there was more to politics than just espousing high sounding causes. My vision was tailored into a more pragmatic and realistic assessment of the political life, and compromise became acceptable. With that in mind, I took part in and cheerfully encouraged the formation of the Australian Democrats.

I have not had cause to regret any of my political involvement. They have been years of sacrifice and frustration. They have also been years of exciting achievement in a field where very few achieve success, that is, being a part of, and in a way contributing to, the creation of a brand new political Party.

It is with a sense of pride that those of us who have seen this political phenomenon through from its first germinal stages realise that we are now firmly established, respected and well known by a significant number of people. So, it is with optimism that I look forward to seeing the political vehicle which has helped to get me here, growing in size and stature, and maybe eventually achieving Government.

PROPORTIONAL REPRESENTATION: After a nerve-racking and extended count, I was eventually elected to this Chamber and have already found it one of the most engrossing and challenging occupations that one could ever experience. The reason that I am here is that, at least for the Legislative Council, we have got as near to the perfect democratic system of election as there is anywhere in mainland Australia. It allows representation for a minority of people who would otherwise be spending their voting lives watching contestants from the two traditional Parties winning the seats, while their votes never contributed to electing anyone to Parliament.

Proportional representation is achievable and a goal to which I intend to work for all elected positions in this State Parliament. I am convinced that we would have better government, better Parliamentary representation, and a more participating and satisfied electorate if we incorporated multi-member, proportionally represented Lower House seats, say, seven members elected from seven electorates, making a total of 49. The Australian Democrats will be raising this matter in the Council shortly.

LEGISLATIVE COUNCIL AS A REPRESENTATIVE HOUSE: I have been pleased to find that many people in the electorate in various areas of the State are eager to have full political representation and many of them, because of the single-member electorate for the House of Assembly, feel alienated from their elected member—not that this is necessarily the fault of the elected member. Often, the alienation is ill-founded and does not exist except in the mind of the elector, but it is obvious that, say, Labor or Democrat voters in a blue ribbon Liberal seat quite often feel that there is no point in approaching their particular member in the Lower House, because they would not be given proper attention.

So, it was with pleasure that I found how enthusiastically people recognised that a Legislative Councillor is elected to serve the whole State and can represent everyone in issues large and small. This extra dimension of the responsibility for members of the Legislative Council is, I believe, an exciting one. We are not confined to a particular electorate. It gives us the opportunity to have an overview, and to balance the aspirations and needs of certain areas with others, and it does give us the opportunity to get a perspective

on the whole State, which those who represent House of Assembly districts understandably find difficult to see.

THE LEGISLATIVE COUNCIL: For some considerable time there has been conjecture as to the future role, procedures and responsibilities of the Legislative Council. I have read with considerable interest a paper, 'The Role of Upper Houses Today' by the Hon. C.J. Sumner, B.A. LLB. M.L.C., which outlines the sometimes thorny path to full franchise and democracy. I believe that, as the Legislative Council now offers a more democratic representation than the House of Assembly (because of its electoral reform), it should have no constitutional restraint on its powers.

Are we elected by the people of South Australia with any specifications or requirements different from those required for people elected to the House of Assembly? I do not believe so. Therefore, it seems appropriate that any modification of our role as a House of Parliament should be taken by a decision of the Legislative Council itself and not be imposed upon it.

I have been enormously encouraged to read of the support by several members of this Council for the relaxation of control of members by Party decisions, to enable the Council and any committees to work more effectively. In fact, I believe that we should encourage the committee system still further. I quote from Mr Sumner's paper, an aim which I believe has the support of many in this Council, and in particular of the Hon. Ren DeGaris. I must comment here that his contribution to our understanding and thinking in his speech today was an admirable and very valuable contribution. This aim I wholeheartedly support, to create:

> The promotion of mechanisms within Parliament whereby agreement and consensus can be reached on issues across Party lines.

I come now to deal with a few more of the significant issues that concern me, to which I wish to address some comments and explain my position.

NUCLEAR: I have become concerned about the nuclear industry through a gradual process. It had a parallel history with my developing awareness of our involvement in Vietnam. In both cases, I began with a complete and unquestioning acceptance of what I had been told by the Federal Government. In both cases it seemed that we were right to proceed. There was no questioning of the basic reasons why we should proceed along those two paths. The questioning and the risks were propounded, we thought, by those who wanted to destroy and corrupt all the things that we felt were precious in our society. That clear line started to get smudged and blurred when I watched Buddhist monks burning themselves to death, and the corruption, the brutality, and injustice that hall-marked so much of the old South Vietnamese regime. I felt that we had been grossly misled. And so, for the first time in my life, I began to question very seriously the dictums and authority that I had never questioned before, that of the Government and those people whom I thought had knowledge and wisdom to make these profound judgments on my behalf.

Nuclear energy I had welcomed as enthusiastically as most in the 1950s and early 1960s, when it appeared to be offering the panacea to the world's problems. There would be no want when nuclear power was abundantly available to all those who needed it, and we would indeed be in for the millenium. I read *Small is Beautiful* by E.F. Schumacher, which identified plutonium (a by-product of the nuclear process) as being one of the most dangerous substances that man has ever isolated. It was this one single point which turned me again into the questioner instead of the blind accepter of nuclear energy, and I have become convinced that the promoters of nuclear energy have blinded not only their own eyes, but others as well, by promoting unbalanced and wrong information about the safety of their procedures, the safety of the waste, about the economics of the production of power through nuclear plants, about the costs of safe and adequate storage, about the radiation levels in which people can safely work.

It is certain that the promotion of nuclear energy worldwide is an economic gamble by those companies and countries which have vested economic interests. It rates on a par with the quite scurrilous promotion of high tar nicotine cigarettes to the third world countries by cigarette manufacturers from countries in which those cigarettes are forbidden or discouraged. Third world countries will not even have the inadequate standards of safety and control that are exercised in high technology countries. There will be a watering down of those standards, leaving these societies with little technology, or ability to protect themselves from a failure of nuclear reactors. There is the horrifying possibility in the Phillipines of building, as is proposed, a reactor on a seismic fault-line.

I think that for South Australia to have any part in the nuclear industry is morally wrong and, no matter on what grounds it may prove attractive to us economically, I cannot in conscience support our involvement in any way with the nuclear industry. Its inevitable link with nuclear armaments only further reinforces my rejection of it, and I believe that until mankind itself proves much more dependable and honourable in the way it conducts its affairs, we are not, as a species, capable of managing nuclear energy without causing immense suffering if not in the immediate future, then in the long term, and that makes it inexcusable.

PEACE: It seems that a lot of people, including myself, are able to give lip service to peace in various forms, including industrial peace, social peace, and international peace. The issue stems from a self-protective mechanism. We do not want to be disturbed by anything that might disadvantage us, or inconvenience us, or discomfort us. But I believe that peace is more an active than a passive state, and, as a Parliament of this country, we must be as concerned about the implementation of peace as the Prime Minister and the Defence Minister in the Federal Parliament, because it is obvious that peace embraces a complete attitude of tolerance and acceptance and compassion. Peace is the active confrontation of oppression, or racism, economic injustice, or the deprivation of rights. We, as a Parliament, can never afford to sit back complacently and say, 'We have achieved it; we are in a state of peace.'

I believe that it should be an underlying motive of all of us who are paid to serve the public and the community at large to be seeking out the areas of conflict and strife within our community. Our legislation, and individual representation, should constantly be able to be measured as achieving constructive steps towards the peace of which I speak.

RACISM: Racism, like peace, has the risk of being used as a neat word applying to other people, in other places, in other countries. It has been described by statesmen, theologians, and people of conscience, as one of the most destructive, poisoning and iniquitous factors in human life. I can remember from my earliest years feeling an emotional rebellion against the identification of people into categories of varying degrees of pigment in their skin, or certain shapes of facial bone or hair colour. Other identifying features, real or imagined, have been used to distinguish groups. That people should be identified and treated because of these differences rather than as their importance as individuals has always been abhorent to me, particularly when it is highlighted in the racial arrogance that has been portrayed in the aparthied situation in South Africa.

We cannot sit back and say it is racism in South Africa, and that is where the evil of racism lies, because it is also conspicuous in South Australia. The innuendo, the expectation of certain behaviour because a person is Aboriginal, Italian, Greek, Jewish, or Catholic, is so often linked with a failure to recognise that everybody is equal in their rights within the State—have their own charm, intelligence and contribution to our society. Furthermore, I think we particularly need to be continually alert to the smallest indication of racism that we may personally see or feel (and I do not think any of us are immune—I certainly do not pretend to be myself).

ABORIGINES: Our relations with the Aborigines are an embarrassing and uncomfortable portion of our political history. They have dared to intrude through the comfortable WASP situation of middle-class Adelaide, not because they are living in Medindie or Toorak Gardens, but because we have at long last recognised that the Aborigines are of the human race: they are our brothers and sisters, they share with us full entitlement to all the riches and benefits that this country and this State offer.

In justice, we are reluctantly recognising that they are entitled to compensation for the gross injustices and deprivation that they have suffered in the past. They are entitled to extra emphasis on recognition of their qualities, their traditions, their law, their culture, and their art. We are reluctantly and slowly learning that it is the uncouth attitude of barbarians to denigrate Aborigines, or put them down as shiftless and irresponsible. The solutions that bubble up through this attitude are, that we wish that either they would disappear, or that they would learn our ways, or some other sort of comfortable excuse from really confronting the challenge of the Aboriginal in Australia today.

There is probably nothing which will test the spirit of love and compassion and understanding in Australian hearts so much as the way in which we accept the Aboriginal section of our society in the next 30 or 40 years. I am pleased to see that internationally, and nationally, the incredibly antique culture and art form and the strong law base, which kept this society intact for over 60 000 years, are at last achieving recognition.

Our culture is very much 'Johnny come lately' and, although more sophisticated in material and technological areas, spiritually the Aborigines are the wealthier culture. Western civilisations and cultures have come and gone, while that of our Aboriginal people has survived. We should realise that we can learn from the Aboriginal culture that they are not just a problem and an embarrassment. We must accept that we are our own problem and embarrassment. Then we will stand a much better chance of living richer and fuller lives, and our children and grandchildren the same. Let us have the vision and the humility to accept the good and great things of the Aboriginal culture, and to learn from it—not blindly and naively, but practically and humanely, recognising that there are faults with the Aboriginal society the same as there are with any human society. But, let us shed for ever paternalistic superiority.

CONSERVATION: The word 'conservation' is a much maligned generalisation that is now used by some to obstruct almost any development; it is reviled by others who can only see good in a creation manufactured from the hands of man, as if that of the original Creator was always wanting in some way. I believe that we are now acutely aware, those of us who have eyes to see, that the global environment is at risk as it has never been before.

We must go to any lengths necessary to ensure that no situation is allowed to arise that has even a remote chance of doing irreversible damage to the environment. That means, for instance, no more Lake Bonneys. I was pleased to hear the Hon. Mr Cameron referring emphatically to the risks associated with the mining of coal at Kingston and its environmental damage. It is our responsibility to ensure the survival of all existing flora and fauna. I believe that the wilderness is entitled to exist in its own right, without any qualification that it can only do so provided that it does not compete with any requirement of man. The inestimably valuable genetic bank of nature must be handed down to successive generations intact. Our ambient environment must be so protected that we do not suffer from polluted food, air or water.

PERSONAL STAFF: Finally, I will deal with the domestic situation in this place in relation to the allocation of staff and the assistance that I can expect to help me do my job properly. We have had protracted discussions, conversations, and correspondence with the Attorney-General, in particular, and we have emphasised over and over again the need for research assistance. It seems very shortsighted to me that a Government which depends on the support of two members of this Chamber is not able to see that it is to its advantage, and to the promotion of the better operation of this Council, for us to have the help we need to look at legislation adequately.

It is obvious to me that we cannot do that with our own resources. Although the staff of this place with whom I have dealt have been extremely helpful, it is impossible for them to provide the sort of 'in team' assistance that members of the Labor or Liberal Parties have in making personal appointments of research officers.

Members interjecting:

The Hon. I. GILFILLAN: I refer to research officers appointed from within the Liberal and Labor Parties. I recall the large sums of money that went to retiring members of the previous Government's personal staff as severance pay at the last election. Many of them will be appointed directly by their Parties to do research work. Those people can be relied upon to do much of the research work that is required by political Parties. Added to which, of course, the Democrats have the obligation to consult and consider the opinions of their members, and this is one aspect of our political responsibility which we do not want to neglect. It does take more time than just using our own reactions as the only basis upon which we will vote or speak to legislation that comes before us.

It was, and probably still is, regarded as a naive, inexperienced vision for politics to have that policy as part of the Party's constitutional obligation. It means that significant political decisions will be made by the Party as a whole, with every member having an equal voice in a postal ballot, where possible. We have found it at times a cumbersome and slow procedure but, because of that, we have tended to look for ways around that obligation to members, and there is none. If we delegate the responsibility for decision making to either an individual, or even a small group, an executive, the principle upon which the Democrats were founded (that is, the opportunity for all members to be involved) is immediately eroded. I am proud of the structure of the Democrats. I feel that history will recognise that it has been a bold, adventurous experiment which has broken new ground in politics. Political Parties, to survive in the future, will almost certainly need to adapt and embrace the essential ingredients that are found in the Democrats' constitution. The Social Democratic Party in Great Britain has done just that.

It is obvious to anyone observing the current political scene that there are quite significant moves, a political migration, taking place. The recent recognition of the Democrats' role in the Senate, as 'minders' where many people

voted for the Democrats in the Senate, and another Party in the Lower House, is signalling that there is a new, deliberate and selective approach by the electorate at the polls.

Although it may take time, I am convinced that, if we hold true to the principles and method that we have attempted to establish in the Democrats, more and more people will recognise that our structure, our constitution, our Party, and the people who are attracted to it, are those whom they wish to trust in the ultimate government of their State and country.

The Hon. R.I. LUCAS secured the adjournment of the debate.

ADJOURNMENT

At 5.41 p.m. the Council adjourned until Tuesday 22 March at 2.15 p.m.