LEGISLATIVE COUNCIL

Wednesday 4 May 1983

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

QUESTIONS

SEWAGE DISPOSAL

The Hon. M.B. CAMERON: I seek leave to make a brief explanation before asking the Minister of Fisheries a question about Finger Point.

Leave granted.

The Hon. M.B. CAMERON: Members would be aware that I have previously raised in this place, and elsewhere, the problems associated with the pumping of raw sewage from the City of Mount Gambier in to the sea off Finger Point in the South-East (that is a place near Port MacDonnell). On Wednesday 20 April I asked the former Minister of Fisheries whether or not he would take steps to ensure that the Finger Point sewage treatment plant, which was a project of the former Government, would proceed as a matter of urgency. My question was in response to contact from local government bodies in the area which were concerned that the current Government planned to cut back this project located in the seat of Mount Gambier.

These fears have been confirmed. In the House of Assembly yesterday the Premier indicated that the Finger Point sewage plant would not proceed. As a result, raw sewage will continue to pour directly into the sea, putting at risk marine life and public health.

In June last year a report was prepared by the Department of Fisheries which caused grave concern to the former Government, indicating that the rock lobster industry would be seriously affected by the continuation of sewage flow at Finger Point. Indeed, the report raised such concern that the Government gave the approval for the commencement of the project to treat sewage from Mount Gambier. This was a positive response to a report whose findings indicated that serious damage to our export reputation and widespread fear amongst local communities would have resulted if the true extent of the problem had continued without remedy.

The former Government acted responsibly to overcome the problem and, unlike this Government, did not seek to let the situation worsen. It is essential now that the Government acknowledge the existence of the report and release it and, at the same time, make provision for the construction of the sewage treatment plant at Finger Point. It is staggering to see that the Government has scrapped this project on the basis of short-term considerations and, in so doing, has put at risk our rock lobster industry, worth nearly $15 000 000. As the Minister would be aware, while only a relatively small section of our coastline is affected, in matters of international trade a country's reputation as a supplier of quality pollutant-free products is crucial to ensuring long-term markets. If any doubt is raised about our product, our markets are at real risk. Unless the Government acts it will be only a matter of time before this occurs in the rock lobster industry. The decision that was taken by this Government is irresponsible, short-sighted, and is causing enormous concern to the people of the South-East.

Naturally, this is causing the gravest concern to the people living near Port MacDonnell whose health is placed at risk. Anybody who does not believe that should take a trip to that part of the coastline and see the effects of the raw sewage outflow into the sea. It is absolutely disgraceful. I ask the following questions:

1. Does the Minister agree with the comment of his colleague, the former Minister of Agriculture given in response to my question of him when he said, 'It would be desirable to build a plant for treating raw sewage'?

2. Is the Minister aware of a recent departmental report which points to the threat to the State's lobster industry in allowing the outflow of raw sewage to continue unabated?

3. Will he immediately arrange for the release of the report, which is held by his department, so that the fishing industry and the public as a whole can have total and open access to knowledge of the position?

4. Will the Minister urge his Cabinet colleagues to reverse their decision to scrap this much needed scheme?

5. Does he agree that, if nothing is done, the problem will grow and could place in jeopardy our very valuable exports?

6. If the Minister wants further information on this matter, will he accompany me to Mount Gambier, Port MacDonnell and Finger Point this weekend? I will be happy to provide accommodation for the time he is down there because I believe that this problem is going to cause very grave concern to the State.

The Hon. FRANK BLEVINS: I thank the honourable member for his very kind invitation. I can assure him and everybody in the South-East, particularly in Mount Gambier, that I will be down there to see them as soon as can be practically arranged.

The Hon. K.T. Griffin: They will be waiting.

The Hon. FRANK BLEVINS: I am anxious to see them because I want to tell them a few things about this project about which I believe they should know. The delay in completing the project of which the Hon. Mr Cameron spoke is due to the horrendous mismanagement by his Government over the past three years. The new Government is having to pay the cost.

The Hon. C.J. Sumner interjecting:

The Hon. M.B. Cameron: What about your $26 000 000 over-run?

The PRESIDENT: Order! We have a question being answered.

The Hon. FRANK BLEVINS: This Government is having to bear the cost of three years of totally irresponsible financial management. The previous Government left the State virtually bankrupt—something in the order of $115 000 000 in the red.

The Hon. R.I. Lucas: Nonsense.

The Hon. FRANK BLEVINS: The Hon. Mr Lucas says 'Nonsense'. I can only refer him to the Hon. Mr DeGaris, who has stated time and again in this Council that the previous Government mismanaged the State's economy and finances. Somebody has to pay the bill. In part, the people of Mount Gambier, along with everybody else in this State, will have to pay part of the bill. We cannot just go on running up bills, increasing the deficit, and transferring loan funds to pay current debts. We cannot go on doing that. I hope that nobody on the Opposition benches would urge us to do that. Somewhere along the line the people of South Australia have to pay. The people are paying for the previous Government's attempt to buy itself another three years in office. It was not game to take the hard decisions. It just kept on borrowing from one pocket to put in another.

As the saying goes, the buck stops somewhere. This Government has been quite prepared to pick up the ball and say, 'We will straighten things out.' but everyone in the State will pay for that. We are not trying to hide it, and the people in Mount Gambier unfortunately will have this project deferred for some time; hopefully, at the end of three years, we will be in a much better financial position than we are at the moment.

The Hon. M.B. Cameron: Three years!

The Hon. FRANK BLEVINS: That is how long it will take us to clear up the mess that you made.

The Hon. L.H. Davis: Come back to the question.

The Hon. FRANK BLEVINS: It is very germane to the question. I would like honourable members opposite to tell me where they would get the money. If the Opposition can tell us, we will certainly have a look at it. When will we clear up the deficit, if ever? This Government will do that to the best of its ability.

The Hon. R.I. Lucas: Are you going to pull in the Health Commission?

The Hon. FRANK BLEVINS: Ask my colleague.

The Hon. C.J. Sumner interjecting:

The PRESIDENT: Order! The Attorney-General should come to order.

The Hon. J.R. Cornwall interjecting:

The PRESIDENT: Order! If the Hon. Dr Cornwall wants to keep on talking when the Chair is calling for order, then I will take action.

The Hon. FRANK BLEVINS: As I have not brushed up on my shorthand for about 20 years, I was unable to note the six questions asked by the Hon. Mr Cameron but, as best as I can remember, I will answer them and I am sure that the Hon. Mr Cameron will prompt me where necessary. In answer to the first question, yes, it is desirable. The honourable member asked me whether the plan should go ahead. Yes, I agree with the former Minister of Agriculture that it would be desirable to build a plant for treating the sewage. It would be desirable to do many things, and this Government intends to do them but, first, we have to get some responsibility back into the financial management of this State. It is desirable, certainly.

In regard to the departmental report that the Hon. Mr Cameron alleges points to a threat to the State's rock lobster industry, I heard of the existence of this report as late as 1 o'clock today. I will certainly have my department look for it. I will examine it and give the Hon. Mr Cameron some comment on it later. In regard to arranging for the immediate release of the report, as I cannot confirm its existence, I cannot give a commitment to releasing a report that may not be there.

The Hon. M.B. Cameron: Did you not take part in the Cabinet debate; surely it came—

The Hon. FRANK BLEVINS: In regard to urging my colleagues to reverse their decision to scrap the scheme, there has been no decision taken to scrap the scheme. I am as much a part of that decision as any other member of the Government. In the discussions around the various proposals, very tough decisions had to be made by the Government because the previous Government did not make one tough decision: it made all the soft decisions yet it still did not buy the three extra years that it wanted. Of course, when this project or any other desirable project can proceed, the Government in its entirety will ensure that it does. In regard to whether or not I agree that the problem will grow, we will have to wait and see. There will be fairly extensive monitoring of the rock lobster industry in that area and, if there are any dramatic changes, they will be brought to my attention and I will certainly take action.

I answered the sixth part of the honourable member's question first. It was a kind invitation from the honourable member which I will honour. I will visit Mount Gambier as soon as it is practicable for me to do so. I will tell the people of Mount Gambier that they are paying the price for the miserable way in which the previous Government mismanaged this State's financial resources.

The Hon. K.T. GRIFFIN: I desire to ask a supplementary question. If the Minister is suggesting that the project has not been scrapped, will he say what has happened to it and when it will be commenced?

The Hon. FRANK BLEVINS: I have already answered that question: the project has been deferred. If the honourable member wants an enlargement on that, I will bring one back from the Treasurer.

CENTRAL LINEN SERVICE

The Hon. J.C. BURDETT: I seek leave to make a brief explanation before asking the Minister of Health a question about the Central Linen Service.

Leave granted.

The Hon. J.C. BURDETT: I have asked several questions in this Council about the Central Linen Service and what the Government proposes to do about the implementation of the Touche Ross Report. The last question that I asked on this subject was on 22 March 1983. In part, the Minister replied:

> I will certainly take back to Cabinet a more specific proposal. The initial report has gone to Cabinet and has been assessed by Treasury, and within two to three weeks I will certainly put forward a further proposal.

The 'two to three weeks' has now well and truly elapsed and I ask the Minister whether he has yet been able to put forward the more specific proposal, whether it has been approved and, if it has been approved, what are its details.

The Hon. J.R. CORNWALL: I am happy to inform the honourable member that the report has come back from the Treasury. It has been resubmitted to Cabinet and has been approved by Cabinet. Only this morning I sent a minute to the Acting Chairman of the Health Commission requesting that the directions of Cabinet be implemented. That must be done in consultation with the Treasury. I am not in a position to provide the Council with the exact details at the moment: suffice to say that there will be in excess of $3 000 000 in capital works over a four-year period at the Central Linen Service.

Inevitably, there will be some loss of the present staff establishment, but that will be done by attrition and in such a way that no staff members lose their jobs. We anticipate that when this plan of action is put into effect in the near future the Central Linen Service will be restored to a highly competitive position in the market place and it will again become the effective unit that it was prior to 1979.

The Hon. J.C. BURDETT: I desire to ask a supplementary question. Will the Minister inform the Council of the specific details of the plan as soon as he is in a position to do so?

The Hon. J.R. CORNWALL: Certainly, I will be only too pleased to do that. However, I do not anticipate that that will be possible for another two weeks, or thereabouts. As I have consistently said in this place, the first people who should hear about the plan and its details are the employees of the Central Linen Service. I will be only too happy to provide the shadow Minister with the details and, if the Council is still sitting, I will provide it with the details, too.

FIRE DEFENSIVE HOUSING SYSTEM

The Hon. DIANA LAIDLAW: Has the Minister of Health, representing the Minister of Local Government, an answer to the question I asked on 16 March about fire defensive housing systems?

The Hon. J.R. CORNWALL: My colleague the Minister of Local Government informs me that the Building Advisory Committee is looking at any special requirements which may be desirable to apply to houses that are built in bushfire

prone areas. However, one of the most difficult tasks is, of course, to make a decision as to what is a bushfire prone area.

The Country Fire Services, Metropolitan Fire Services and other allied organisations including Government agencies are also giving consideration to this matter, and the Building Advisory Committee will take into consideration all submissions when an evaluation of the Ash Wednesday fire has been completed. In addition, as the Ash Wednesday fire is the subject of a coronial inquiry, there could be some valuable information for the Building Advisory Committee to consider flowing from the results of that inquiry.

SCIENTIFIC STUDY

The Hon. G.L. BRUCE: Has the Minister of Agriculture, representing the Minister of Mines and Energy, an answer to the question asked by the Hon. Anne Levy on 16 March about a scientific study?

The Hon. FRANK BLEVINS: The Minister of Mines and Energy has informed me that the Electricity Trust has carried out marine biology studies in Northern Spencer Gulf at the Port Augusta Power Station for some years using its own staff and consultants from time to time. Information from studies carried out prior to 1977 was included in the environmental impact statement for the Northern Power Station which was issued in July 1977. Further work has been done since as part of a monitoring programme which will continue until the Northern Power Station (the first unit of which is scheduled for commissioning in 1984-85) has been in full operation for at least three years. The first report on this programme, covering the main part of the construction phase of the station, particularly the construction of the cooling water channels, is expected to be available for issue about mid-1984.

RECOGNITION OF QUALIFICATIONS

The Hon. DIANA LAIDLAW: I seek leave to make a short statement before asking the Minister of Ethnic Affairs a number of questions about recognition of qualifications.

Leave granted.

The Hon. DIANA LAIDLAW: An article by John Campbell in the *Weekend Australian* noted that Ministers attending the Health Ministers' Conference in Hobart last Friday accused doctors of abusing the Australian Medical Examining Council's system to discriminate against foreign doctors so that they can control numbers in the medical profession in Australia.

The Minister will be aware that doctors who were educated in New Zealand, the United Kingdom, and Ireland are, upon application, registered automatically to practise in Australia, while any doctor who graduated from a university in another country, including the United States of America, Canada, Asia, and India, has to serve a practical work period prior to sitting for and passing an examination that is set by the council.

The former Federal Minister for Immigration and Ethnic Affairs, Mr Ian MacPhee, with the agreement and co-operation of State Ministers, established a committee of inquiry into the recognition of overseas qualifications in October 1981. This step was taken because it was acknowledged that the non-recognition of professional and trade qualifications gained overseas was causing immense frustration and hardship for many migrants and their families, and was handicapping their ability to settle successfully in Australia. The committee was chaired by Mr Ron Fry, and it was anticipated that it would present its report late last year.

Has the committee completed its investigations? If it has not, does the Minister know the reasons for the delay? If the Fry Committee Report has been finalised, has it been considered by the Minister and his State and Federal counterparts? If it has not, when is it envisaged that this will be done? Is it intended that the report be made available for public comment and, if so, at what stage?

The Hon. C.J. SUMNER: I have not seen the report: I do not believe that it has been completed. The report might have been completed, but it has not come to my hands. I imagine that the matter will be considered at the next meeting of the Commonwealth and State Ministers of Immigration and Ethnic Affairs. I anticipate that the report will be made public, but again that is not a matter for my unilateral decision. I understand that the difficulties referred to by the honourable member have been evident to people in this country for probably 30 years or so. There is no question that the dilatory attitude that Governments of Australia have adopted in regard to recognition of overseas qualifications has been one of the negative aspects of our immigration programme. Earlier attempts were made to overcome—

The Hon. R.C. DeGaris: You must have a right to establish some principle.

The Hon. C.J. SUMNER: I suppose so. The problem is that we are now faced with the unfortunate situation where, for instance, there may be cross-recognition between the United Kingdom and countries of the European community in regard to medical and other qualifications, whereas Australia continues to recognise, in that area at least, qualifications from the United Kingdom, Ireland, and Canada—very few countries. All I am saying is that that indicates an anomalous position.

The Hon. R.C. DeGaris: Would you like a Cuban lawyer?

The Hon. C.J. SUMNER: Obviously, in some areas of expertise there are different qualifications and different systems, and, indeed, the legal system is one such area. I would have thought that there would be a fair degree of commonality in the basic tenets of medicine, at least as it is practised in the Western world. Medicine as taught in a European country would probably be similar to that taught in universities in the United Kingdom, at least in principle. However, whether or not the standards are the same is a matter of detail on which I am not in a position to comment. There may be different emphases in medicine in some other countries and some other cultural traditions.

Nevertheless, the point I make, and the point made by the honourable member, is that for many years difficulties have been experienced in Australia in the recognition of overseas professional and trade qualifications. I believe it is unfortunate that Australia did not act earlier on this matter. The Committee on Overseas Professional Qualifications was established some considerable time ago, but its work lapsed, and more recently the committee to which the honourable member referred was appointed, and on it there was a representative from South Australia. Whether that committee has advanced the argument further at this stage I cannot say.

However, I agree with the principle that has been outlined. I certainly concur that we should have been doing more—probably 20 or 30 years ago. We should have been more active in pursuing the recognition of overseas qualifications to ensure that the benefits that those qualifications bring to Australia were not lost to the Australian community. I will certainly ascertain the current position on that report for the honourable member. I feel sure that it or at least the subject will be brought up at the next meeting of Commonwealth Ministers of Immigration and Ethnic Affairs.

HEALTH COSTS

The Hon. R.I. LUCAS: Does the Minister of Health concede that his health policy released prior to the State election indicated that 'this programme has been carefully planned and costed in the knowledge that we will inherit a severely depleted State Treasury'? Secondly, how does the Minister rationalise that with the allegation of this Government that it was not aware of the alleged severely depleted State Treasury?

The Hon. J.R. CORNWALL: I thank the honourable member for his question. I have no need to organise Dorothy Dixers while the Hon. Mr Lucas is in the Chamber. I think that they call it 'leading with the chin'. We most certainly did inherit a severely depleted Treasury; that is on the public record. It is not a matter of debate.

The Hon. K.T. Griffin: As far as you are concerned.

The Hon. J.R. CORNWALL: There is no question about it. One cannot argue with the figures produced by the Under Treasurer. The Hon. Mr Griffin was not very effective when he was in Government, but at least he was there long enough to know that the Under Treasurer produces figures that cannot be disputed. There is no doubt that at this moment we are facing a record Budget deficit of mammoth proportions, a deficit which we directly inherited from the previous Government.

The Hon. K.T. Griffin: That is nonsense.

The Hon. J.R. CORNWALL: We do not want to get into political point scoring. We do not want to be like the Borgias, forgetting nothing and learning nothing. Regarding the Health Commission and the health area generally, we were, I am afraid, the victims of a grave confidence trick—not just the members of the present Government, but the public of South Australia. During the Budget debate and the debate on the Estimates last year we were presented with figures that suggested that the anticipated revenue in the health area would be $125 000 000. The fact is that, following those preliminary negotiations, the then Federal Government, which, of course, has now proved to be a band of desperate men and women trying desperately to hang on to power, left behind desperate problems in Canberra. It was putting the Tonkin Government and the then Minister of Health under great pressure to show a figure of $130 000 000 as estimated income. The Health Commission officers at the time knew very well that that was an unrealistically high figure. Eventually, they were forced by the then Liberal Government in this State to put in a figure of $125 000 000.

Again, we now know that that was quite unrealistically high, and the Minister and the Government of the day knew that. The figure, in fact, is more likely to be in the order of $105 000 000 (optimistically, it could be $109 000 000), so that on the Revenue Budget we are looking, because of matters almost entirely beyond our control, at a deficit ranging somewhere between $16 000 000 and $20 000 000.

On the other hand—and let us put this to rest for ever—only as recently as this morning I was talking to the Acting Chairman, who has been going through the pre-Budget exercises for 1983-84 with the sector directors and with senior personnel in the hospitals and the commission, and I am pleased to be able to tell the Council that on all indications currently (that is, on the morning of 4 May 1983), as far as the Expenditure Budget is concerned (as distinct from the Revenue Budget, where there will be a $16 000 000 to $20 000 000 deficit), we will come in on budget.

The Hon. R.I. Lucas: Where does the $26 000 000, of which the Premier spoke, come from?

The Hon. J.R. CORNWALL: There is the potential, as I have said, for a deficit of $20 000 000 in the Revenue Account.

The Hon. R.I. Lucas: You say that there is nothing in the expenditure. Where does the $26 000 000 come in?

The Hon. J.R. CORNWALL: No. The Revenue Account is $20 000 000 out.

The Hon. R.I. Lucas: From $16 000 000 to $20 000 000.

The Hon. J.R. CORNWALL: Yes, $16 000 000 to $20 000 000. The Expenditure Budget is all right. There was a Budget supplementation, as may be recalled, early in the days of this Government, to meet a commitment: we were on the bottom line as far as staffing cuts were concerned; we would hold the line as at 1 July 1982. In order to do that there was a one-off supplementation in the first three weeks of the Labor Government.

That was accompanied by an unfortunate, but very large, rise of almost 20 per cent in hospital fees. From that rise, allowing for the three month time lag between the processing and issuing and the return of accounts through the hospital system, we anticipate getting $4 000 000. So, we had a Budget supplementationof $4 800 000; to offset that, we have an additional $4 000 000 coming in from those rises in hospital charges. Had it not been for that additional $4 000 000, we would have been looking at a potential blow-out in the Estimates on the Revenue Account of up to $24 000 000. Again, yes, we had to take the decision to expend that additional $4 800 000 to meet the commitment that we would not get into the business of sacking, as the Tonkin Government would have had to do without any doubt.

Members interjecting:

The Hon. J.R. CORNWALL: There was little doubt that there would have been retrenchments if the previous Government had been returned. They knew the state of the Budget, and they were prepared to get into retrenchments.

The Hon. C.M. Hill: There would not have been retrenchments, and you know it. That is absolute rubbish. You should be ashamed of it.

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: Had the Tonkin Government been returned we would have faced massive retrenchments.

SHEEP STEALING

The Hon. H.P.K. DUNN: I seek leave to make a brief explanation before asking the Attorney-General, representing the Chief Secretary, a question regarding sheep stealing.

Leave granted.

The Hon. H.P.K. DUNN: Since the first good rains on Eyre Peninsula early in March, which have led to the breaking of the drought in that area, there have been some very disturbing happenings to farmers' stock. The State generally was in the grip of a severe drought until March 1983, with few areas escaping its ravages. The result has been a lowering of stock numbers throughout the State. However, the breaking of the drought has meant that stock prices have risen enormously because of the shortage of stock—in many areas up to 10 times. Because of the good prices, it appears that some unscrupulous people have decided to make a fast buck by stealing sheep (an old Australian pastime, as our national song seems to indicate).

The area in question is on Eyre Peninsula, and it is not isolated to one specific area, but is in many: Ceduna, Elliston, Kimba, and Cowell, for instance, have had animals stolen in some numbers. All have been stolen from areas with easy access and/or sealed roads abutting the properties. The estimated value of stock stolen up to Wednesday of last week was $37 000. It is probably higher, because not every

farmer in the area has yarded and counted his stock. Is the Minister aware of the problems? If so, how far have his investigations proceeded into the matter?

Has the Minister any information as to whether the stealing is isolated to Eyre Peninsula or whether it is more widely spread? Has a special police force been despatched to investigate the serious problem?

The Hon. C.J. SUMNER: I have no specific knowledge of the matter raised by the honourable member. It is clearly a matter into which the Commissioner of Police should inquire. I would be happy to take any specific complaints to the Commissioner of Police. In the meantime, I will refer the matter to my colleague the Chief Secretary and bring back a reply.

GERIATRIC HEALTH CARE

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the Minister of Health a question on acute geriatric health care.

Leave granted.

The Hon. L.H. DAVIS: The Labor Party health policy at the recent State election included a commitment to establish a specialist geriatric unit for acute geriatric care, assessment and rehabilitation within the resources of all South Australian existing public hospitals. Can the Minister advise the Council what progress, if any, has been made in establishing specialist geriatric units in public hospitals?

The Hon. J.R. CORNWALL: I am pleased that I do not yet have to disqualify myself on the grounds of having a vested interest in that area. We have been in power only for five months. However, a facility was in existence at the Flinders Medical Centre for acute geriatric care and assessment. A facility also exists at the Royal Adelaide Hospital, and we are currently in the process of setting up such a facility at the Modbury Hospital. We had intended also to proceed with the setting up of a similar facility at the Queen Elizabeth Hospital. Unfortunately, when the position was advertised at the Queen Elizabeth Hospital, one of the consultants already in existence believed that he should have been the person getting the nod to go ahead with it and took out a restraining order in the courts. So, that has been held up because of the processes of the law, not because of the processes of politics or Government.

However, the current state of play is that at Modbury we are pressing on with an acute geriatric assessment and rehabilitation unit. The same will apply with the Queen Elizabeth Hospital as soon as is reasonably possible. The honourable member would know of the announcement of the appointment as Chairman of the Health Commission of one of Australia's leading gerontologists. He would also be aware that the Federal Government, in its election policy, made a commitment to set up throughout Australia approximately 50 acute geriatric assessment centres, of which we anticipate getting five. That is part of its age care policy so that assessment for entry to nursing homes or, more particularly, rehabilitation will be more substantially upgraded. We do not have details of those proposals at this time, but they have been reaffirmed in talks I have had with Dr Blewett, both when I went to Canberra to see him and his senior officers, and more recently in discussions I had with him in Hobart last Friday.

ABATTOIRS

The Hon. M.B. CAMERON: Has the Minister of Agriculture a reply to my questions on abattoirs?

The Hon. FRANK BLEVINS: I point out that the questions were asked only yesterday, in case members did not notice. The answers are as follows:

1. A number of officers in the Department of Agriculture have inquired into what happened with stock consigned to S.E. Meats.
2. Information on penalty rates paid and burnt stock slaughtered at S.E. Meats was obtained from Commonwealth Department of Primary Industry Meat inspectors working there at the time.
3. Mr Tonkin, of the Meat Industry Employees Union, has been contacted and the union did not insist on penalty rates for fire-affected stock.
4. 5. and 6. I have asked the Acting Director-General in the Department of Agriculture, Mr John Potter, to liaise with stockowners affected by this situation. I have also written to W. Angliss and Company informing them of these allegations and asking for their co-operation with the department in its further inquiries into the matter.

IN UTERO EXPOSURE TO D.E.S.

The Hon. BARBARA WIESE: I seek leave to make a brief explanation before asking the Minister of Health a question on *in utero* exposure to D.E.S.

Leave granted.

The Hon. BARBARA WIESE: Last week on the television programme, *60 Minutes*, a segment was devoted to the problems which have arisen for a number of women in Australia through the use of a drug known as D.E.S. Apparently, a number of years ago the drug was prescribed for pregnant women who were at risk of suffering a miscarriage. Subsequently, it has transpired that many of the daughters of the women who took the drug during their pregnancy have developed adenocarcinoma of the vagina—a very rare tumour. The discovery of the relationship between the use of the drug and the cancer that has subsequently appeared has created a devastating situation for many women in Australia, both mothers and daughters, who have been exposed. Will the Minister say whether the drug was ever prescribed in South Australia? Have there been any reports in this State of women being treated for D.E.S.-induced vaginal adenocarcinoma?

The Hon. J.R. CORNWALL: I also saw that *60 Minutes* report. It certainly caused me some concern and I immediately asked people far more competent and better qualified than I in the Health Commission to prepare a report on the situation in South Australia which, I would suggest, is entirely appropriate.

The Hon. R.J. Ritson interjecting:

The Hon. J.R. CORNWALL: I am sure that Dr Ritson would agree with that. This is a short answer by my standards. D.E.S. was used to treat threatened abortion from 1948 through 1952-53 in the United States. I am told that the drug was also used extensively in Melbourne but, as far as my people have been able to ascertain, was not used in South Australia. As it proved to be ineffective in preventing miscarriage, it was not prescribed after the mid-1950s, according to my information.

The first report of the relationship between ingestion of D.E.S. during early pregnancy and the subsequent discovery that adolescent daughters of these women could develop adenocarcinoma of the vagina (a very rare tumour) first appeared in the medical literature in 1971-1972. The D.E.S. induced vaginal adenocarcinoma occurred between the ages of 18 and 24, with an average age of diagnosis being 21 years. It is uniquely a cancer of adolescent daughters of women who were treated with D.E.S. three decades ago.

More recent reports indicate that some of the sons of these women have been found to have low sperm counts and a number also have hypospadias, urethral and ureteric valves. D.E.S. induced vaginal adenocarcinoma has become an historical condition and, as the drug has not been used for at least 25 years, it would be unfortunate if public alarm were to be generated in the 1980s, particularly as the drug was not prescribed in South Australia. I repeat that, to the best of the knowledge of any of my advisers the drug was not prescribed in South Australia.

The Hon. R.J. Ritson: Are you putting *60 Minutes* straight?

The Hon. J.R. CORNWALL: It was a serious matter on which they were running the programme but there is no indication of any cause for alarm in South Australia. To put everyone in the picture with regard to the South Australian situation, in the mid-1970s there was one case of in-utero D.E.S.—induced vaginal adenocarcinoma—in a young woman whose mother was treated with D.E.S. in Melbourne in the 1950s. As far as we can ascertain, this is the only confirmed case in South Australia, and no new cases have been reported since then.

FIRST AID TRAINING

The Hon. R.J. RITSON: Has the Minister of Agriculture a reply from the Minister of Transport to the question that I asked on 30 March about first aid training for motorists?

The Hon. FRANK BLEVINS: Compulsory first aid training for applicants seeking their first driver's licence has been proposed by the St John Ambulance Association and also in a joint submission to the Minister of Transport, by the association, the Australian Red Cross Society and the Road Trauma Committee of the Royal Australasian College of Surgeons (South Australian Branch). The Government is aware that compulsory first aid training for drivers has been introduced in a number of European countries and in Canada with reported reductions in the instances of fatalities and the effects of injury following road accidents. My colleague, the Minister of Transport, has agreed to meet a deputation from the St John Ambulance Association, the Australian Red Cross Society and the Road Trauma Committee later this month to discuss this matter. The honourable member may be assured careful consideration will be given to their submission.

SOLDIER SETTLER

The Hon. I. GILFILLAN: Has the Minister of Agriculture a reply to my question of 30 March 1983 about a soldier settler?

The Hon. FRANK BLEVINS: The Minister of Lands informs me that the only information to hand on costs involved in the case of *Johnson v. the Crown* is as follows:

Expenditure by Department of Lands	
(a) To 30.6.80—sundries	$5 852.37
Adelaide University	$7 600.00
E.D. Carter	$6 500.00
	$19 952.37
(b) To 30.6.81—sundries	$5 801.55
(c) Expended since 1.7.81—nil	
Grand Total	$25 753.92

Sundries expenditure represents such items as air fares and travelling expenses of counsel, witnesses and departmental officers to and from Kangaroo Island to gather evidence. Also fares and other expenses for Professor Lloyd-Davies who was brought to the hearing from London. Money paid to the university and Mr Carter relate to the latter's time provided to the Government as an expert witness. The preceding figures do not include court fees, salaries of Lands Department counsel in court, Department of Agriculture staff salaries and expenses or the cost of preparing exhibits, plans and similar.

AERONAUTICS

The Hon. DIANA LAIDLAW: Has the Minister of Agriculture, representing the Minister of Education, a reply to my question of 23 March 1983 about aeronautics?

The Hon. FRANK BLEVINS: The Minister of Education informs me that courses available to senior secondary students are under consideration at present. Types of courses, length, organisational requirements, etc., are all being considered. In addition to this, interpretation of 'Science and Technology' as described in the departmental policy statement 'Our Schools and Their Purposes' is now being undertaken. It is appropriate that aeronautics be included in the above considerations. Officers responsible have been advised accordingly, and the matter will be considered along with the other issues currently under review.

SOLDIER SETTLER

The Hon. I. GILFILLAN: I desire to ask a supplementary question in regard to the reply given to me by the Minister a moment ago. The last paragraph of the reply states:

> The preceding figures do not include court fees, salaries of Lands Department counsel in court, Department of Agriculture staff salaries and expenses or the cost of preparing exhibits, plans and similar.

It appears to me that the Department of Lands should be able at least to ascertain the cost of counsel in court, and I assume that the other figures are available. Can the Minister ascertain those details for me?

The Hon. FRANK BLEVINS: I will refer that further question to my colleague and bring down a reply.

SOUTH-EAST ART GALLERY

The Hon. C.M. HILL: I seek leave to made a short statement before asking the Attorney-General, representing the Minister of the Arts, a question about the establishment of an art gallery in Mount Gambier.

Leave granted.

The Hon. C.M. HILL: About 12 months ago, the South-East Regional Cultural Centre Trust prepared plans for the establishment of an art gallery in Mount Gambier. It was proposed that such an art gallery would serve the South-East region. The plan that was prepared and the accompanying model involved a very imaginative scheme, and the gallery was intended as a visual art venue to complement the performing arts centre which has been established in the new cultural trust centre that was opened by His Royal Highness the Prince of Wales.

At the time, the trust had some trust funds under its control, but the extent of its credit was not sufficient to cover the cost of the proposed development, which involved a complex to upgrade the old public buildings in the main city square, including the old council chamber; it also included some further extensions to the rear of those buildings, stretching out into the city gardens themselves.

The Government of the day was approached to see whether any financial or other help could be given to get the scheme

under way, but it was apparent that the financial problems at that time, relative to cultural centres throughout the State, were such that, as concentration was being given to establishing the main centres in areas such as Port Pirie, Whyalla and the Riverland, funds could not be found at that time for this proposal in Mount Gambier.

At the time, it appeared to me that it might have been possible to proceed with the scheme as a staged development, and I had in mind that funds that were in hand might be sufficient to build either one or two stages of such a development. Accordingly, I forwarded the proposal to the Public Buildings Department to obtain its view of the whole scheme on a staged basis. The election came and there was not time to receive the reply from the department on its opinion. I raise the matter again now because people in Mount Gambier have asked me whether I have heard anything further about the scheme. Will the Minister inform me in due course whether any progress has been made in regard to the matter?

The Hon. C.J. SUMNER: I shall be happy to obtain that information for the honourable member and bring down a reply.

CURRY REPORT

The Hon. K.T. GRIFFIN: I seek leave to make a brief explanation before asking the Attorney-General a question on the subject of the Curry report into forensic sciences.

Leave granted.

The Hon. K.T. GRIFFIN: After the Liberal State Government transferred the Institute of Medical and Veterinary Science to the Department of Services and Supply last year and placed forensic sciences under the umbrella of one department to enable better co-ordination of forensic sciences, the Liberal Government commissioned Dr Alan Curry to investigate and report on the structure and management of forensic services in this State. I understand the report was completed and delivered to the previous Government at about the time of the election. However I understand that the report has not been released publicly; nor has any discussion on it—

The Hon. C.J. Summer: It was released publicly.

The Hon. K.T. GRIFFIN: Not the one on the organisation—

The Hon. C.J. Sumner: It was.

The Hon. K.T. GRIFFIN: I was not aware that it had been released publicly. If it has, I would certainly welcome an opportunity to have a copy. However, the question asked is whether, in the light of that report, the Government has taken any decisions on it? If it has, what are those decisions?

The Hon. C.J. SUMNER: I am happy to inform the honourable member that, as he indicated, the report was presented to the Government. It was not a secret report; it was made available to the public and it was certainly released to the press when the Splatt Royal Commission was announced. In fact, the report was mentioned in the *Advertiser.*

The Hon. K.T. Griffin: That was the Curry Report in relation to the Splatt case.

The Hon. C.J. SUMNER: The honourable member should check back. The fact is that the report was made public and, certainly, the Police Association received a copy. I have never refused a copy of that report to anyone, and I am happy for the honourable member to receive a copy. If the honourable member checks back through the press clippings of that time, he will find reference to the Curry report on forensic sciences. Indeed, I am sure that that report is specifically mentioned in a press release that I put out when the Splatt Royal Commission was announced.

The Government accepted the basic premise in the Curry report on forensic sciences, which was that police officers should not be involved in what is known as the filtering process between the collection of forensic material and the determination of where it should go for scientific analysis. The Government accepted that recommendation contained in the Curry report. A recommendation that there should be a Director of the Forensic Sciences Centre, which incorporated all State forensic science services, was also accepted by the Government. Furthermore, a committee, chaired by the Deputy Crown Solicitor, Mr Cramond, was established to consider the detailed implementation of the Curry report. Members of that committee came from the Police Department and the Department of Services and Supply.

Submissions on the report have been sought from interested bodies including Government departments, the Police Department, the Police Association and, indeed, the Law Society and other interested bodies in the community. Those submissions are currently being assessed by the Cramond committee, which in due course will report to the Government in relation to the detailed implementation of the Curry report, given the acceptance of those matters of policy that I have mentioned.

I recently received a submission that the Cramond committee should not complete its report until the Splatt Royal Commission has been finalised and the report handed down by the Royal Commissioner. I intend to accede to that request. Although the general question of forensic science services was not included in the Splatt Royal Commission's terms of reference, its findings may have some impact on forensic science services in this State. It may be that, following the Splatt Royal Commission, the views of the Royal Commissioner will be sought informally in relation to the Curry report and regarding the deliberations of the Cramond committee. That is the current position in relation to the Curry report. I will ensure that the honourable member receives a copy of that report, which has certainly been made publicly available, and submissions on it have been sought by the Cramond committee.

CORPORATION OF GLENELG BY-LAW No. 1

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

That the Corporation of Glenelg By-law No. 1 concerning Bathing and Controlling the Foreshore, made on 16 December 1982 and laid on the table of this Council on 15 March 1983, be disallowed.

I stress that I have great respect and a strong feeling for the autonomy of local government. From time to time, I have made speeches in this Council supporting the principle that local government should be given as much power and autonomy as possible to govern its affairs at the local level. However, that does not mean that Parliament should overlook its responsibility to peruse by-laws as they are laid on the table of this Council. From time to time, I think it is necessary for Parliament to question by-laws. In this instance, I believe that the matter is so serious that this particular by-law should be disallowed.

It is only the principle point of the by-law to which I take strong objection, that is, the taking of dogs on to the foreshore or on to the beach of the City of Glenelg. The main thrust of the by-law means that, if it is not disallowed, between the months of October and March and between the hours of 8 a.m. and 7 p.m. dogs will not be allowed on to the beach at Glenelg. I believe that that situation is too restrictive, too harsh and entirely unreasonable. In the main, this council by-law does not affect the residents of the council area involved.

I believe that all the beach councils in metropolitan Adelaide have a special responsibility to consider the metropolitan area as a whole, because it is not only the ratepayers of, say, Glenelg who enjoy and use that beach. Residents come from all parts of metropolitan Adelaide during the summer months to enjoy the beach and to go swimming. The by-law has wide implications for the population of metropolitan Adelaide. Indeed, I have no hesitation in expressing my personal view that dogs should be allowed on beaches at all times during the summer months and during the whole year, provided that those dogs are leashed and under the proper control of an adult. That is my view on the whole subject.

I recognise that many people do not share my view. In the adjacent suburb in the Brighton council area there is also a by-law relating to dogs on beaches. However, the times stipulated in the Brighton by-law are by no means as restrictive as those proposed here. Indeed, the Brighton by-law involves the months of November, December, January and February, and the restricted time is from 10 a.m. to 5 p.m. That by-law, which was gazetted on 10 January 1980, is a compromise between the restrictive proposals contained in the proposed Glenelg by-law and my personal view that dogs ought to be allowed on beaches at all times provided that they are under the control of an adult and on a leash.

This Parliament should consider the situation applying to various groups of people regarding their dogs. We should pause and consider the situation of elderly people because these people find great companionship, contentment and happiness in having dogs as pets. Indeed, a recent article dealing with elderly citizens and the benefits that they derive from keeping pets in elderly citizens homes dealt with the changing aspects and benefits accruing now that pets are being accepted in those homes where previously there were special regulations preventing the keeping of pets in such accommodation.

I have no doubt at all that there are elderly people in Glenelg (and I know in some other suburbs) who like to walk or sit on the beach at Glenelg during the summer months but who will not do so because they cannot take their dogs with them. This indicates the strong bond, the strong feeling and benefit to elderly citizens of having their pets close to them at all times. I suppose that members from time to time take elderly relatives and friends for drives and are surprised by requests (in fact, sometimes demands) to take their dogs with them. I am talking not about large dogs in this instance but about the smaller dogs, the breeds kept as pets by elderly people in small accommodation units.

It is extremely harsh that access to this popular beach, which is, I suppose, better known to elderly people than perhaps it is to the younger generation because of its historical circumstances, is denied to elderly people. Those persons will not go on to the beach (they are, in effect, denied the right to go on to this beach in the summer months) because they cannot take their dogs with them. That is a quite ridiculous situation in which a council should place its elderly citizens and elderly people from other suburbs.

One can go right across the board to the young family with small children who have become very attached to their dogs as family pets. One sees them in the streets every weekend in station wagons and other vehicles—the family is out driving with the children and would not go out without taking the family dog with them. If this by-law is passed these young families will be precluded from going on to the beach at Glenelg unless they get down there before 8 a.m. or after 7 p.m. Again, I stress that it does not matter about the dog being on a leash because, under this by-law, a dog cannot be taken on to the beach between those hours even though it is on a leash and fully under control.

I could go on with explanations about various sections of the community who have dogs, are very attached to those dogs but are restricted too harshly by this by-law. I am not in any way being critical of the Joint Committee on Subordinate Legislation, which considered this by-law and decided that it should become a law, resulting in its being laid on the table in this place. However, I make the point that the people about whom I have spoken do not have one particular lobby or association that could act as a pressure group before that committee. I am talking of people scattered throughout the community, so it is not surprising that, when the Joint Committee on Subordinate Legislation advertised giving such people a chance to come before it and express their views, that very little was heard from those people. As I have already said, they are not organised as an association or a group. I believe that notices in the press went unnoticed by dog owners generally, so the committee, quite properly I suppose, thought that there was not a great public outcry about this matter.

Certainly, objections to this by-law have been made in the local press in the Glenelg region, even though the Joint Committee on Subordinate Legislation did not receive objections from those people and considered this matter as a part of the great mass of work that it looks at in its deliberations. I believe that the time has come for this matter to go back to the Glenelg Council to be reconsidered. The only way that that can be done is for this by-law to be disallowed in this Council and then, in due course, the Glenelg council can look at it afresh and come up with some alternative.

I would not expect the Council to come back with the alternative that I would like to see, namely, that dogs be allowed on beaches at all times provided that they are on a leash and under the control of their owners. However, it could perhaps provide for more reasonable hours such as those in the adjacent Brighton area; then, the whole matter could start afresh. Those deliberations by the council could take place during the Parliamentary recess. We know that Parliament will prorogue at the end of next week and will meet again in the middle or end of July. During that time the council could have another look at this matter.

I am not being over critical of the Glenelg council in this matter. I recognise that the council has acted with sincerity, but I think that when one looks at the matter objectively and from the point of view of these large sections of the community—elderly people, young families and all those families and individuals who have dogs as pets—it must be acknowledged that the council has gone a little too far and ought to be asked by the Parliament to look afresh at this matter. That is why I have moved that this by-law be disallowed.

The Hon. C.W. CREEDON secured the adjournment of the debate.

MEDIA COVERAGE OF PROCEEDINGS

The PRESIDENT: I would like to draw the attention of honourable members to the fact that I have given permission for a cameraman to film the division following the debate on the final stage of the Casino Bill. I hope that the cameraman will comply with the request that only the division on the Casino Bill will be on film.

STATUTES AMENDMENT (HOUSE OF ASSEMBLY DIVISIONS) BILL

The Hon. I. GILFILLAN obtained leave and introduced a Bill for an Act to amend the Constitution Act, 1934-1982, and the Electoral Act, 1929-1982. Read a first time.

The Hon. I. GILFILLAN: I move:

That this Bill be now read a second time.

The Australian Democrats favour multi-member electorates. This is presently allowed under the Constitution Act, the only stipulation being that there must be the same number of members from each electorate. It is of interest to note that from 1913 to 1935 the House of Assembly was elected by multi-member electorates, eight three-member electorates and 11 two-member electorates. Since the 1976 redistribution, there have been three House of Assembly elections—1977, 1979 and 1982. Figures show that at those three elections the proportion of electors who saw their votes (first or later preferences) elect members of the House of Assembly was 61.3 per cent in 1977, 58.8 per cent in 1979 and 58.3 per cent in 1982.

At the 1975 elections, held before the 1976 redistribution, the comparable figure was 58.5 per cent. That redistribution was the first in South Australia's history to make all electorates of equal enrolment, yet it only marginally increased the proportion of votes that were effective. There is no doubt that the forthcoming redistribution also will not greatly increase elector representation. If the present 47 single-member electorates had been grouped into seven multi-member electorates, with each electorate returning seven members, elector representation would have increased. Party representation would also have been much fairer, with the Parties winning seats almost in proportion to votes won.

In addition, all seven multi-member electorates have remained within the 10 per cent allowable margin for the past three elections. This contrasts dramatically with the 47 single-member electorates, some of which have been either above or below the margin ever since the 1967 redistribution. In 1977 there were five electorates; in 1979, nine electorates; and in 1982, 16 electorates—all outside the allowable margin. It appears that it is virtually impossible to keep single-member electorates within the 10 per cent limit. If multi-member electorates were used currently, the existing boundaries could remain virtually undisturbed.

From figures that have been provided by the Electoral Reform Society, there are clear indications of the numbers of votes that were effective in electing successful candidates to Parliament. I suspect that members will be amazed to hear that, in regard to the total number of people who voted in the last State election, on calculations by the Electoral Reform Society (which have not been challenged by any authority), only 50 per cent of the votes were effective in voting candidates into Parliament for the House of Assembly.

Those statistics are a detailed analysis of the last State election. They identify the votes received in the electorates for the various Parties, and provide a comparison of what the results would show if they were grouped into the seven multi-member electorates. The material is of a purely statistical nature, it is of interest to members, and it supports the case for this Bill. I seek leave to have these tables inserted in *Hansard* without my reading them.

Leave granted.

ELECTORAL STATISTICS

With 47 single-member electorates, House of Assembly elections, November 1982

(A) ELECTION RESULTS (After distribution of preferences)

Electorate	Effective Votes			Ineffective Votes				
	ALP	Lib.	Other	ALP	Lib.	AD	NCP	Other
Adelaide	7 888				3 822	1 295		
Albert Park	11 012				5 661	894		
Alexandra		10 519		4 235		2 158	1 279	
Ascot Park	8 409				5 613	938		
Baudin	12 802				6 068	1 838		
Bragg		9 177		3 910		1 475		
Brighton	9 123				8 827			
Chaffey		10 219		5 109		1 291		
Coles		8 980		8 540				
Davenport		12 133		3 102		1 796		
Elizabeth	10 896				4 129	1 927		
Eyre		7 977		4 862				
Fisher		11 436		7 156		3 188		
Flinders			8 106	2 968	3 679	363		
Florey	9 213		(NCP)		5 004	1 698		
Gilles	8 120				4 970	1 597		
Glenelg		9 110		5 387		720		
Goyder		9 468		3 437		881	1 832	
Hanson		8 720		6 165		936		
Hartley	8 734				6 070	1 983		
Henley Beach	8 782				7 409	882		
Kavel		10 878		5 019		1 261		
Light		9 553		4 933		845		
Mallee		8 374		2 661		256	3 260	
Mawson	11 968				9 067	1 488		
Mitcham		7 759		2 933		4 574		
Mitchell	8 971				5 574	1 026		
Morphett		7 696		7 259				
Mount Gambier		8 444		7 670		767		
Murray		9 959		6 326		743		
Napier	9 862				3 775	1 920		
Newland	11 120				9 555	1 121	372	
Norwood	8 510				5 756	898		
Peake	8 837				3 928	1 744		
Playford	10 391				5 510	1 568		
Price	8 753				4 488			
Rocky River		8 943		6 043		354	522	
Ross Smith	10 200				3 284			
Salisbury	13 632				4 759	1 343		
Semaphore			10 207	6 709				
Spence	9 866		(Ind. Lab.)		2 803			
Stuart	10 403				3 865	1 364		
Todd		9 652		9 121				

ELECTORAL STATISTICS

With 47 single-member electorates, House of Assembly elections, November 1982

(A) ELECTION RESULTS (After distribution of preferences)

Electorate	Effective Votes			Ineffective Votes				
	ALP	Lib.	Other	ALP	Lib.	AD	NCP	Other
Torrens		7 602		6 277		732		
Unley	7 704				5 670	804	314	
Victoria		8 023		4 427		398	1 559	
Whyalla	7 555				2 913			4 524
Totals	232 751	194 622	18 313	124 249	132 199	49 066	9 138	4 524
Grand Total		445 686				319 176		

TABLE 1: SUMMARY OF THE RESULTS, HOUSE OF ASSEMBLY ELECTIONS—8 NOVEMBER 1982

	ALP	Lib.	AD	NCP	Other	Total
Votes for Parties	353 999	326 372	54 457	17 782	12 252	764 862
Percentage for Parties	46.28	42.67	7.12	2.32	1.60	100.00
Seats corresponding to Votes	22	20	3	1	1	47
Seats actually won	24	21	0	1	1	47
Seats where first Preference highest	24	21	0	1	1	47
Seats with proportional representation* (7 × 7-member)	23	21	3	1	1	49
(9 × 5-member)	23	20	0	1	1	45
Votes for elected Candidates	231 915	192 774	0	8 106	7 915	440 710
Votes for unelected Candidates (A)	122 084	133 598	54 457	9 676	4 337	324 152
Percentage of Votes for elected Candidates	65.51	59.07	.00	45.59	64.60	57.62
Percentage of Votes for unelected Candidates	34.49	40.93	100	54.41	35.40	42.38
Surplus Votes in seats won outright (B)	36 124	23 895	0	547	0	60 566
Deficit Votes won on preference (C)	631	1 146	0	0	544	2 321
Net wastage (A+B−C)	157 577	156 347	54 457	10 223	3 793	382 397
Effective Votes (Total—net wastage)	196 422	170 025	0	7 559	8 459	382 465
Percentage of Votes effective	55.49	52.10	.00	42.51	69.04	50.00

*Under South Australia's electoral laws, all electorates must return the same number of members, thus the divergence from the present 47 members.

(B) ELECTOR REPRESENTATION

The election results listed in (A) can be summarised as follows:

Party	Total Votes	Effective Votes	%	Ineffective Votes	%
ALP	357 000	232 751	(65.2)	124 249	(34.8)
LIB	326 821	194 622	(59.6)	132 199	(40.4)
AD	49 066	0	(0.0)	49 066	(100.0)
NCP	17 244	8 106	(47.0)	9 138	(53.0)
Other	14 731	10 207	(69.3)	4 524	(30.7)
Whole State	764 862	445 686	(58.3)	319 176	(41.7)

Effective representation—58.3%

(C) PARTY REPRESENTATION

The election results listed in (A) also show the following:

Party	Percentage of Total Vote %	Corresponding Proportion of Seats %	Seats actually won
ALP	46.7	21.9 (22)	24
LIB	42.7	20.1 (20)	21
AD	6.4	3.0 (3)	0
NCP	2.3	1.1 (1)	1
Other	1.9	0.9 (1)	1

TABLE 3: PROPOSAL TO MAKE VOTES MORE NEARLY EQUAL IN VALUE

(With seven seven-member electorates, House of Assembly elections, November 1982)

Using the quota-preferential method of PR and grouping the present electorates into seven electorates the results of the 1982 election can be extended as follows:

(A) ELECTION RESULTS (if following grouping had been used):

Seat	Districts	Votes ALP	LIB	AD	NCP	OTHERS
	Alexandra	4 235	10 519	2 158	1 279	
	Chaffey	5 109	10 219	1 291		
	Kavel	5 019	10 878	1 261		
	Mallee	2 661	8 374	256	3 260	
1.	Mount Gambier	7 670	8 444	767		
	Murray	6 326	9 959	743		
	Victoria	4 427	8 023	398	1 559	
	Totals	35 447	66 416	6 874	6 098	
	Quotas	2.47	4.63	0.48	0.42	
	Members elected (after distribution of preferences)*	2	5			
	Actual Members		7			
	Quota for election			14 355		
	Number of electors enrolled			128 177		
	Number of formal votes			114 835		

*After distribution of NCP and ALP preferences, the LIB quota becomes 5.02 and AD 0.98.

	Eyre	4 862	7 977			
	Flinders	2 968	3 679	363	8 106	
	Goyder	3 437	9 468	881	1 832	
2.	Light	4 933	9 553	845		
	Rocky River	6 043	8 943	354	522	
	Stuart	10 403	3 865	1 364		

	ALP	LIB	AD	NCP	OTHERS
Whyalla	7 356	2 703	596		4 337
Totals	40 002	46 188	4 403	10 460	4 337
Quotas	3.04	3.51	0.33	0.79	0.33
Members elected (after distribution of preferences)*	3	3		1	
Actual Members	2	4		1	
Quota for election			13 174		
Number of electors enrolled			119 614		
Number of formal votes			105 390		

*After notational distribution of ALP, AD and Other preferences, LIB quota is 3.73 and NCP 1.27.

Seat	Districts	Votes				
		ALP	LIB	AD	NCP	OTHERS
	Elizabeth	10 896	4 129	1 927		
	Napier	9 862	3 775	1 920		
	Newland	11 120	9 555	1 121	372	
3.	Playford	10 391	5 510	1 568		
	Salisbury	13 632	4 759	1 343		
	Todd	8 358	8 664	1 213	538	
	Totals	64 259	36 392	9 092	910	
	Quotas	4.65	2.63	0.66	0.07	
	Members elected (after distribution of preferences)*	4	2	1		
	Actual Members	5	1			
	Quota for election			13 832		
	Number of electors enrolled			127 826		
	Number of formal votes			110 653		

*After distribution of NCP and ALP preferences LIB quota is 2.75 and AD 1.25.

	Albert Park	11 012	5 661	894		
	Henley Beach	8 782	7 409	882		
	Peake	8 837	3 928	1 744		
4.	Price	8 753	4 488			
	Ross Smith	10 200	3 284			
	Semaphore	6 462	2 244	295		7 915
	Spence	9 866	2 803			
	Totals	63 912	29 817	3 815		7 915
	Quotas	4.85	2.26	0.29		0.60
	Members elected (after distribution of preferences)*	4	2			1
	Actual Members	6				1
	Quota for election			13 183		
	Number of electors enrolled			122 439		
	Number of formal votes			105 459		

*After notational distribution of LIB and AD preferences, ALP quota is 4.93 and Other 1.07.

Seat	Districts	Votes				
		ALP	Lib.	AD	NCP	Others
	Bragg	3 910	9 177	1 475		
	Coles	7 756	8 470	1 294		
	Florey	9 213	5 004	1 698		
5.	Gilles	8 120	4 970	1 597		
	Hartley	8 734	6 070	1 983		
	Norwood	8 510	5 756	898		
	Torrens	6 277	7 602	732		
	Totals	52 520	47 049	9 677		
	Quotas	3.85	3.45	0.71		
	Members elected (after distribution of preferences)*	3	3	1		
	Actual Members	4	3			
	Quota for election			13 656		
	Number of electors enrolled			125 435		
	Number of formal votes			109 246		

*After LIB preferences distributed ALP 25% and AD 75%, ALP quota is 3.96 and AD 1.04.

	Adelaide	7 888	3 822	1 295		
	Ascot Park	8 409	5 613	938		
	Glenelg	5 387	9 110	720		
6.	Hanson	6 165	8 720	936		
	Mitchell	8 971	5 574	1 026		
	Morphett	6 888	7 346	721		
	Unley	7 704	5 670	804	314	
	Totals	51 412	45 855	6 440	314	
	Quotas	3.95	3.53	0.50	0.02	
	Members elected (after distribution of preferences)*	4	3			
	Actual Members	4	3			
	Quota for election			13 003		
	Number of electors enrolled			119 142		
	Number of formal votes			104 021		

*After distribution of NCP and AD preferences, ALP quota is 4.19 and LIB 3.91.

Seat	Districts					
		ALP	LIB	AD	NCP	Others
	Baudin	12 802	6 068	1 838		
	Brighton	8 486	8 192	1 272		
	Davenport	3 102	12 133	1 796		
7.	Fisher	7 156	11 436	3 188		
	Mawson	11 968	9 067	1 488		
	Mitcham	2 933	7 759	4 574		
	Totals	46 447	54 655	14 156		

*After distribution of NCP and AD preferences, ALP quota is 4.19 and LIB 3.91.

Seat	Districts	ALP	LIB	AD	NCP	Others
	Quotas	3.22	3.79	0.98		
	Members elected (after distribution of preferences)*	3	3	1		
	Actual Members	3	3			
	Quota for election			14 408		
	Number of electors enrolled			128 642		
	Number of formal votes			115 258		

*After distribution of ALP preferences—as in Mitcham, LIB quota is 3.89 and AD 1.18.

(B) ELECTOR REPRESENTATION

The outcome of the election, if the districts had been grouped as shown, can be summarised as follows:

Seat	Total Votes	Effective Votes	Ineffective Votes
1	114 835	100 732	14 103
2	105 390	95 791	9 599
3	110 653	100 331	10 322
4	105 459	93 148	12 311
5	109 246	96 174	13 072
6	104 021	93 451	10 570
7	115 258	103 501	11 757
Whole State	764 862	683 128 (89.3%)	81 734 (10.7%)

Effective representation 89.3 per cent.

(C) PARTY REPRESENTATION

Seat	Party				
	ALP	LIB	AD	NCP	Others
1	2	5			
2	3	3		1	
3	4	2	1		
4	4	2			1
5	3	3	1		
6	4	3			
7	3	3	1		
Total	23	21	3	1	1
	Members expected in proportion to votes				
	23	21	3	1	1

NOTE: The grouping in Table 3 gives only a first approximation to the problem of how to achieve 'one vote one value', but it demonstrates the electoral justice and the practicability of using multi-member electorates each returning the same number of members.

All seven electorates are within the 10 per cent allowable margin. On this point, it is interesting to note with the present single-member electorates, six electorates are above the 10 per cent limit and 10 electorates are below the 10 per cent limit.

The Hon. I. GILFILLAN: If honourable members look at these statistics in detail, they will see the effectiveness of the seven multi-member electorates that we are advocating in achieving a just one vote one value electoral system. There have been serious misgivings about the anticipated chaos which would occur if so-called minorities gained direct representation in Parliament, including the fear that a major Party could not govern without depending on the whim of a minority group.

In Tasmania where the system has been operating for years, it has provided remarkably stable government. In many countries where there has been a rapid turnover of Governments, I suggest that that is mostly a reflection of their political and national character and not a result of the multi-member electorates that they use. To those who are concerned about the effect of minorities in Parliament, I would say that we are all minorities of one and that, because a lot of these minorities join to make a majority, it does not make their contribution to Parliament any more valuable because of that.

The whole principle should be representation of the people in the decision-making process. By what right does a democracy decide that only those who are lucky enough to vote for the winner in a 'winner take all' competition (as exists in the current single-member electorate) shall be represented in the decision-making process? Proportional representation is a safety valve for society—it offers a wider base of representation. Because of the wider diversity and relative independence of Parliamentarians elected through proportional representation, legislation is likely to be better balanced and reflecting a consensus of society rather than the imposed will of a slender majority. I asked a friend of mine a question, and I used him as a guinea pig, I suppose, to test the acceptance of multi-member electorates on someone who has not been particularly involved in politics. A lot of my arguments were based on one vote one value, and many of the people who vote in single-member electorates do not have the satisfaction of voting for the person who is elected to Parliament. That did not particularly disturb my friend, but I found it very significant that, after a detailed description of the situation, and after I asked whether he liked this system, quite convincingly he stated, 'Yes, it would be a more satisfying way to vote.'

For those of us who care about the precious characteristic of a free democracy—an inalienable right to vote—any move that makes it a more satisfying and meaningful process and enriches the society of which we are a part is a worthwhile one. I trust that honourable members who sit in this Chamber as a result of the very system that we are hoping to introduce in the House of Assembly will appreciate that for a majority of voters it will be a more satisfying and a fairer way to choose those who represent them in Parliament.

We realise that we are not the first to argue for multi-member electorates and proportional representation in the Parliament of South Australia. I would like to quote from the Electoral Reform Society, because it refers to a dimension which many of us have not considered in relation to multi-member electorates, and that is the challenge of the Universal Declaration of Human Rights. That society says:

> The quota-preferential method gives voters freedom of choice between candidates associated with a wide range of political views, ensures that most of the voters see the election of candidates who are acceptable to them as representatives, and gives effective representation to both majorities and minorities. Although no method can meet the requirements of the Universal Declaration of Human Rights perfectly, the quota-preferential method comes closer to doing this than any other method.

Very few of us who have not experienced the satisfaction of voting in multi-member electorates, as we are proposing, can even yet fully appreciate the satisfaction of regularly voting, anticipating that at least one of the candidates for whom we are voting will be successful and will be able to represent us in a personal way in Parliament. This is an enriching and rewarding improvement to the electoral system. South Australia's courage in showing the way in so many other positive and effective reforms will be repeated in our being the first mainland State to accept this as a means of electing our House of Assembly.

To conclude, I would like to show clearly that we are not novel; this is not a new proposition put forward even in the South Australian Parliament.

The Hon. R.C. DeGaris interjecting:

The Hon. I. GILFILLAN: The A.L.P. tried about four times, according to my information. I do not know whether anyone else did. This speech, of which I would like to quote a part, is regarded as one of the best speeches given in Parliament advocating proportional representation. It was delivered in the House of Assembly by Mr E.J. Craigie. I doubt whether even the Hon. Mr Hill or the Hon. Ren DeGaris or other more senior members—

The Hon. C.M. Hill: Fair go!

The Hon. I. GILFILLAN: He spoke on 16 September 1936. The then Government introduced a Bill to establish

single-member electorates. In opposing this Bill, Mr Craigie delivered a very strong speech, with the following conclusion:

The only stable foundation for democracy is the willing co-operation of all the principal elements in the community. That co-operation can only be obtained by giving all the principal elements genuine representation, and a voice in the affairs of the nation.

In the trying times before us, with great national problems to be solved, our democracy will be subjected to terrific strains. It behoves us, therefore, to put it on a sounder foundation than the single-member district system of electing representatives. There is only one just electoral foundation, and that is proportional representation.

I agree entirely. I feel that it will certainly be a major reform. I realise that it will take time for the Parliament and both Houses to accept this, but I am optimistic. I have had indications that many members of Parliament have very strong sympathy for such a move, and I hope that it is successful.

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

NATURAL DEATH BILL

Adjourned debate on second reading.

(Continued from 20 April. Page 896.)

The Hon. R.I. LUCAS: I intend to speak only reasonably briefly on this Bill. The Hon. Frank Blevins, in his second reading explanation, said:

The principal purpose of the Bill is to provide for, and give legal effect to, directions against the artificial prolongation of the dying process. This will ensure that a terminally ill patient will be able, if he wishes, to issue a direction that extraordinary measures are not to be taken when death is inevitable and imminent.

It is important to note that the provisions of this Bill are very similar to those recommended by the Legislative Council select committee which sat in 1980. That Bill subsequently passed this Council. Under present common law, adults, with minor exceptions, have the absolute right to refuse medical treatment and no doctor can treat a patient against the patient's known wishes. Thus, for example, an adult who belongs to the Jehovah's Witness faith and who has a religious objection to blood transfusions can refuse a blood transfusion under common law, even if that refusal will result in the death of that adult. There have been a number of instances in recent years, both in Australia and overseas, of just such occurrences. Thus, if the patient is conscious, there is no problem in respect of the law.

However, once a patient is unconscious or drugged and is not able to refuse or consent to medical treatment, the treatment is at the discretion of the doctor treating the patient. In the case of an adult with a terminal illness, this Bill provides a mechanism for the patient to refuse treatment which would artificially prolong the dying process—a right that the patient already has if fully conscious.

I was persuaded to support this Bill to a very large degree by what was an excellent contribution by the Hon. Dr Ritson. I would like to refer briefly to two excerpts from his second reading speech on 30 March. Dr Ritson said:

So, a Bill that merely clarifies the common law and only a certain part of the common law cannot be seen in any way to be radical, revolutionary, destructive or damaging to life and must be seen as merely declaratory, informative and supportive of existing rights. A little later I will make some remarks as to how this Bill has been misunderstood, has not been seen for what it is by many and has been promoted in some circles as some form of euthanasia Bill, which it clearly is not.

I stress the point made by the Hon. Dr Ritson: it is clearly not a euthenasia Bill. He further states:

The question of distinguishing the refusal of useful treatment caused the committee some difficulty because we were asked by some people to enshrine in the legislation the rights of refusal of helpful and therapeutic measures.

Dr Ritson continues:

. . . the Bill should confine itself to, if you like, an expression or reinforcement of that portion of the patient's rights to refusal as was applicable only to the refusal of useless treatment when death was imminent, and could not be prevented or in any other way ameliorated by the treatment.

I, too, support Dr Ritson's view that the Bill is perfectly consistent with the views expressed by His Holiness, the Pope. I make that point as views have been expressed by certain sections of my church (the Catholic Church) that the provisions of the Bill in some way conflict with the views expressed by the leader of the Catholic Church.

Finally, I would like to refer briefly to some of the safeguards included in the Bill. The first is the fact that it refers only to adults and is not applicable to children. Secondly, the Bill does not authorise any act which causes or accelerates death. In fact, it specifically states in clause 7 (2) that it does not authorise such acts. The third safeguard (and I believe a very important safeguard) is that it allows for the artificial maintenance of circulation or respiration of a dead woman who is pregnant for the purpose of preserving the life of the foetus. I see that as an important safeguard in light of developments over recent months in America where such an occurrence was well documented.

I have been persuaded by the contributions of a number of members in this Chamber to support the Bill and I refer particularly to Dr Ritson's contribution. I refer also to the Hon. Miss Levy's contribution to the Bill. For those reasons I support the Bill.

The Hon. C.M. HILL: I intend to speak only briefly to the measure. The Bill, in essence, provides for a person of sound mind, who is over 18 years of age and capable of understanding the nature and consequences of his or her direction, to give a direction against the artificial prolongation of the dying process. Legal protection for the medical profession is provided in the measure relative to the consequences of such direction. Of course, negligence is excluded in that protection. Previous speakers have dealt with the legislation in detail. I support the measure. The main reason for my support is that I place extremely great importance upon the rights of individuals within society. That is part of the philosophy of my political Party and part of a truly democratic process. The right to decide in this instance is the individual's sole right. The consequences affect him only and, I would argue, do not affect others within the community. Other complexities, principles and issues can be brought into the debate but I believe that such arguments, if used to oppose the measure, are outweighed by this one paramount point. I do not agree that it is the thin edge of the wedge towards the introduction or acceptance of euthanasia. I express my strong view that I am opposed absolutely to euthanasia. I intend to vote for the second reading.

The Hon. FRANK BLEVINS (Minister of Agriculture): I thank all honourable members who have spoken in the debate for their contributions. The debate was of a high standard, which we have come to expect in this Council on such measures. Since the issue was last debated, there have not been any changing views from honourable members. The one honourable member who spoke in opposition to the Bill did so in a careful and reasoned manner, as he did last time. I do not think it would be profitable at this stage to redebate the whole issue. I think the opposition to the Bill by the Hon. Mr Davis is a reasoned and carefully thought out opposition. It is one with which I disagree. However, after hearing him state it on two occasions, I have come to the conclusion that I am not going to be able to persuade him to support the Bill.

I would also like to thank the Hon. Mr Burdett and the Hon. Mr DeGaris, who, whilst not speaking on this occasion, did speak and assist on the select committee on the last occasion that the Bill was before the Council. Their support and contributions both in the Chamber and in connection with the select committee report were of enormous assistance to me. I believe that, although the Bill is going under my name as a private member's Bill, it has been, to a great extent, a team effort. I thank all honourable members for their contributions to the debate.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Interpretation.'

The Hon. L.H. DAVIS: I raise a practical point which has been brought to my attention by a specialist in an intensive care unit. As I mentioned in my second reading speech, general opposition was expressed by members of the medical profession most closely associated with intensive care where the matters contained in the Bill are expected to arise. I express some concern about the definitions. Perhaps the Hon. Mr Blevins may care to respond. I refer to the definition of 'terminal illness' in clause 3 *(a)* referring to imminent death and also in clause 3 *(b)* referring to no reasonable prospect of temporary or permanent recovery. A practical problem may arise where we have a patient with an incurable disease—for example, a malignant disease.

That person may have decided that he does not want extraordinary measures taken when death is imminent, say, in the case of cancer. He then may have an accident in which he sustains injuries (a severe chest injury, for instance), from which he would die without the use of extraordinary means such as ventilation which, if used, may allow him to survive and lead a good life until the cancer catches up with him. I raise that as a practical problem that has been drawn to my attention.

The Hon. FRANK BLEVINS: I am not sure whether there has been a misunderstanding, but I believe that that has been the case. The honourable member said that the patient in question was suffering from a terminal illness. This Bill would apply only in the strict circumstances laid down in this Part. If a person is unconscious (and that is really the only occasion when this would apply), how an accident could occur that would have any impact is beyond me. I cannot envisage the circumstances to which the honourable member refers. The patient already has a terminal illness. The Bill does not apply unless he is unable to indicate his wishes. I do not understand how one terminal illness can be on top of another one. Death must be imminent. One must fulfil this criteria before the provisions of the Bill come into effect; that is, death must be imminent. The illness must be terminal and there must be no reasonable prospect of recovery. On top of that set of criteria one cannot put another set—one cannot get more terminal than terminal; death cannot be more imminent than imminent. One can only die once. Death either is imminent or it is not.

Clause passed.

Remaining clauses (4 to 7) and title passed.

Bill read a third time and passed.

CASINO BILL

Adjourned debate on second reading.

(Continued from 20 April. Page 902.)

The Hon. R.I. LUCAS: I intend to support the second reading of this Bill, but I give notice that, in Committee, I will be introducing amendments, which I will discuss later. As the Council knows, this is the first time that the Legislative Council has had the opportunity to discuss the provision of a casino in South Australia, although this matter has been debated three times in another place. I have no moral objection to gambling; I do not believe that gambling in itself is intrinsically evil. I believe that, as with many other things, the problem lies with the level of excess, so I have no moral objection to a casino.

However, some people do, and I respect their views. I also respect their right to put their views forcefully to those of us who make decisions in this Chamber. As we all know, Australians are a race of gamblers, and evidence on this point was presented to the 1982 casino select committee, which indicated, in its report, that we are world leaders in the amount of money that we spend per head of population on gambling.

In his speech in support of a casino, the Hon. Mr DeGaris indicated that there are already in existence in South Australia many forms of gambling. I refer to X Lotto, soccer pools, raffles, the T.A.B., on-course and off-course betting—both legal and illegal—instant money, and lotteries. Indeed, I am sure that most honourable members would be aware of private games of poker and black jack conducted in private homes throughout South Australia. The question is, why do we accept, as a community and as a Parliament, all these forms of gambling and yet wish to reject the particular forms of gambling in a casino?

All of the forms of gambling that the Hon. Mr DeGaris and I have instanced can be abused by excessive use. Fortunes can be won or lost on the dogs or horses just as they can be won or lost in a casino. The opportunity for corruption in the fixing of horse and dog-racing exists, as much as the opportunity for corruption exists in a casino. As I have indicated, I have no moral objection to a casino, so my view basically is that those who seek to oppose the provision of a casino need to convince me, as a legislator, that it ought not be allowed to proceed.

Before considering the respective objections that have been presented to me and other honourable members, I would like to consider only briefly some of the claimed benefits of a casino. In 1982 the House of Assembly select committee report (pages 52 to 65) referred to the claimed benefits under two general headings. First, it referred to the Government revenue potential, and the report concluded that no more revenue would be likely to be collected in South Australia than the amount collected in Tasmania, about $3 000 000 a year.

The second general claimed benefit was under the heading of 'Attraction of tourists' and the flow-on to the South Australian economy. The report instanced evidence from the South Australian Department of Tourism and estimated that there was a possibility of an extra 50 000 to 70 000 tourists per year. It is also estimated that there was a possibility of the generation of income of $13 000 000 to $20 000 000 a year, and that the operations of a casino in a flow-on or multiplier effect could sustain between 630 and 950 jobs in South Australia. I do not know whether or not these figures produced by the department are correct.

I believe that the economic impact of a casino in South Australia is not likely to be similar in any way to the economic impact of a casino in Tasmania. I say that because the first casino introduced in Tasmania had the advantage of being a novelty. A casino in South Australia will not have that advantage. Nevertheless, even if the flow-on effects to the South Australian economy are less than those estimated by the South Australian Department of Tourism, for example, I still believe that there will be some positive level of economic benefit to the South Australian community.

I return now to consideration of some of the main objections presented to me in an attempt to persuade members of this Council to vote against the establishment of a casino in South Australia. The first major objection relates to organised crime and the possible increase in crime in South Australia. I refer to a letter that I received yesterday from Mr Steve Stevens, a gentleman who is well known to members of Parliament, and who signs himself as the Director of the Festival of Light in South Australia. The letter is headed 'Is organised crime behind the latest push for a casino in South Australia?'

The Hon. Frank Blevins: He does not mention my name, but he does say something about the British.

The Hon. R.I. LUCAS: I am sure that the Hon. Mr Blevins can defend himself. I will address myself to the general question of organised crime, which has also been raised by others, apart from the Festival of Light. As I said initially, I support the Festival of Light's rights and the rights of other members of the community to put their views to us, as legislators.

The Hon. M.B. Cameron: It's a bit hard when they are so extreme.

The Hon. R.I. LUCAS: I will leave that question to be answered by the Hon. Mr Blevins, if he so wishes. Mr Stevens's letter states:

> We want to ask why you as a member of the Legislative Council are considering the establishment of a casino in South Australia when it is well-known that organised crime is so often involved in casino gambling? Pastor Paul Smith of Murray Bridge who before he became a Christian was involved in organised crime said in a public rally . . .

I must confess my ignorance in this respect, because I have no knowledge of this gentleman, either before or after he became a Christian.

Members interjecting:

The Hon. R.I. Lucas: I certainly do not wish to quote Pastor Smith out of context, but he states:

> The violence which is around the collection service leads to murder . . .

The Hon. R.C. DeGaris: Is the Festival of Light quoting something that Pastor Paul Smith has said, or is Pastor Smith a member of the Festival of Light?

The ACTING PRESIDENT (Hon. C.M. Hill): Order!

The Hon. R.I. LUCAS: I do not know whether Pastor Paul Smith is a member of the Festival of Light. Mr Stevens's letter continues:

> You must know that the British who were well aware of the dangers of organised crime taking over casino gambling went to great lengths in introducing safeguards, but were unsuccessful . . .
>
> Professor Skolnick's American Research (See FOL Resource Paper: 'The Social Risks of Casinos') can leave you in no doubt that organised crime will want you to vote for a casino.
>
> Are you willing to risk the lure of easy money at the expense of organised crime getting a foothold in South Australia and at the expense of those of our citizens who will become the prey of gambling interests?

I hope that that final paragraph does not impute any improper motive on the part of members of Parliament, and myself in particular, on any attitude that we may adopt in relation to this Bill. If that were the case, I would object most strongly.

The Hon. R.C. DeGaris: Isn't it more likely that organised crime would be involved in illegal proceedings?

The Hon. R.I. LUCAS: I will attempt to broach that subject in a moment. Mr Stevens's allegations are typical of many made by opponents of casinos. I suggest and believe that those allegations are unsupported in an Australian context; in fact, I believe that some of the claims made by opponents are quite outlandish. I refer to the implication that the introduction of a casino could lead to murders. The implicit suggestion is that, if a casino is introduced in South Australia, it may well lead to more murders. I also believe that some of the allegations tell only half the story and are not applicable to the Australian scene.

I refer to the report of the 1982 Select Committee on the Casino Bill. I make no apology for reading large tracts of the report into *Hansard*, because I think they are important. The report states, at page 40:

> The committee places little reliance on the British experience in respect of the control of casinos for the reasons advanced in the last paragraph of the above extract. In addition it must be pointed out that although there are over 140 casinos operating in Great Britain there are only 30 inspectors present to supervise and control the operations of those casinos. In other words the casino managements are free to run their own operations without any surveillance which other inquiries and this inquiry have revealed are essential.
>
> Therefore the committee finds that it is not prudent to rely on the British system as a system that would recommend itself for adoption in South Australia.

At page 42, the select committee report states:

> The committee concludes that South Australia faces a vastly different situation to places like Nevada, New Jersey and for that matter Great Britain, as the problems which faced Nevada and Great Britain when casinos were legalised and controls introduced were different. South Australia has nothing remotely like the background or history which is apparent in those places (i.e. mafia or organised crime connections). That is not to say that the committee was complacent. It carefully considered the Australian experience in great detail and compared and contrasted the experience of other States with that of South Australia.

I agree with the report in that we need to consider the operation of casinos in an Australian context and not in a British or American (or Outer Mongolia for that matter) context. I suggest that the Festival of Light and others have not provided evidence of any increase in organised crime or any increase in the general level of crime in relation to casinos operating in Australia.

The Festival of Light resource paper entitled 'The Social Risks of Casinos', by Dr David Phillips, Chairman of the Festival of Light, South Australia, of February 1982, states, at page 3:

> According to Tasmanian police the opening of the Wrest Point Casino was followed by an upsurge of thefts from cars and some assaults outside the hotel. However, these problems were overcome by the casino security manager guarding the car park and hotel environs.

I quote only that one claim made by the Festival of Light, and suggest that it is rebutted completely by the select committee report finding at pages 48, 49 and 52, as follows:

> Based on the Tasmanian and Northern Territory experiences,—

and I remind honourable members that Dr David Phillips was quoting the Tasmanian police in respect of the Wrest Point casino—

> police will have very minimal involvement within the casino if the internal security is effective. In addition, it is essential that the operators and the security and law enforcement officials liaise and communicate promptly to ensure that the low level of criminal activity is maintained.
>
> Mr Robinson, the Commissioner of Police in Tasmania, explained the reason for the low incidence of police activity as the existence of good internal security staff. In addition he stated (transcript page 128):
>
> > 'I think the architects of the rules, the legislators, and the operators can accept the credit for the lack of illegal activities. The precautions taken to overcome all the dire things that were going to happen were successful. If one reads the press reports of those days they stated that the casino would increase the suicidal rate, crime rate and that prostitution would get out of control. I think those people responsible for setting up the legislation and rules of the games, and for conducting them within the gaming room, were conscious of those matters and took steps to make sure that those things just did not happen. In fact, from the police point of view, they did not happen'.

That was the evidence of Mr Robinson, Commissioner of the Tasmanian Police, to the select committee in 1982, reporting on the operations of the Wrest Point casino, which had then been in existence for seven or eight years. The select committee report continued, at page 49, as follows:

The police in Alice Springs are rarely called to the casino to assist. The Assistant Commissioner, Mr A. Grant, also stated that the tight internal security procedures within the casino is the reason for this.

Mr R. McAulay, the Commissioner of Police in Darwin, stated the supervision of the casinos is supported by strong legislation and the visits to the premises by the police are much less than to any other licensed premises with the same patronage.

I repeat that visits to the premises by the police were much less frequent than to any licensed premises with the same patronage. Finally, on page 52 of its report, the select committee makes the following finding:

In addition, the committee finds that Australian casinos as currently operated appear to be free of any manipulation or organised crime but that unless adequate controls and surveillance is maintained that it is an open invitation to be penetrated at any time and at any level of the casino/hotel operations.

I suggest that that answers the interjection from the Hon. Mr DeGaris earlier in respect to the likelihood of organised crime in the Australian casino context. The committee report, at pages 50 and 51, gives the views of the South Australian police. The then Deputy Commissioner of Police (Mr D.A. Hunt) and Detective Chief Inspector N.J. McKenzie duly appeared before the committee. A summary of their evidence follows, and I quote only part 7 of that summary, which states:

Do you feel that given the correct legislative powers and protection that South Australia could cope with a casino as far as the policing and the maintenance of law and order and keeping crime is concerned? (HUNT) . . . I cannot see why not. It certainly would not impose any additional burdens from the point of view of our Licensing Squad or Gaming Squad.

He continued, later:

I do not think that crime statistics have increased because a casino has been present. I have spoken to Mr McAuley on my visit to the Northern Territory two years ago and about 18 months ago I had spoken to Mr Robinson and the security staff in the casino. I have spoken to police officers who have visited the casino and I gained the very distinct impression that the existence of a casino did not pose any real problems for policing.

Those were the statements of the then Deputy Commissioner of Police in South Australia (Mr D.A. Hunt).

The second general area of objection to the introduction of a casino in South Australia relates to the social impact of such a casino. Opponents argue that a casino would have grave and adverse affects on individuals, families and the community which would lead to increased demands on State and Federal welfare services. Those allegations are unsupported in all the information forwarded to me by these organisations and individuals in the Australian context. I quote from the select committee report, at page 32, as follows:

Unfortunately, a great deal of evidence given to the committee was based on subjective views. As has been pointed out elsewhere in this report, there is very little research on this subject in Australia or, for that matter, overseas. . . However, the committee could not establish conclusively whether a casino places the community at a greater risk than do other forms of gambling.

And later, on the same page:

Contact with the relevant social welfare agencies and the Commissioners of Police in Tasmania and the Northern Territory did not argue this point of view. Lifeline was contacted by the committee in Tasmania and the Northern Territory and were asked to give evidence. The representatives of that organisation stated that they believed that the casino had not had a direct or specific effect but, when pressed by the committee to indicate the extent of any direct problems, admitted, as did others, that it did not keep documented records on such cases, nor did the Police Forces in Tasmania and the Northern Territory.

The committee went a step further in its endeavour to uncover any social effects. It spoke to Mr M. Taylor, a social worker with the Darwin City Council, who stated that in his experience the odd one or two may have suffered some hardship but, as for the community as a whole, it had not had any adverse effect.

At page 33 of the report it is stated:

The committee concludes that drawing on the experience of Tasmania and the Northern Territory casino gambling is relatively harmless for the majority of the participants. However, there is a minority group (indeterminable at this stage)—

and some mention has been made of the report prepared in Michigan in 1975 which estimated that compulsive gamblers might constitute .77 per cent of the population in America—

who are vulnerable or who may be potential compulsive gamblers.

At page 34 it is stated:

The committee also concludes that the potential adverse effects on the individual can be minimised by a range of measures designed to eliminate the casino operator's ability to exploit the casino patron, for example, by alcohol controls, information on odds, credit limitations, and effective barring procedures of potential compulsive gamblers. Some of these aspects are present in the Australian casinos. However, other significant controls, relating especially to alcohol controls, are not.

As I said, no evidence has been presented that Tasmania has a higher level of social problems, and therefore that the Tasmanian Government has more associated welfare costs than has any other State that does not have a casino, for example, South Australia.

The third general area of objection comes under the heading of corruption of politicians, a matter that is very close to our hearts. The Festival of Light resource paper, to which I referred earlier, alleges (page 4):

Any Government that legalises casinos is more likely to become corrupt because it then has a vested interest in revenue from taxes on the gambling profits.

I completely reject the allegation that was made by Dr David Phillips on behalf of the Festival of Light. Once again, that allegation is unsupported. In fact, if Dr Phillips wanted to make such an allegation, he could very well make the same allegation (and I have not heard him do so) in regard to soccer pools, from which the Government rakes off revenue, or even in regard to many other private sector activities, not necessarily gambling only, such as the Stony Point indenture and the Roxby Downs proposed indenture, from which the Government of the day will take some form of rake-off according to the amounts of revenue that will be generated by those activities.

I re-state very firmly that the allegation that was made by Dr Phillips was very unfortunate and should not have been made in his general objection to the introduction of a casino in South Australia. In summary, I have referred to three areas of objection in relation to which no back-up evidence has been presented. The arguments were unsupported, particularly in the Australian context. The opponents of a casino have not persuaded me in that respect.

I will now consider public opinion. First, I reject completely the notion that our decisions as legislators should follow the results of opinion polls in the community. In my view, we are here to consider the merits or otherwise of proposals and to vote accordingly. Most members would have received a number of requests to oppose this Bill, and in our democratic system of government, as I stated earlier, that is quite proper. I accept that the proper role for opponents of any measure is to make their views known forcefully to legislators. However, I also believe it is dangerous to assume that the views that are relayed to us are representative of the views of the majority of people in the community. In this case, I suggest that clearly those views do not represent the views of the majority.

I refer to two specific pieces of evidence. First, a poll was published in the *Advertiser* on Monday this week. That poll was undertaken by Australian Public Opinion Polls, which used the world-renowned Gallup method of market research. The poll, which was conducted throughout Australia, indicated that 61 per cent of all Australians support or approve casinos in their own State, 36 per cent oppose or disapprove, and 3 per cent do not know. Clearly, that very low 'do not

know' category indicates that people have had insufficient time to make up their mind on casinos and that they have polarised their views. I suggest that the evidence is quite clearly in support of casinos.

In regard to South Australia, I concede that the support level for a casino was marginally lower; however, the majority view supported casinos, with 52 per cent in favour, 44 per cent against, and 4 per cent not knowing. As someone who has had considerable experience in market research, I indicate to the Council that the South Australian component of a national poll is normally only about 200 electors. Therefore, the error factors involved in a poll of only 200 people are much greater than those involved in a national poll of about 2 000 people. The rate of accepted errors in a poll of 2 000 people is plus or minus 2 per cent. Therefore, the standard error for a poll of about 200 people in South Australia is considerably greater; thus, the figures of 52 per cent, 44 per cent and 4 per cent may well not be truly representative of the exact situation.

I believe it is necessary to refer to a poll conducted in Adelaide in 1982 by a prominent local opinion poll organisation. That poll showed majority support of between 55 per cent and 60 per cent for the establishment of a casino in South Australia. As with many issues on which we are asked to vote, the vocal minority is the most active. I suggest that this is one reason why there is a great advantage in Upper Houses and not Lower Houses considering, perhaps in the first instance, such controversial measures, because I believe that we are a little less susceptible to the pressures of single-interest lobby groups, especially those that are active in marginal seats.

I am aware, as are most members, of a number of members of Parliament on both sides of the House who privately support the motion for a casino in South Australia but, because of the effect of the single-interest lobby groups, publicly oppose the establishment of a casino in South Australia.

I would like now to consider the amendment of which I gave notice earlier. I will not put all the arguments in favour of the amendment in the second reading speech.

The Hon. M.B. Cameron: Hear, hear!

The Hon. R.I. LUCAS: My Leader says, 'Hear, hear!' I suspect that the wind-up is coming.

The Hon. Anne Levy: A member is not supposed to speak to amendments during the second reading speech.

The PRESIDENT: Only to canvass the—

The Hon. R.I. LUCAS:—spirit?

The PRESIDENT: The honourable member cannot discuss amendments in detail.

The Hon. R.I. LUCAS: Thank you for your guidance, Mr President. The amendment that I will move in Committee relates to whether the Government through public servants, or private enterprise, should operate a casino in South Australia. I will not oppose clause 13 (1) of the Bill, which will vest the licence in the Lotteries Commission. Clauses 16 (1) *(a)* and 16 (2) of this Bill provide two options for the establishment and operation of a casino in South Australia. Clause 16 (1) *(a)* makes it lawful for the Lotteries Commission to establish and operate it, and clause 16 (2) provides that the commisioner may appoint a suitable person on behalf of the commission to establish and operate it. It has been suggested to me that in practice clause 16 (2) would be operative, as the Lotteries Commission would not operate the casino but would have to approve or appoint a suitable person to establish and operate it on its behalf.

I believe very strongly that the preferable option is for the casino to be established and operated by private enterprise involving a group with proven managerial expertise in the area of casino operation. The question which we need to address, and to which I will refer in greater detail in Committee, is whether governments should be gambling with public funds collected from taxpayers. What happens if the casino enters a losing run or even defaults—and that is not uncommon overseas? This factor distinguishes casinos from State lotteries and the T.A.B., where the total of the pay-outs is always restricted to less than the amounts collected. That is not the case with a casino.

In addition, where will the Government find money to finance the initial capital costs for the establishment? We have already had in another place yesterday and in this Chamber today an indication of the very dire financial position that the Government has got itself into since its election in November last year, and a number of capital works have already been cancelled or deferred. So, in the light of that experience, where will the Government get the necessary initial capital funds to establish a casino, particularly as a casino might not initiated in its own right, but as part of a total package which might include an entertainment centre or hall, and convention and restaurant facilities as well? So, I will move an amendment in Committee to ensure that private enterprise, and not public servants and Governments, will operate the casino in South Australia.

In summary (I am sure that my colleagues will be delighted), I have no moral objection to gambling and casinos. I can see some economic advantage to the State, although not as much as the Tasmanian experience would suggest and not as much as some people such as the South Australian Department of Tourism might suggest. I believe that those opposing this provision have done so on the basis of general and unsupported allegations, particularly in relation to the operations of a casino in the Australian scene. There is evidence in the Select Committee report that in the Australian context fears of increased crime, destruction of the social fabric of our community and the corruption of politicians has not eventuated. Private enterprise should establish and operate the casino. Therefore, I support the second reading and will move an amendment in Committee.

The Hon. BARBARA WIESE: Since this issue is one on which members of my Party may exercise a conscience vote, I rise to place my views on record, although I intend to be very brief, since the views that I hold on this matter are very similar to those which have been expressed already by a number of members in this place during the debate. I will support this Bill, but not because I particularly want to see a casino established in this State. In fact, I do not really care for casinos one way or another. If one were to be established in South Australia, I would probably visit once to satisfy my curiosity and never return. I feel this way about all forms of gambling and gambling facilities; I am simply not interested.

However, other people in our community have different views and preferences on matters like this and, as far as I am concerned, they have a right to exercise their preferences, as long as their right to do so does not infringe on the rights of others. I know that many people argue that some people who gamble do interfere with the rights of others. We all know that some people are compulsive gamblers and bring pain and suffering to their families and others around them. But, as the Hon. Miss Laidlaw pointed out, it is estimated that they represent .7 per cent of the community; they are a tiny minority. If there is no casino in Adelaide, people like those will probably find some other form of gambling to satisfy their desires, so that they and their families will be no better off.

I agree wholeheartedly with the remarks of the Hon. Mr Feleppa, who stated that the concern that we have for such people should not lead us to prohibit the activity which is their downfall, thereby depriving a much larger group of people in the community from pursuing an activity which

they enjoy and which for them is a harmless pleasure. The solution to the problems of compulsive gamblers lies not in the prohibition of the activity but in other ways.

A much greater area of concern for me has been the question of who will control a casino in South Australia. As far as I am concerned, ideally, the casino would be owned, controlled and operated by the Government. However, I accept that not all of these conditions are feasible. It is highly unlikely, for example, that the Government would be able to operate a casino itself. It is much more likely to be operated by a private company with expertise in this field. However, I would be unable to support the establishment of a casino in this State unless the Government had a major say in who would operate it and how they would operate it.

Everyone is aware of, and many speakers have referred to, the relationship between organised crime and gambling in other places. Although the Hon. Mr Blevins pointed out in introducing the Bill that there is no evidence of criminal activity associated with casinos in Australia, I believe it is essential that we take every precaution possible to see that that remains so. I am therefore very pleased to see those clauses in the Bill which will allow the Government to play a role in the selection of an appropriate operator for the casino and to vary the terms and conditions of the appointment in the interests of people of South Australia.

Also, I strongly support the clause which provides for inspection of the casino operations by an authorised officer at any time. I believe that these safeguards are vital, and without them I would not support the Bill. Regarding the proposed amendments, I am waiting patiently for the arguments. However, I am inclined at this stage to agree with the Hon. Mr Bruce in regard to the amendment to be moved by the Hon. Mr DeGaris which seeks to provide for not only one casino but any number of casinos in South Australia.

The Hon. Mr Bruce has expressed a view that such a move may be seen as more provocative to opponents of casinos in our community than is the original proposition. I believe that it may jeopardise the success of the Bill itself by unnecessarily shifting the debate. However, I am willing to listen to further argument on the question and also on the amendment that the Hon. Mr Lucas is proposing to move. Perhaps I will have something more to say about those matters during the Committee stages. For the moment, I support the second reading.

The Hon. M.B. CAMERON (Leader of the Opposition): It is my intention to support the Bill. However, I intend also to support the amendment to be moved by the Hon. Mr Lucas. It will make the proposition acceptable to me. Without that amendment, I will have some doubt as I do not believe that the Government is able (or that it is proper) to run and operate a casino. One could be facetious and say that it would be an interesting Public Service classification for the people operating the casino. Would it be Black Jack Croupier CO3? It would be a fascinating job selecting people to work in a casino. Would such people have permanency in the Public Service? If so, we could have a lot of trouble if they did not perform their duties well. That would be one of the most important aspects.

The Hon. R.I. Lucas: They could go to Treasury.

The Hon. M.B. CAMERON: Yes. It is not without a lot of thought that I have come to my conclusion. I am surprised to find the Bill entering this Council after failing three times in the other place. I would have thought that it should have again started its course in another place. It seems that we are being asked to express a view following the inability of the other House to make up its mind. This being a House of Review, we would have expected to see the matter appear after it had been debated in another place. The Hon. Mr Blevins has taken it upon his shoulders to introduce the Bill. There is nothing to prevent that, but it does surprise me. We will see what happens.

I will be interested to see what the other House does with the Bill this time and whether it is able to come to some sort of conclusion without the rather heated and divided debates that have occurred on previous occasions. It is clear that, if people in the community have an overdose of the gambling instinct, they will find a way of satisfying it and spending their money somewhere, whether it be in a casino or elsewhere. If there is any form of gambling about which I have grave concern, it is the instant money game, which is so readily available to the community. If we are to do anything about gambling, we should have a review of that system.

The Hon. G.L. Bruce: People are queued up in Rundle Mall every day.

The Hon. M.B. CAMERON: That is correct. I do not expect that to happen with a casino. I believe that it will be a one-year or a two-year wonder and will then slip back to being a place to visit on the odd occasion. I do not expect it to become the source of all sin in this community.

The Hon. Frank Blevins: I hope not, because I do not gamble.

The Hon. M.B. CAMERON: The Hon. Mr Davis and I investigated a casino whilst on another select committee. I will not go into details but we came away with smiles on our faces, unlike another person who is now a Minister in this Chamber.

My feeling upon leaving the establishment was that I would never return to such a place. However, having been successful, I did return. I accept that there are people in the community who are opposed to gambling. I do not believe that their opposition is concentrated purely on casinos, as there are many other forms of gambling. If we are opposed to gambling we should be opposed to the lot. I do not think that this form will have the same effect in the community as the many other forms of gambling that we have already. I am doubtful that in the long run it will be a very successful venture. However, that is not a matter for us to decide in this Council. It is a matter for those who decide to apply for a licence and start the operation and who, after its initial period of operation, decide whether the casino continues.

I understand that the two casinos in the Northern Territory are having some difficulty. That does not surprise me at all. I imagined that they would be a one-year wonder and would cease to attract crowds in the same way that they did in the initial stages. I expect the same to happen here. When the Tasmanian casino opened, it was a brand new operation in the Australian community, and many people travelled there from other States to see what it was all about. I do not believe that that will happen to the same extent in Adelaide, as people have already satisfied their curiosity. I do not believe that it will become a symbol of depravity in the community. In the Australian context we do not have the same problems with organised crime. I do not believe that, with the way in which the Bill is constructed and the way in which the casino will be operated, we will have the problem of organised crime that is usually associated with a casino.

The Hon. Mr Lucas gave an extended dissertation on all select committees which have looked at the matter. I do not intend to go through those in detail. I will await with some interest the outcome of the amendment to be moved by the Hon. Mr Lucas which will satisfy my feelings about whether or not the Government will be able to step in and run the casino itself. I would not be very happy about that. It will mean that the Government or the Lotteries Commission will have to select a private operator to run the

casino. I will be interested to see what happens in the Lower House and whether its members have changed their minds on the matter and how many vote for it this time. I support the Bill.

The Hon. L.H. DAVIS: Attempts to pass casino legislation in this Parliament have failed on three previous occasions—in 1973, 1981 and 1982. There is no novelty in this proposal, except in so far as members of the Legislative Council have not previously had an opportunity to present their views. In fact, with two casinos operating in the Northern Territory, two in Tasmania and two proposed for Queensland, that in itself underlines the fact that there is little novelty in regard to casinos in Australia.

I understand that the Western Australian Government proposes to introduce casino legislation, although I am told that there are several illegal casinos already operating in Perth. Certainly, we have all heard about the illegal casinos operating in New South Wales, although it appears that someone has omitted to tell the otherwise worldly Mr Wran about their existence. The Victorian Government is expecting any day the findings of a $1 000 000-plus inquiry into the establishment of casinos in that State.

Quite candidly, I find the bright spotlight focused on the casino debate a little surprising. The subject has become a trifle boring but what is perhaps of more interest is the mechanics of managing a casino. I am inclined to the view that private operators with established expertise should run the operation with the necessary checks and safeguards provided in the Bill, and I indicate that I will be inclined to support the amendments foreshadowed by the Hon. Mr Lucas.

It is perhaps pertinent to just briefly review the position of gambling in South Australia and Australia. George Adams introduced sweeps in New South Wales and Queensland in the nineteenth century, although anti-gambling legislation was introduced which forced him to move to Tasmania, where legislation was passed by the Tasmanian Government to enable Tattersalls to operate officially. In 1916 the Queensland State Government took action to enable the Golden Casket to be conducted (it is now known as the Art Union), which helped provide cottages for widows of First World War servicemen.

Western Australia also conducted lotteries to aid ex-servicemen from about 1917 through the unlikely vehicle of the Ugly Men's Association. The Ugly Men's Association conducted small lotteries for some years in Western Australia. New South Wales passed a Lotteries Act in 1931, and Western Australia followed in 1932. In 1954 Victoria granted a licence to Tattersalls to run a lottery. This followed a poll in 1952, over 30 years ago, which showed that 79 per cent of people in Victoria were in favour of a lottery. As we all know, South Australia was the last State to introduce a lottery. The Labor Government in 1966 held a referendum to decide whether or not the people wanted a lottery. The result was a majority of three to one in favour of a lottery at that 1966 referendum.

Since the first lottery was drawn in 1967, the total money coming to the Hospitals Fund as a result of the lotteries exceeded $100 000 000 in the 15 years to 30 June 1982. In fact, the income to the South Australian Lotteries Commission in the year ended 30 June 1982 was $311 000 000, and the surplus transferred in that fiscal year to the Hospitals Fund was $18 000 000. Presently the commission employs 84 permanent and 39 casual employees. It spends more than $660 000 in advertising.

In 1982 lottery tickets and other games of chance conducted by the commission could be purchased in 245 agencies throughout the State. I am talking about 245 places in the Adelaide metropolitan area and country areas where lottery tickets, instant money, X Lotto and the like could be purchased in unlimited quantities.

It is also pertinent to look at the operations of the South Australian Totalizator Agency Board, which was established at about the same time as the Lotteries Commission. In the 15 years or so in which the T.A.B. has operated, $62 000 000 has been credited to the Hospitals Fund, including $5 900 000 in 1981-82, and almost $4 000 000 has been paid to the racing codes through the Racecourse Development Board.

Again, with the T.A.B., there are 118 agencies and 45 subagencies, a total of 163 outlets for the T.A.B., and these are of course in addition to the 245 lottery outlets. I make that point because it is pertinent to say that, when we are seeking to establish a casino, we are talking initially about only one casino, only one point where people can go and gamble on games of chance which, of course, would be conducted under the very tight controls which are provided for in this Bill.

I support the comments that have been made by the Hon. Mr Lucas. I do not believe that gambling is intrinsically evil, although evidence has been given in another place in the last Parliament suggesting that people in suburbs which would be ranked in the lower socio-economic classes are the people who tend to take lottery tickets and use the T.A.B. perhaps a trifle more than others. I do not believe that, given the long history of gambling in Australia, a sufficient case has been mounted against casinos.

I do not believe that there has been any evidence presented to suggest that organised crime has found its way into the legal casinos that now operate in Australia, but it would not surprise me if organised crime were associated with illegal casinos that are known to operate in the Eastern States. As the Hon. Mr Cameron said, I went to one casino with him when we were on another select committee in Darwin. I was interested in the operations of the casino, which was conducted extremely well, as far as I could see.

It is of some marginal benefit for tourism, although the fact that South Australia is not first in the field in casinos would probably mean that the tourist dollar flowing to casinos would not be enormous, but it is not for this Parliament to decide the economics of a casino: it is merely for this Parliament to say whether or not it is in favour of the proposition contained in the Hon. Mr Blevins's Bill. I should say that I respect the views of those who are opposed to casinos. I can see that there are people who find gambling reprehensible and who believe that it does cause social and economic distress. I concede that there is a case in that area.

However, I indicate that there are many instances in society where damage is caused through a variety of measures but where we have gone so far that we really have to concede that we cannot abolish those activities. No-one would seriously suggest that we should close the T.A.B. or the Lotteries Commission in South Australia.

Finally, there is an economic benefit from gambling as reflected in the 1979-80 figures for Government revenue which flows from gambling. In New South Wales $290 000 000 was credited to the Government from gambling; in Victoria it was $175 000 000; in Queensland it was $40 000 000; in South Australia it was $28 800 000; in Western Australia it was $23 900 000; and in Tasmania it was $9 270 000, of which approximately 30 per cent or nearly $3 000 000 came from the casino. That may well be some indication of the level that one could expect from a casino. I am inclined to the view that in Tasmania, where tourism undoubtedly is a great attraction, the casino is likely to draw more revenue for the Government as a percentage of total revenue from gambling than would ever be the case in South Australia.

I indicate my general support for the Bill, although I have some reservations about the method of operation of a casino in this State. I am inclined to support the Hon. Mr Lucas's foreshadowed amendments.

The Hon. K.L. MILNE: Like some members of this Council, I am not convinced about the need for a casino in South Australia. Some of the speeches by members appear to be what is commonly called apologetic. Members are saying one thing, but they will vote differently. I believe that we should be quite honest about this—we are either in favour of the measure or against it.

The Hon. R.J. Ritson: Who spoke both ways?

The Hon. Diana Laidlaw: I made no apology.

The Hon. L.H. Davis: I did not speak both ways. You are the one who used to speak both ways.

The PRESIDENT: Order!

The Hon. K.L. MILNE: I hope that members have finished interrupting me. If honourable members read their speeches tomorrow, they will wish that they did not sling off at me today. Many people believe that a casino will attract more tourists to this State. Personally, I doubt that. How will a casino add to the comparatively few attractions available in South Australia compared with other States? We have to be careful about the attractions that South Australia has to sell, and I am sure that members are well aware of that. I do not believe that a casino will make those attractions any more attractive. In fact, a casino might deter those people who visit South Australia with their families because they might see a casino as a distraction.

I understand that the casinos in Tasmania have had an adverse affect on the racing industry in that State. The racing industry in South Australia believes that the same thing will happen in this State if a casino is established. I believe that a casino will take money from other existing gambling outlets, and I see no sense in that. I believe that the establishment of a casino in this State is being discussed at the wrong time—at a time when South Australia and Australia are having a bad time economically.

Some people believe that a casino will create employment, but I do not agree. A casino will create jobs for some highly intelligent men and women who will staff the casino, but it will take money from hundreds of other people who are now spending that money in their own communities. In other words, a casino might create employment in a new area, but it will take money from other areas with the net result that there will be no advantage whatsoever. For me to support this Bill I would need to have a positive assurance, which I am sure will not be forthcoming, that we would not have a large, special building similar to a miniature crystal palace covered in lights—prominent, inviting and tempting.

If we must have a casino, I fervently hope that it will be a small and minor part of a picturesque complex. The new casino in Launceston is a small part of a big complex which also provides motel accommodation, conference facilities, horse-riding, golf, tennis, picnics, and so on. I can understand that type of complex, but I dread the establishment of a big casino established for no other purpose.

Like the Hon. Mr Lucas, I do not believe that it is right for taxpayers' money to be involved in the establishment of a casino when nearly half the taxpayers of this State disagree with the establishment of a casino. There is also a possibility that a casino might run at a loss. Some members might recall a warning issued to members about 18 months ago by a delegation of State Parliamentarians from various States in the United States. Some of the stories they told about the failure of casinos in the United States were tragic.

I do not agree with defining at the outset where the public share of the profits should be distributed. I believe that the Hospitals Fund has been selected because it is a popular choice that might soften the opposition to the establishment of a casino in this State. I would prefer to see the profits from a casino go to deserving causes which receive little or inadequate help at the present time. The recipients of that money could be changed from time to time as determined by the Commission or by the Governor-in-Council. I do not criticise the Hon. Mr Blevins for introducing this measure. In fact, I like the way that he has done it and I like his understanding manner in relation to those who disagree with him. I believe that South Australia will have a casino sooner or later; perhaps it would be more appropriate if it was later. I oppose the Bill.

The Hon. H.P.K. DUNN: There has been a lot of talk about the establishment of a casino in this State over the past 10 years.

The Hon. C.J. Sumner: It's time it was finished.

The Hon. H.P.K. DUNN: I hope that it will be completed shortly. I oppose the second reading of this Bill. Although I have not been a member of this Council for very long, my reading indicates that Bills to establish a casino in this State have ebbed and flowed nearly as often as the sea. The last effort in another place is still on the ebb and we are now at it again with, I suggest, somewhat indecent haste. I pose the question: what has changed in the past 10 months which requires the Bill to be brought forward again? A change of Government, but I think not a change of heart of the people of this State.

The argument that Australians are a nation of gamblers is not exactly true. There are many who spend large sums of money wagering on their fancy of the day, but there are equally as many who do not because they either believe it morally wrong or who, I suspect, cannot afford to bring up a family, pay for a house, car and television set, or whatever else they deem necessary to live comfortably. Many of those who do gamble will, I believe, not use the casino facilities simply because they are locked into the present method they now use to pacify their gambling bent. The person who enjoys buying an instant money ticket, or who uses X Lotto or the T.A.B. will not be waiting anxiously for the casino to start, purely because they understand the system they now use and feel happy using it. The casinos I have seen appear to be in two quite distinct categories. The first category comprises those which require a standard of dress and behaviour which does not offend most people, and they appear to be situated in an imposing or high-rise building.

The other type of casino can be readily identified by the huge number of poker machines installed in it, the lower standard of facilities, and the great variation in the age of the participants—from my observations they appeared to range from a minimum age 16 years upwards. These premises were generally at ground level and easily accessible to the public. This second type of casino is not the type that I believe is envisaged for Adelaide. But if it is, then the people using the more strictly controlled casino will be encouraging people to wager who would not normally do so. Having built a casino and advertised the fact that a casino is here, I cannot see the rationale in the argument that a casino will not increase gambling in this State.

When Governments give their consent to gambling by building casinos, of course people will use the facility provided and will believe that that is the standard of the day. People will conform to these lower moral values if Governments approve them. Though surveys have indicated that many people are in favour of the Bill, the responses from those people with whom I am associated are not particularly enthusiastic about it. Those people who live considerable distances from the City of Adelaide, where the casino is likely to be established, feel that they will have little access

to the facility, should they wish to use it, because of the distances involved. The Hon. Mr DeGaris's amendments would possibly rectify this position, but in practice the establishment of a casino or casinos in country areas would seem remote, considering the cost of building and running such facilities in the small provincial towns established in South Australia.

The Hon. M.B. Cameron: Would you change your mind if—

The Hon. H.P.K. DUNN: I have been asked whether I will change my mind. I do not think that I would drive 130 miles to buy chips to play at a casino. Besides, I find it difficult to make ends meet.

One of the strongest arguments for the establishment of a casino in this State is promotion of the tourist industry. Although that in itself is laudable, the fact is that we are not going to attract too many people from interstate, as many of the States have their own casinos. It is doubtful whether tourists would travel here from Western Australia just to play our casino. I would not travel to Port Lincoln to play at one. It can also be said that few people leave this State to travel to Tasmania solely to play the casino—I suspect they play there because they are touring in that State.

My colleague, the Hon. Mr Lucas, has pointed out that there appears to be no crime or manipulation associated with casinos in Australia and I accept that. However, what are the benefits? They are: a small monetary gain to the Government, some quick joy perhaps followed by heartache for the player, a small tourist benefit and possibly a small increase in employment. That is, indeed, not a convincing argument for introducing something into South Australia that has provoked so much public debate. Therefore, I oppose the Bill.

The Hon. C.M. HILL: The Council has heard many long speeches on this Bill. I think that all points for and against this measure have been covered adequately. Therefore, I do not intend to speak for long on this Bill. However, I think that, on a measure such as this, one should give one's reasons for one's vote. I respect the views of members who have different opinions from mine regarding this matter. I oppose the Bill on grounds other than those mentioned by those who have said they will vote against the measure.

I do not have strong feelings against one casino in South Australia if it is properly controlled, directed and managed. However, I have strong objection to the Lotteries Commission being involved in the operation of such a casino. The concept of the Lotteries Commission being involved with a casino was not recommended by the select committee from another place that investigated this issue. Indeed, the Lotteries Commission seems to have evolved into the process of suggested legislation as the other House debated the matter on the last occasion. I see no reason why the Lotteries Commission should be involved in this matter. It is a Government authority and I believe firmly that where private enterprise can do the job in South Australia it ought to do it and that we should not give that extra work to, or expand, Government or semi-government instrumentalities if such expansion can be avoided. I feel strongly that that is, in effect, moving towards what we loosely call 'big government' or 'bigger bureaucracy'.

I have looked closely at the Bill to ascertain whether amendments could cull the Lotteries Commission out of it, but that is impossible because its involvement in the suggested process of establishment of a casino is interwoven throughout the whole legislation. Therefore, I intend to oppose it. I make two other brief points. First, some honourable members indicated that they support the establishment of more than one casino in this State. I believe that, because of the number of people in this State who are opposed to a casino (and one can perhaps make one's own assessment of this from the Gallup poll taken some time ago), Opposition members should respect those views to the extent that the State is limited to one casino rather than more than one if this Bill passes.

Secondly, I believe that the authority proposed in the legislation (and I am now assuming that, in one form or another, it will pass—and I make that assumption based on speeches made about this matter) ought to be under the control of the Minister. Authorities established by Statutes should be under Ministerial control. If there are questions from the public about the conduct or affairs of any authority established under Statute, a Minister should be accountable to the Parliament and therefore to the public for such conduct or operation of that particular authority. All authorities established under Statutes in recent years have, when the parent Bill has been first introduced, been placed under the control of the relevant Minister.

When legislation affecting or amending Acts relating to statutory bodies has come before the Council over a long period of time there has usually been machinery in the legislation ensuring that they are brought under the control of a Minister. From the point of view of the principle of accountability, I believe that this authority should be under the control of the Minister. I would like the Minister, in his reply, to state his views on this question because there may well be some special circumstances in which there is sufficient control and accountability to make it unnecessary for the relevant clause to be in this Bill. I think that the Parliament should look at this issue as this Bill passes through the Parliamentary processes. Therefore, I oppose the Bill.

The Hon. FRANK BLEVINS (Minister of Agriculture): I thank all honourable members who have spoken on this Bill. The level of debate in the Council earlier this afternoon was as we would expect in this place. There was no rancour, and everyone's point of view, irrespective of how they differed, was respected. That is how debates should be conducted in this Council. I do not want to single out any speaker, because they were all excellent, but I must commend particularly the Hon. Mr Feleppa, who referred to the moral dilemmas involved in questions of this nature. I believe that his address was excellently prepared and delivered.

By counting those who spoke for and against the Bill, and by making other assumptions, I believe that at this stage we have the numbers to put the Bill through, and on that basis (as I have learned over the years), I also believe that when one has the numbers, one should shut up and use them. I learned that about 20 years ago. Arguments against the Bill were put by the Hon. Dr Ritson. I have made a precis of his arguments, and he can correct me if I am wrong: he stated that in South Australia at present too many people are indulging themselves with things of this nature rather than directing their energies into more productive channels.

That is a valid argument, but I believe that I answered that point in the second reading explanation, where I stated that investment capital is not hovering around South Australia to be used for either good or ill purposes. If it is available, it is available for a specific purpose, and that does not mean that we as a Government or as individuals can pluck it out of the air and say that we want to use it for something that we feel could be more useful. In any case, that is a subjective reflection.

The Hon. R.J. Ritson: But it is a sad fact.

The Hon. FRANK BLEVINS: That is the nature of the system under which we live. While I appreciate the Hon. Dr Ritson's argument, I believe that I put the matter fairly well in the second reading explanation. The Hon. Mr Hill's arguments against the Bill warrant some response. He

referred to the Lotteries Commission involvement. I remind honourable members that in the second reading explanation I stated that this Bill was an attempt to bring together all of the points of view in favour of a casino that had been stated in debates in the House of Assembly. Those debates indicated strongly that there was a majority of support of one kind or another for a casino under strong Government control.

I believe that it is to the credit of the former Minister of Recreation and Sport that he attempted in the final hours of debate in that House to devise a set of amendments to encompass all of those points of view. The introduction of the Lotteries Commission at that stage was a very elegant way of attempting to cater for the desire to support a casino but also to have very strong Government involvement. Of course, the Lotteries Commission has a great deal of experience in this State in running and controlling various forms of gambling, so in my opinion it is an entirely appropriate body to control. The question whether there should be Ministerial control of the supervisory authority is interesting, but I would argue that it is inappropriate in this case. In effect, the supervisory authority is a watch-dog over the Lotteries Commission and the operation as a whole.

The Hon. C.M. Hill: Who is the watch-dog over the authority?

The Hon. FRANK BLEVINS: I will refer to that later. It is also a watch-dog over the casino. The authority is a statutory authority under a Minister. It would be absurd if a watch-dog that is under the control of a Minister reports on another body that is also under the control of the Minister. Surely there should be some independent control in this whole area. I would also point out that under the Bill the various authorities can only recommend to the Government. In the last analysis, or as a bottom line, 'the Governor' means 'the Government'.

Thus, Government control is total, and in my opinion it is extremely useful to have a body which is not entirely responsible to the Minister and which can make statements, take evidence, and present a completely unbiased view of what is occurring in the casino, where a casino should be placed, and how it can operate. I believe that in this case it is entirely appropriate that the authority will not be under the responsibility of the Minister. Two amendments have been foreshadowed, and I will deal with them in Committee, because I do not want to duplicate debate. Again, I thank all honourable members for their contribution, and I recommend that members support the second reading.

The Council divided on the second reading:

Ayes (15)—The Hons. Frank Blevins (teller), G.L. Bruce, M.B. Cameron, B.A. Chatterton, J.R. Cornwall, C.W. Creedon, L.H. Davis, R.C. DeGaris, M.S. Feleppa, I. Gilfillan, Diana Laidlaw, Anne Levy, R.I. Lucas, C.J. Sumner, and Barbara Wiese.

Noes (6)—The Hons. J.C. Burdett, H.P.K. Dunn, K.T. Griffin (teller), C.M. Hill, K.L. Milne, and R.J. Ritson.

Majority of 9 for the Ayes.

Second reading thus carried.

In Committee.

Clauses 1 to 3 passed.

Clause 4—'Interpretation.'

The Hon. R.C. DeGARIS: The Council has clearly indicated that it does not oppose the establishment of a casino in South Australia. As I pointed out in the second reading debate, I do not believe that the establishment of one casino, if we are going to allow casino gambling, should be confined to one place in South Australia. One can argue a number of issues on this point, but one thing is quite clear: if this Bill passes the House of Assembly as it is we will have it back again as other demands are made for further casino establishments. I would think that, Parliament having established the authority, the authority should be the one to make that decision and that we should not have to come back again with an amendment to this Bill or with a specific Bill allowing for casinos to be established elsewhere.

In Great Britain about 150 casinos are established for a population of 50 000 000 people; that is about one casino for every 330 000 people. Two casinos operate in Tasmania, which has a population of 250 000 people. There are two in the Northern Territory, although one is in some financial difficulty; there are only 110 000 people in the Northern Territory. We have a population here of over 1 000 000 people, and it is necessary, when we establish this authority, that we should not confine it to the establishment of just one casino in South Australia. Therefore, I move:

Page 2, line 12—Leave out 'the casino' and insert 'a casino'.

That is the first part of the amendment that I have to increase the scope of the authority in this regard.

The Hon. FRANK BLEVINS: I oppose this amendment, but not because I am opposed necessarily to its intent. I have no strong feelings about having more than one casino, but I ask the Committee to go back briefly to the second reading debate. I stated that I am trying to obtain consensus around this Bill. I do not believe that a proposition for a multiplicity of casinos has that support in the community.

The Hon. R.C. DeGaris: You think that it is more difficult to get it through?

The Hon. FRANK BLEVINS: Not necessarily. It may well be that after a casino has been in operation for some time other regions of South Australia may feel that their communities would like such a facility. If they do, and if they approach Parliament with good reasons why they should have such a facility I, for one, would not oppose it. At this stage, I am not convinced that there is the necessary majority support outside the Parliament and in the Parliament for more than one casino. For that reason, and that reason alone, I oppose the amendment.

The Hon. G.L. BRUCE: I also oppose the amendment. I, too, had the feeling, as I mentioned in my speech, that it would probably jeopardise the feelings of people in South Australia if we had more than one casino licence. I am amazed at the Hon. Ren DeGaris's saying that he feels that it should be left in the hands of the Lotteries Commission—

The Hon. Frank Blevins: The authority.

The Hon. G.L. BRUCE: The authority. Mostly his speeches and amendments centre around the idea that government should come from the Parliament. If we are to have more than one casino the matter should come back to the Parliament to be decided upon by the Parliament, and not by another body.

The Hon. R.C. DeGaris: Does the Bill establish a casino?

The Hon. G.L. BRUCE: The Bill will establish an authority to issue a licence for one casino. It is not going to establish more than one.

The Hon. R.C. DeGaris interjecting:

The Hon. G.L. BRUCE: It gives a licence for only one casino. If there is a move to establish more than one the matter must come back to the Parliament. I see nothing wrong with that. In the light of what happens with the first casino, the Government should be able to assess that. I am surprised that the Hon. Ren DeGaris, who is a great supporter of the Parliament's involvement with the people, should want to pass that on to another authority. I believe that the Government should have the authority to decide on multiple licences. I oppose the amendment.

The Hon. I. GILFILLAN: I take the opportunity, which I have not done before, to explain my position on the Bill.

The CHAIRMAN: I am sorry; we have only one matter before us at a time.

The Hon. I. GILFILLAN: My support is rather reluctant and not very enthusiastic, and it would be considerably less for more than one casino. I believe that it is not my place to use my position in this place to prevent the establishment of a casino. I do not feel that that is part of my right or obligation. In opposing this amendment, I make it plain that I am an unenthusiastic supporter of the establishment of a casino, but I certainly strongly oppose there being established more than one.

The Hon. ANNE LEVY: I shall oppose this amendment with great reluctance. I have supported the second reading, not because I am in the slightest bit interested in attending casinos myself, but because I believe that people should have the freedom to do so if they wish. The logical extension of that argument is that, if the people of Port Lincoln, Whyalla or Coober Pedy wish to have a casino, I should not be in a position to oppose that wish.

However, on the purely pragmatic level, I think that our community, the majority of whom support a casino, would much prefer to have one casino established and to see how it works before deciding whether or not another casino should be established. For that reason, I feel that it is much better to establish one casino and allow it to operate for a period to see how it works in the community before consideration is given to whether a second or subsequent casino should be permitted in South Australia. It is for that pragmatic reason that I will oppose the amendment, but I stress that I do so with reluctance, as I believe that it goes against the civil liberties of the population of South Australia.

Amendment negatived; clause passed.

Clauses 5 to 12 passed.

Clause 13—'Grant of licence.'

The Hon. R.I. LUCAS: Subclause (4) provides:

> The Governor may add to, or vary the terms and conditions as recommended by the authority where it is, in his opinion, necessary to do so in the public interest.

I refer to the Minister's earlier reference as to the distinction between the Governor and Government. Bearing that in mind, does the Hon. Mr Blevins believe that this provision could lead to Governments watering down the strict terms and conditions needed for the proper operation of casinos? I hope that it will not but, as printed, there is such a possibility.

The Hon. FRANK BLEVINS: The provision means exactly what it says. Theoretically, yes, a Government, if it wished, could do that, but the provision exists for the opposite reason. I cannot imagine any Government—whether it be Labor, Liberal or coalition—wanting to do anything other than strengthen the provisions if it saw an immediate need. That subclause exists as a safeguard. Theoretically, all things are possible and the brief answer is, 'Yes'.

Clause passed.

Clauses 14 and 15 passed.

Clause 16—'Activities in pursuance of licence to be legal.'

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

> Page 6, line 2—After 'with' insert 'this Act and with'.

Although several of my amendments are consequential, I will speak to the first amendment, and those comments will relate to them all.

The CHAIRMAN: I suggest that the honourable member speak to all the amendments, and we will take the first as a test case.

[Sitting suspended from 6 to 7.45 p.m.]

The Hon. R.I. LUCAS: I will be mercifully brief, after my lengthy second reading speech. As I have indicated, all my amendments relate to the main principle, namely, that I strongly believe that the preferable option is for the casino to be established and operated by private enterprise—a group with managerial expertise in relation to the management of casinos. The question that we should address is whether the Government should be gambling with public funds collected from taxpayers. What happens if the casino enters a losing run or even defaults? I believe it is this factor which distinguishes casinos from State lotteries and the T.A.B., where the total of payments are restricted to less than the amounts collected.

In addition, as I pointed out earlier, where will the Government find the money to finance the initial capital costs for the establishment of a casino complex—particularly when it is generally supported that casinos are normally part of a total entertainment package including convention facilities, restaurants, and so on?

I refer briefly to the report of the Select Committee on the Casino Bill and, in particular, to four of the arguments that the select committee put forward as reasons for private ownership and operation rather than Government ownership and Government operation, as follows:

> (1) The paperwork, report methods and red tape of Government enterprise is not conducive to casino operations.
>
> (2) Casino gambling is in one sense a business; there is no law of business administration or economics that casinos must make profits. Although it may be true that percentages favour the casino, it is ultimately a management problem and percentages and margins can be dissipated as in other business by inefficiency, dishonesty, wrong decisions, and other misfortunes. Casinos can and have failed financially. If some malpractice is involved in the case of Government ownership, the State itself is directly engaged in a public scandal and corruption of some sort which may have spread to other organs of Government.
>
> (3) The maintenance and enforcement of controls are capable of better implementation when the State is outside the area and controlling it than when it is itself the owner and operator. In the latter case, the controls are said to become blunted by departmental loyalty and reluctance, by political interference, and by passivity and rote. When the control is external and there is no alliance between State and operator, it produces an adversary relationship between the two which is more likely to produce and maintain healthy constant vigilance.
>
> (4) Controls should be free of all political interference and, because of the opportunity of corruption or nepotism, the further away the State is, the better. In the case of private enterprise ownership, the non-political, independent control body is a distinct possibility; in the case of Government ownership it is more remote.

For these reasons and the reasons outlined in my second reading speech I move this amendment.

The Hon. FRANK BLEVINS: I oppose the amendment. I agree that the Committee should regard the honourable member's amendment to clause 16 as the test for the rest of his amendments. The genesis of this part of the Bill and all the clauses and ideas that flow from it were introduced by the Hon. Michael Wilson as Minister of Recreation and Sport. It was an attempt to achieve some consensus in Parliament in relation to the granting of a casino licence. I can understand the difficulties that the Hon. Mr Wilson had. I refer to the debate on the 1982 Casino Bill and a question asked by, I think, the member for Todd. He asked the Hon. Mr Wilson whether there was any suggestion that the Government would operate a casino and actually build and staff it with public servants. The Hon. Michael Wilson said quite clearly that that was not the intention and he gave an assurance on behalf of the Government that that would not occur. I cannot give an assurance on behalf of this Government that that would not occur.

If there was even a remote suggestion by anyone that the Lotteries Commission would somehow be given public money to do this, I would not look upon that favourably. I have no doubt whatsoever that the Government will have a higher priority for that money. The Hon. Michael Wilson understood the feelings of members in another place. However, it is for members of this Council to decide on this occasion. I do not see this amendment as vital to the Bill. I am sure that these amendments would only make man-

datory what the Government would be doing anyway (if the Bill passes both Houses). There is still absolute Government control of the whole operation, which is my principal desire. I am quite happy to accept the decision of the Committee.

Amendment carried.

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

Page 6—

Lines 6 to 8—Leave out subclause (2) and insert new subclause as follows:

(2) The commission shall appoint a suitable person who is approved of by the authority to establish and operate the casino on its behalf and that person shall establish and operate the casino in accordance with this Act and with the terms and conditions of the licence.

Lines 15 to 17—Leave out subclause (5) and insert new subclause as follows:

(5) A contract to which subsection (4) applies and to which the person who is operating the casino on behalf of the commission is a party shall be enforceable against that person.

Amendments carried; clause as amended passed.

Clause 17—'Provision as to age.'

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

Page 6, line 23—Leave out this line and insert new line as follows:

(3) The person who is operating the casino on behalf of the Commission.

The Hon. FRANK BLEVINS: This amendment is consequential on the amendments that have just been carried.

Amendment carried; clause as amended passed.

Clause 18 passed.

Clause 19—'Accounts and audit.'

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

Page 7—

Line 8—Leave out 'Commission or by a'.

Line 9—Leave out 'on its behalf'.

Line 10—Leave out 'the Commission or that person' and insert 'him'.

Lines 24 to 27—Leave out subclause (5) and insert new subclause as follows:

(5) The Commission shall pay into the Hospitals Fund all sums paid to it in respect of the operation of the casino.

These amendments, too, are consequential on the previous amendments.

Amendments carried; clause as amended passed.

Remaining clauses (20 to 26) and title passed.

The Hon. FRANK BLEVINS (Minister of Agriculture): I move:

That this Bill be now read a third time.

The Council divided on the third reading:

Ayes (15)—The Hons Frank Blevins (teller), G.L. Bruce, M.B. Cameron, B.A. Chatterton, J.R. Cornwall, C.W. Creedon, L.H. Davis, R.C. DeGaris, M.S. Feleppa, I. Gilfillan, Diana Laidlaw, Anne Levy, R.I. Lucas, K.L. Milne, and C.J. Sumner.

Noes (4)—The Hons J.C. Burdett (teller), H.P.K. Dunn, K.T. Griffin, and C.M. Hill.

Pair—Aye—The Hon. Barbara Wiese. No—The Hon. R.J. Ritson.

Majority of 11 for the Ayes.

Third reading thus carried.

Bill passed.

RAMSAY TRUST

Adjourned debate on motion of Hon. K.L. Milne:

That—

i. the Ramsay Trust could be a viable proposition and of great value to this State in relation to the provision of low cost housing;

ii. in view of the fact that no interest is payable to investors, the element of indexation received by investors of the trust should be treated as capital and exempted from income tax in order to protect the capital of the investors against inflation; and

iii. the Premier be asked to convey the substance of this motion to the Ramsay Trust for a report prior to requesting the Prime Minister to take the necessary action to ensure that tax exemption as set out in ii. above be introduced for limited liability companies which are either public benevolent institutions under section 78 of the Income Tax Act, or are exempt from company income tax under section 23 of the Income Tax Act.

To which the Hon. R.C. DeGaris has moved the following amendments:

1. That paragraph I be struck out.
2. That paragraph II be amended by leaving out the words 'no interest is payable to investors' and inserting in lieu thereof the words 'the investors in the Ramsay Trust are not paid interest'.

(Continued from 20 April. Page 902.)

The Hon. ANNE LEVY: I support the motion. I oppose the first of the amendments moved by the Hon. Mr DeGaris. The Ramsay Trust, as we all know, was set up to provide home ownership on a rental purchase basis for low income purchasers who could not otherwise buy homes and who faced a lifetime of renting at private rent rates or at lower rent rates through the Housing Trust, if they were lucky. The social aims of the Ramsay Trust are, I am sure, viewed as highly desirable by all members of this Council.

The Ramsay Trust is very innovative in two ways: with regard to capital raising and to the rental purchase scheme. The essence of it is that both are indexed to the consumer price index. As I am sure all members know, capital would be raised by capital indexed debentures which, as set out in the original prospectus, would pay no real interest rate but debenture holders would receive back, on expiration of the debenture, their capital, it having been indexed using the consumer price index and maintained its real value. The purchasers of homes would pay 7 per cent of the value of their property as rent each year.

For the first two years, this 7 per cent is rent only and the complete equity in the property remains with the Ramsay Trust. For the next 20 years, the 7 per cent of the indexed value of the property is divided into 2 per cent for the Ramsay Trust and 5 per cent as equity in the property, so that, after a total of 22 years, the rental-purchaser has complete equity in the property. The motion moved by the Hon. Mr Milne refers mainly to the capital raising side of the Ramsay Trust proposals. We all know that the debenture issue, for which the prospectus was issued last February, failed for a variety of reasons, not the least of which was the uncertainty due to the early Federal election, which was called the day after the launching of the Ramsay Trust.

It was claimed by the Hon. Mr Davis that investors will be worse off with Ramsay Trust debentures than with other forms of investment, and that they are losing the value of their money when tax is taken into account. That is not necessarily true; certainly, it is no more so than in regard to other forms of investment when tax is taken into account. I have had a table prepared by the Parliamentary Library research service (table 1), which compares the effect of investing $1 000 in the Ramsay Trust or in Aussie Bonds in 1977 for five years. I know that the Ramsay Trust did not exist in 1977, but a number of Mr Davis's calculations are based on a five-year period from 1977 to 1982, so it seemed appropriate to use those same years. In regard to the Ramsay Trust, the indexed capital would have given a return of $1 566 in 1982, of which $566 would be regarded as income by the taxation office and would be taxable under our current taxation system. Depending on the investor's marginal tax rate, the net return in 1982 from Ramsay Trust debentures would have been either $1 385, $1 306, or $1 227 for the $1 000 invested. As I said, the outcome depends on the investor's marginal tax rate.

The Hon. L.H. Davis: That doesn't happen in the real world, because one has the opportunity to redeem savings bonds after six months.

The Hon. ANNE LEVY: I am talking about Ramsay Trust bonds. The table shows what would have happened on $1 000 under Ramsay Trust debentures, had they existed

in 1977. The table also shows what would have happened on $1 000 invested on Aussie Bonds at the same time, and of course interest would accrue annually and tax would be paid on that interest. The table has been prepared assuming that the interest after tax each year is reinvested in Aussie Bonds, so that the capital invested keeps growing. The table shows that, at the end of five years, the return after tax on the $1 000 that was invested in 1977 would be $1 389, $1 300, or $1 216, depending on the marginal tax rate of the investor. Those figures are virtually identical to those in regard to the Ramsay Trust debentures. I seek leave to have the table inserted in *Hansard* without my reading it as it is purely statistical.

Leave granted.

RETURN ON INVESTMENTS

Table 1—Return in 1982 on $1 000 Investment in 1977

Tax Rates	Ramsay Trust		Aussie Bonds *(a)*	
	Tax	Net Capital	Tax	Net Capital
.32	181	1 385	183	1 389
.46	260	1 306	256	1 300
.60	339	1 227	325	1 216

(a) Tax payable deducted from principal annually.
Source: A.B.S. and Reserve Bank Statistical Bulletins.

The Hon. ANNE LEVY: It is true that there are, and have been, higher interest rates available than those applying to Aussie Bonds, but these latter rates appeal to a particular class of investor, probably the same investor who might go for Ramsay Trust debentures. Certainly, if the capital increase from indexed bonds was non-taxable, as proposed in the motion, the return would be $1 566, in this particular example, which is far higher than that received from Aussie Bonds or from most forms of investment. There is no doubt in my mind that this would result in a much greater attractiveness to investors, and capital raising would be easy. It may well be that no Government guarantee would be required to attract the capital.

The Hon. Mr DeGaris objects to the first part of the motion, which refers to the viability of the Ramsay Trust. Obviously, this deals with more than just capital raising. If debentures were capital indexed and if the income was tax exempt, there should be no trouble in refinancing debentures in five years or 10 years when they mature, regardless of the proportion of the two types of debentures.

The Hon. R.C. DeGaris: What do you understand by 'viability'?

The Hon. ANNE LEVY: A lot more than just capital raising. I am discussing other things that come into the area of viability. The Hon. Mr Davis expressed great concern about the people who buy houses under the Ramsay Trust rental-purchase scheme. It is certainly true that in recent years the value of real property has not kept pace with inflation, and this must affect anyone who has money in housing. As far as owner-occupiers are concerned, however, comparisons with other ways of investing the same money are really irrelevant, because they ignore the fact that people must have a roof over their head. A person who invests money in shares or bonds may have more capital than a person who is buying a house, but, if the first individual has to pay rent at the same time, he will end up far worse off than the home purchaser.

This point was not made in the table which appeared in the *Advertiser* in January and which showed how far house prices had fallen behind inflation. We moaned about the way in which home buyers were suffering because of capital depreciation. I am quite sure that, if rent was taken into account, one would see that the individual who puts his money entirely into investments and who pays rent in the private market would be worse off than the person who purchases a home. The Hon. Mr Davis incorporated into *Hansard* a table showing the weekly payments on a house bought at Elizabeth in 1977, under the Ramsay Trust proposal (had it been in existence then), that is, the weekly payments being indexed to the c.p.i. The house was presumed to have cost $28 392, which was the average price in the area at that time according to the Valuer-General.

Weekly repayments would have risen from $38.20 in 1977 to $67.66 in 1983 and, without the wage freeze, this would not have been a great strain on a rental purchaser as wages have tended to keep pace with the c.p.i.; the strain in payments would be the same in each year for the rental purchaser.

The Hon. L.H. Davis: You would have been better off under a State Bank loan in the very short term.

The Hon. ANNE LEVY: That is just what I was coming to. I seek leave to insert in *Hansard* without my reading it a comparable table for the purchaser of a house in Elizabeth in 1977 at the same price through a housing loan from the State Bank, as table 2; it is purely statistical in nature.

Leave granted.

TABLE 2—HOUSE LOAN OF $24 000, 30-YEAR TERM *(a)*

Year	Market Value of House	Weekly Repayment	Principal to be Repaid	Total Payments made Year 1-5
1	28 392 (1977)	45.70		
2		48.70		
3		46.70		
4		48.70-54.90		
5	28 145 (1981)	59.20	23 478.63	13 109.00 *(b)*
6		63.20		
7	(1983)	59.20		

(a) Deposit of $4 392 would be required prior to loan granted.
(b) Ramsay Trust total repayments year 1-5 = $12 126.40
SOURCE: S.B.S.A.

The Hon. ANNE LEVY: This table has also been prepared by the Parliamentary library research staff service. This is for a house bought at the same price (that is, $28 392) in 1977, using a State Bank loan. A loan of $24 000 would have been all that was available for a 30-year term, which means that the buyer would have had to have a deposit of $4 392 before he could even begin or qualify to take advantage of the State Bank loan. Weekly repayments would have begun at $45.70, which is considerably above the $38.20 payable in the first year under the Ramsay Trust scheme. By 1981 it would have been $59.20, which is still above the $55.92 payable under the Ramsay Trust scheme in the same year.

As I stated, the buyer would have had to have this deposit of over $4 000, which was a lot of money in 1977 and still is for a very large number of people, whereas no deposit at all is required for the rental purchaser of a Ramsay Trust house. It is precisely those who cannot get together a largish deposit while they are having to pay rents in the private sector that the Ramsay Trust is designed to help. I may say that in the table the weekly repayments take into account the changes in interest rates which have occurred.

It is true that, while real estate prices did not keep up with the inflation rate, the equity in his house of a Ramsay Trust purchaser may initially be negative for a few years. The example quoted by the Hon. Mr Davis is the worst possible case, of course, because it was in Elizabeth that the fall behind inflation was the greatest. The percentage real loss was much less in Prospect, Unley, Payneham, Thebarton or Woodville or areas where low-priced housing would certainly have been available in 1977. The Ramsay Trust proposals are not just for new houses; they are for established housing as well, and the suburbs that I have quoted certainly had low-cost housing available in 1977. In those five suburbs,

after five years of ownership, the sale of the house would not have resulted in a debt being due to the Ramsay Trust as the 15 per cent equity of the owner would have more than covered the fall in the real value of the house relative to inflation.

Several points can be made about this situation. First, the house prices are not as far behind inflation now as they were a few years ago; so the disastrous effects predicted by the Hon. Mr Davis are much less liable to occur in the future. Secondly, the longer a rental purchaser stays in his house the greater equity in it he will have; so the more likely he is to realise a cash benefit should he sell. For example, after 10 years he will have an equity of 40 per cent indexed to the value of the house. While the indexed value may well be less than the market value, it is most unlikely that the market value will be less than 60 per cent of the indexed value.

After 16 years the buyer will have 70 per cent equity, and it is ludicrous to suggest that the market value will be less than 30 per cent of the indexed value, resulting in a debt to the Ramsay Trust on sale. What is obviously crucial is the length of time between purchase and resale.

The Valuer-General section of the Lands Department reports that on average 5 per cent of residential properties change hands each year in the metropolitan area. That is, on average buyers stay 20 years in their houses before selling them.

The Hon. L.H. Davis: You know that that is not true from the evidence that is available.

The Hon. ANNE LEVY: This is evidence from the Valuer-General of the department last week: 5 per cent of residential houses in the metropolitan area change hands each year. In some suburbs it rises to 6.5 per cent; in others it is less than 5 per cent.

The Hon. L.H. Davis: You and I really know better than that.

The Hon. ANNE LEVY: The average is 5 per cent. I do not presume that the Valuer-General is giving false information. It is most unlikely that Ramsay Trust buyers, who by definition are in the low-income categories, would move house very often; so there is only a small chance that they would be wanting to sell out in the early years when their equity is low. It may be possible, indeed, to insure against a loss if one did have to sell for certain specified reasons such as a transfer interstate, in the same way that buyers with a State Bank mortgage have to insure against default, and the Ramsay Trust may well feel that such an insurance scheme would be worth investigating.

In summary, the Ramsay Trust might well be a viable proposition and is certainly of great value to South Australia in promoting low-cost housing ownership. The tax changes proposed in the motion would certainly attract investors and enable large sums to be raised for the benefit of South Australia. I trust that this proposal will be sympathetically considered by the Federal Government, as set out in the motion, and I support its being referred first to the Ramsay Trust for a report before going to the Federal Government.

With respect to the Hon. Mr DeGaris's amendments, I cannot support the first one, for which he gives no good reasons. I cannot understand the second one, which seems to make no difference at all to the motion, but perhaps the Hon. Mr DeGaris is playing some semantic games, the significance of which escapes me, and I acknowledge that that may be my fault. I support the motion as it stands.

The Hon. K.L. MILNE: I thank the Hon. Anne Levy for her detailed explanation, especially on the rental side of the scheme. I think we all feel happier having heard that. I, too, will oppose the amendments of the Hon. Mr DeGaris, because I do not think they help. I thank all those honourable members who took part in the debate, particularly the Hon. Mr Davis. I mention him because he obviously feels convinced that the scheme is too theoretical.

His speech on the matter, knowing the difficulties that he has, having acted on the committee, was very restrained and helpful. He has outlined clearly the things that should be reconsidered. The problems that he has raised either can be answered or the scheme will in fact cease. He has defined those problems and that, too, is helpful. The trust was launched during the time of the fires and floods. It was not understood how much publicity was needed but, with those things behind us, we can avoid repeating such mistakes, and so I believe the trust should be looked at and tried again.

Undoubtedly, there will be some small interest ingredient. There will undoubtedly be a need for capital increases of the bonds to be non-taxable and to be treated as capital, and I know that the Federal Government has suggested indexed bonds. That should take care of the capital side of the scheme. As I said, after hearing the Hon. Anne Levy talking about the rental purchase side of the scheme, I feel even more that another look at this scheme will be worth while. I thank the Hon. Anne Levy for the trouble she has taken. Her speech will undoubtedly assist the inquiry by the trust on that side of the operation. I hope that the Council will pass this motion and send it to another place for consideration before sending it to the trust. I seek support for the measure.

The PRESIDENT: I now put the first of the amendments moved by the Hon. Mr DeGaris: 'That paragraph 1 be struck out.'

Amendment negatived.

The Hon. R.C. DeGARIS: As there is no need now for the second amendment, I withdraw it.

The Council divided on the motion:

Ayes (10)—The Hons Frank Blevins, G.L. Bruce, B.A. Chatterton, J.R. Cornwall, C.W. Creedon, M.S. Feleppa, I. Gilfillan, Anne Levy, K.L. Milne (teller), and C.J. Sumner.

Noes (8)—The Hons J.C. Burdett, M.B. Cameron (teller), L.H. Davis, R.C. DeGaris, H.P.K. Dunn, K.T. Griffin, Diana Laidlaw, and R.I. Lucas.

Pair—Aye—The Hon. Barbara Wiese. No—The Hon. R.J. Ritson.

Majority of 2 for the Ayes.

Motion thus carried.

The Hon. K.L. MILNE: I move:

That a message be sent to the House of Assembly transmitting the resolution and requesting its concurrence thereto.

Motion carried.

STATUTES REPEAL (AGRICULTURE) BILL

Second reading

The Hon. H.P.K. DUNN: I move:

That this Bill be now read a second time.

I wish to say very little about this Bill. I fully support the Bill and the removal of material from the Statute Book that is not now used or is obsolete. I believe that that is good house keeping. Many of these Statutes have grown like Topsy over the years, and there has never been any review or pruning of those that have become superfluous or unused. The Ministry of Agriculture has been top heavy with Acts which are not now serving their original intent. I believe the Hon. Ted Chapman is to be commended for his ground work. I support the Bill.

The Hon. G.L. BRUCE secured the adjournment of the debate.

ACTS INTERPRETATION ACT AMENDMENT BILL

The Hon. C.J. SUMNER (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Acts Interpretation Act, 1915-1978, and the Subordinate Legislation Act, 1978. Read a first time.

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

That this Bill be now read a second time.

One of the principal objects of this Bill is to provide a simplified method for the citation of Acts. A number of people have over the years been pressing for a simplification in this area, and a decision has been taken to adopt the Commonwealth method of simply referring to the name of the Act together with its year of passing, omitting reference to its year of last amendment. Such a form of citation will be of benefit not only in the drafting of future Acts and regulations, but also in the preparation of forms, and in the reprinting of consolidated Acts in pamphlet form.

As the Act was to be 'opened up' for amendment in relation to methods of citation, a general review of the Act was undertaken by the Parliamentary Counsel, with the result that some useful additions and clarifications have been included in this Bill. Obsolete provisions have been deleted, and the Act re-arranged so as to make it quite clear which provisions apply to Acts and which apply to regulations, rules and by-laws (defined as 'Statutory instruments' by the Bill). The import of each addition or deletion will be dealt with in more detail as I explain the individual clauses of the Bill. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal. Clauses 3 and 4 insert a new heading and provide for the arrangement of the Act in four new Parts. The purpose of dividing the Act into these Parts is to make it clear which of the provisions of the Act apply to statutory instruments, something that the present Act leaves in doubt. New clause 3a states the general rule that the Act applies to Acts and statutory instruments, whether passed or made before or after the commencement of the Act.

Clause 5 amends the definition section. As the Act will now refer to 'statutory instruments' instead of 'regulations, rules and by-laws', various consequential amendments are necessary. A more accurate definition of 'commencement' is provided. The definition of 'financial year' is simplified and given wider application. The new definition of 'Minister' accords with current definitions and covers the use of the expression in statutory instruments. The word 'prescribed' is similarly given a wider definition to include the use of the word in statutory instruments. The meaning of the words 'regulation', 'rule' or 'by-law' is similarly broadened. A new definition of 'statutory instrument' is included, as this expression will be used throughout the Act. The definition of 'this Act' is amended consequentially.

Clause 6 re-states the provision relating to the date on which the State of South Australia was established. This provision now appears in the Preliminary Part as it does not really relate to Acts or statutory instruments. Clause 7 creates a new Part that relates only to Acts and Bills. New sections 5 and 6 repeat existing provisions. Clause 8 effects a consequential amendment and deletes a provision that is redundant. Clause 9 inserts a provision that repeats the existing section 49. Clause 10 repeals a section that re-appears later as new section 14d.

Clause 11 creates a new Part that relates only to statutory instruments. New section 11 substantially repeats existing section 14, but is expressed to apply to other instruments made under Acts (for example, proclamations, notices, licences, permits, etc.). New section 12 provides that where a revoking statutory instrument is disallowed, the instrument sought to be revoked revives. The situation regarding the effect of disallowance has been unclear for a long time. A recent court decision suggests that revival of revoked provisions does not occur following disallowance of the repealing instrument, thus leaving the subordinate legislation in an unworkable form with virtual 'gaps' in its provisions. The new provision remedies this situation. New section 13 is a new provision that appears in similar Acts of other States and the Commonwealth. It has the effect of saving those parts of a statutory instrument or other instrument made under an Act that are not *ultra vires*, where a part of the instrument has been found to be *ultra vires* the Act under which the instrument was made. New section 14 is a more accurate and explicit repeat of existing section 40.

New Part IV is created, which contains provisions relating to both Acts and statutory instruments. New section 14a applies the Part accordingly. New section 14b provides for a simpler method for the citation of Acts. The year of passing is the only year that need be referred to, thus obviating the need to check constantly whether the year of last amendment has been correctly cited. Subsection (2) fills a long-irritating gap in the existing Act. At the moment, for example, a reference in the Motor Vehicles Act to the Road Traffic Act does not include a reference to regulations made under the Road Traffic Act. This is remedied. Subsection (3) provides that, even though an Act is cited in the new manner, it is deemed to refer to that Act as amended or substituted from time to time. New section 14c repeats in simpler, clearer terms the existing section 6. New section 14d repeats the existing section 9.

Clauses 12 and 13 effect consequential amendments. Clause 14 repeals a now redundant section and replaces it with a repeat of the existing section 11. Clause 15 repeals sections 18 and 19 (which have been included as earlier provisions in the Bill) and repeals section 20 which has no application, as the textual method of amendment is used in this State. Clauses 16 to 21 inclusive effect consequential amendments. Clause 22 provides a new section that remedies a problem that arose some time ago when it was held by a court that a power could not be delegated if the exercise of the power depended upon the delegator's own state of mind or opinion. This applies even though an Act gives a general power of delegation. The new section remedies this.

Clause 23 effects a consequential amendment. Clause 24 repeals a section that has been repeated earlier in the Bill. Clause 25 is a consequential amendment. Clause 26 repeals sections 48 and 49 (repeated earlier in the Bill) and a heading. Clause 27 repeals section 52, a provision that has now expired. Clause 28 amends the Subordinate Legislation Act by deleting a provision that is now covered by section 16 of the Acts Interpretation Act, in its amended form.

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

ACTS REPUBLICATION ACT AMENDMENT BILL

The Hon. C.J. SUMNER (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Acts Republication Act, 1967-1972. Read a first time.

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

That this Bill be now read a second time.

The principal object of this Bill is to make several amendments to the principal Act that will facilitate the task of the reprinting of Acts of Parliament in consolidated form. Honourable members will be only too well aware of the fact that, since the publication of the 1975 set of volumes prepared by the former Commissioner of Statute Revision, Mr Edward Ludovici, no further work has been done in this area. Many Acts have been substantially amended since that time, and the task of any person wishing to ascertain the

current text of such an Act has become extremely difficult. The Government is also concerned at the costly waste of valuable resources, in that so many people, both inside and outside of the Public Service, are engaged in preparing consolidated Acts for their own use.

The previous Government did, early last year, assign two officers from the Attorney-General's Department to work part-time on the work of consolidating statutory texts. however the task of preparing statutory tests for reprint is both time-consuming and exacting and it has become increasingly obvious that the resources allocated to the project were not sufficient to achieve significant positive results.

The decision has therefore been taken to create a small unit within the Parliamentary Counsel's office with the responsibility for reprinting Acts in pamphlet form. To this end, the Governor has recently appointed the Parliamentary Counsel, Mr Geoffrey Hackett-Jones, as the Commissioner of Statute Revision, and I have set in train the creation of two clerical officer positions. Those clerical officers will prepare the reprints under the supervision of the Parliamentary Counsel and his legal officers. It is my intention that, at the very least, the following 12 Acts will be consolidated and published well before the end of this year:

1. Mental Health (Supplementary Provisions) Act, 1935-1979.
2. Mental Health Act, 1976-1979.
3. Workers Compensation Act, 1971-1982.
4. Road Traffic Act, 1961-1982.
5. Motor Vehicles Act, 1959-1981.
6. Criminal Law Consolidation Act, 1935-1981.
7. Police Offences Act, 1953-1981.
8. Stamp Duties Act, 1923-1982.
9. Real Property Act, 1886-1982.
10. Evidence Act, 1929-1982.
11. Education Act, 1972-1981.
12. Community Welfare Act, 1972-1981.

The Acts Republication Act gives certain powers to the Commissioner of Statute Revision in relation to the preparation of a reprint for publication. Years expressed in words may be expressed in numerals, decimal currency conversions may be made, errors in numbering may be corrected, and so on. There is also a power to correct errors in spelling and punctuation. From time to time, however, minor errors are discovered that are not strictly errors of spelling or punctuation, but are more of a grammatical or clerical nature. For example, a 'was' that should have been a 'were', or the omission of the word 'the' or 'a', are minor errors that the Commissioner should be able to correct without having to put an amending Bill before Parliament. The Bill before honourable members therefore includes an amendment to that effect.

The principal Act also contains a provision that states, rather ambiguously, that 'for the purposes of reprinting Acts' and then 'for all purposes' the 1937 reprint is deemed to set out correctly the text of the Acts included in that reprint, and that, in the case of any inconsistency between the reprint and an Act as passed by Parliament, the reprint prevails. It is considered that the correct position should be that any reprint shall be deemed to be correct, but only in the absence of evidence to the contrary. Therefore, should it be established that an error of some significance has been made in a reprint, the text of the Act as passed by Parliament is the text that prevails. Thus the presumption that a reprint is correct can be rebutted if need be. The Bill extends the presumption to cover any reprint (including the 1975 reprint) published under the principal Act.

Clause 1 is formal. Clause 2 enables the Commissioner of Statute Revision to correct errors of a grammatical or clerical nature. Clause 3 provides that the reprint of 1937, and any reprint published under the Acts Republication Act, are deemed to set out correctly the text of the Acts so reprinted, in the absence of evidence to the contrary. All courts are directed to take judicial notice of any such reprint. Clause 4 repeals the section of the Act that provided for judicial notice of reprints. This provision has been incorporated in new clause 9.

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

EVIDENCE ACT AMENDMENT BILL

The Hon. C.J. SUMNER (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Evidence Act, 1929-1982. Read a first time.

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

That this Bill be now read a second time.

A number of cases have arisen recently in which the present rules governing the competence and compellability of spouses to give evidence in criminal proceedings have proved to be seriously inadequate. In the context of the law of evidence, competence refers to the principles upon which a court decides whether a person ought to be allowed to give evidence in a certain case. Compellability refers to the principles upon which a court decides whether a person ought to be compelled to give evidence in a particular case.

Under the present provisions of the Evidence Act, in relation to criminal proceedings, the situation is as follows:

- Spouse witnesses are competent for the defence but the spouse of the accused shall not be called except on the application of the accused.
- Spouse witnesses are competent for the prosecution for a wide range of offences. These cover most offences involving violent or immoral conduct against the wife or children of the accused and proceedings by a wife for the protection of her property and also a series of maintenance offences. In addition, the common law, which provides that a spouse is competent to testify when the accused is charged with inflicting 'personal injury' on his or her spouse, applies.
- Spouse witnesses are compellable for the accused only as regards the age or relationship of any child of the husband or wife and where the spouse is charged with specific statutory offences.
- Spouse witnesses are compellable for the prosecution to the same extent as they are for the accused.

The basis for the common law rule that one spouse could not be a witness for or against the other was that husband and wife were considered as one and the same person in law. Today, the justification for at least some degree of non-compellability of a spouse as a witness for the prosecution is put in terms of preserving the marital relationship. The community has an interest in the preservation of stable marital relationships.

Giving evidence against the other spouse could be a cause of serious harm to that relationship. It is also argued that the State is not justified in imposing on husbands and wives the extreme hardship of giving evidence against each other contrary to the (in the words of the New South Wales Law Reform Commission) 'promptings of affection and marital duty, and with the likelihood, in many cases, of bringing upon themselves disastrous social and economic consequences'. Whatever the reason for the rules, they are anomalous and create real difficulties. A spouse who would be a competent witness to give evidence for the prosecution where the charge is, for example, rape of a child is not competent to give evidence where the charge is murder.

It is an unjustifiable restriction on the civil liberty of a spouse to prevent him or her from giving evidence in a court of law where he or she is willing to do so solely on the basis of his or her marital relationship with the accused. Tasmania and South Australia are the only States in which a spouse is not a competent witness in all instances. In both Victoria and Queensland one spouse is a compellable witness for the accused. The report of a committee headed by the Honourable Justice Mitchell recommended that this should be the law in South Australia. As the committee pointed out, should the spouse be unwilling to give evidence, he or she is unlikely to be called by the accused.

No jurisdiction in Australia has made a spouse a compellable witness for the prosecution in all cases. In most States and Territories a spouse is compellable as a witness for the prosecution only in relation to trials for specific offences or in relation to specific issues. This approach is open to a number of criticisms:

(a) the choice of offences must always be somewhat arbitrary;

(b) the name of an offence may not be a good indication of the seriousness of the offence;

(c) this approach does not allow consideration to be given to—

(i) whether the evidence of the spouse will be of real importance in the reaching of a correct verdict;

(ii) whether a marital relationship of value exists between the accused and his or her spouse, and, if it does, whether it is likely to be disrupted if the spouse is called as a witness for the prosecution; and,

(iii) whether in all the circumstances (personal, social and economic) of the spouse, and having regard to the sentence likely to result from a conviction, it would be unduly harsh to compel the spouse to give evidence for the prosecution.

In Victoria, an alternative approach has been taken. Spouses are compellable in all cases for all the parties, but the court has the power to exempt a spouse from giving evidence for the prosecution having regard to matters listed in the legislation. This approach overcomes the criticisms outlined above of the specific offence approach. The amendments contained in this measure are similar to the Victorian approach. The measure applies not only to spouses but also to other categories of relative collectively referred to as close relative, including parent and child as well as spouse. The term 'spouse' includes a putative spouse within the meaning assigned to that expression in the Family Relationships Act. The arguments in favour of limiting the compellability of spouses apply equally to *de facto* relationships.

The measure provides that a close relative of an accused person is competent and compellable to give evidence for the accused and is competent and compellable to give evidence for the defence except where an exemption is granted. Where a close relative is a prospective witness for the prosecution in any proceedings, he or she may apply for an exemption. An exemption may be granted where the court considers that, if the close relative were to give evidence against the accused, there would be risk of serious harm to the relationship or the prospective witness and that, considering the nature of the offence and the importance of the evidence, there is insufficient justification for exposing the prospective witness to the risk of such harm. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal. Clause 3 provides for amendments to section 18 of the principal Act which are consequential on the provisions of clause 4 of the Bill. Clause 4 repeals section 21 of the principal Act and substitutes new section 21 which contains the main objects of the measure. Subclause (1) states the general principle that a close relative of a person charged with an offence is competent and compellable to give evidence for the defence and, subject to this clause, competent and compellable to give evidence for the prosecution. Under subclause (2) a close relative of an accused person who is a prospective witness in any proceedings related to the charge against the person (including proceedings for the grant, revocation or variation of bail, or an appeal at which fresh evidence is to be taken) may apply to the court for an exemption from the obligation to give evidence against the accused.

Subclause (3) provides that where a court to which an application is made under subclause (2) considers that if the person making the application were to give evidence or evidence of a particular kind against the accused there would be a substantial risk of serious harm to the relationship between the person and the accused or of serious harm of a material, emotional or psychological nature to the person, and that, having regard to the nature and gravity of the alleged offence and the importance to the proceedings of the evidence of the person, there is insufficient justification for exposing the person to that risk, the court may exempt the person, wholly or in part, from the obligation to give evidence against the accused in the proceedings.

Subclause (4) provides that where a court is constituted of a judge and jury, an application for an exemption under this clause shall be heard and determined in the absence of the jury, and the fact that a person has applied for or been granted or refused an exemption shall not be made the subject of any question put to a witness in the presence of the jury or of any comment to the jury by counsel or the presiding judge. Under subclause (5) the presiding judge in proceedings in which a close relative of an accused person is called as a witness for the prosecution shall satisfy himself that the prospective witness is aware of his right to apply for an exemption. Subclause (6) contains definition of 'close relative' and 'spouse'. A 'close relative' of an accused person means spouse, parent or child. 'Spouse' includes a putative spouse as defined under the Family Relationships Act, 1975.

Clause 5 repeals the third schedule of the principal Act. This schedule sets out the Acts which contained the specific offences in relation to which a spouse was competent for the prosecution (and in some circumstances, compellable).

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

COUNTRY FIRES ACT AMENDMENT BILL

The Hon. FRANK BLEVINS (Minister of Agriculture) obtained leave and introduced a Bill for an Act to amend the Country Fires Act, 1976-1980. Read a first time.

The Hon. FRANK BLEVINS: I move:

That this Bill be now read a second time.

It is designed to correct a problem which has occurred in the application of section 27 of the Country Fires Act, 1976-1980, concerning the payment of compensation to registered C.F.S. volunteers injured whilst attending fires or other duties undertaken by the C.F.S.

Specifically, section 27 (2) provides that persons so injured may as 'employees' of the C.F.S. Board be paid a 'prescribed wage' in accordance with the Workers Compensation Act.

However, the 'prescribed wage' has never been set by regulation and therefore the absence of a basis upon which to fix a rate of compensation poses extreme difficulties of a legal and administrative nature. This measure, expressed to have retrospective operation from 13 September 1979 (the date on which section 27 of the Act came into operation), has been prepared in order to rectify the difficulties which have arisen. In relation to compensation for injuries sustained during the bushfires on 16 February 1983, the insurers of the C.F.S. Board, the State Government Insurance Commission, agreed to establish a provisional rate of compensation which was tied to average weekly earnings in South Australia (as determined by the Australian Bureau of Statistics), but these arrangements must be now clarified.

The intention of the Bill is to fix parameters for compensation to injured C.F.S. personnel based on the Commonwealth Statistician's determination of average adult weekly earnings without overtime. In practice, that compensation rate will be expressed as a percentage of such average weekly earnings and determined or adjusted from time to time by regulation under the Act. All indications are that this should be 100 per cent of those earnings (presently $314.50 p.w.). In relation to claims under this section before the recent bushfires, the average weekly earnings applicable at the time of the particular case would be used as the basis in these instances. There is sufficent flexibility under the proposal to take account of unemployed persons who might be members of a C.F.S. brigade. 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, which is expressed to be 13 September 1979. Clause 3 strikes out subsection (2) of section 27 of the principal Act and substitutes new subsections. The Workers Compensation Act, 1971-1982, is to apply to a person to which the section applies as if the person was in the employ of the board, at a prescribed rate of earnings. In the application of that Act, the presumptive employment under this section is to be regarded as sole employment, but the degree of any incapacity is to be determined by reference to the person's normal employment. These provisions clarify possible areas of confusion. A regulation which prescribes a rate of earnings under this section may be given retrospective operation. The rate of earnings is to be a percentage of average weekly earnings.

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

CROWN LANDS ACT AMENDMENT BILL

Second reading.

The Hon. J.R. CORNWALL (Minister of Health): I move:

That this Bill be now read a second time.

The aim of this Bill is to repeal those provisions of the Crown Lands Act 1929-1980 that required a lessee or purchaser to clear native vegetation from the land comprised in a Crown lease or agreement. Successive Ministers of Lands have, since 1978, waived enforcement of this requirement, and the former Government included repeal of this provision in a Statutes Amendment and Repeal (Crown Lands) Bill, 1982 which was listed for introduction to the House, but Parliament was shortly after prorogued for the election.

Further consideration is being given to a number of aspects of that Bill and the Government has therefore decided to deal separately with this measure. I believe there is widespread acceptance that the clearance requirement in leases and agreements is outmoded and generally undesirable. It is the purpose of this Bill to formalise what has been a policy and administrative arrangement for some time.

Clause 1 is formal. Clauses 2 to 6 (inclusive) remove references and provisions relating to the covenant to clear land. Clause 7 inserts a new provision that provides for a waiver of the covenant to clear vegetation. A lessee or purchaser who has such a covenant in his lease or agreement will not be required to comply with it. This waiver applies to leases and agreements under all Acts that deal with the disposal of lands of the Crown.

Clauses 8 to 13 (inclusive) remove all references to vegetation clearing covenants from the schedules to the Act which set out the form of leases and agreement granted under the principal Act.

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

STATUTES AMENDMENT (WHEAT AND BARLEY RESEARCH) BILL

Adjourned debate on second reading.

(Continued from 21 April. Page 980.)

The Hon. H.P.K. DUNN: I support this Bill, which deals with a voluntary levy on wheat and barley growers for increased research in the State on those grains. There has been a ground-swell of opinion in regard to this Bill for some time, in fact going back some years, because farmers have realised that insufficient funds have come forward for research. If one compares the sum that is provided for research on grain with the sum provided for research on wool, one sees that the research allocation for grain is paltry indeed, both of those industries being major industries. The grain breeders of this State realised that they had to increase the research.

Over the past few years, the industry has run down for many reasons, the main reasons being the poor seasons and very light crops. The growers have not been able to put a great deal into the Federal funds which are then paid back into State research funds. The wheat or barley that is grown in this State is of a good quality: excellent varieties are grown in this country. In fact, if one compares the varieties throughout Australia, one sees that our varieties are of a very high standard. I understand that South Australian breeders produce three of the five top yielding wheats in Australia. Each wheat breeder in the other States produces different varieties, and I understand that these varieties are of a very high yield and quality.

South Australia has some physical peculiarities, and therefore different wheat must be grown in different areas. Because of the two gulfs, South Australia has a large area of seaboard. In the world it is fairly unique that wheat and barley be grown right up to the sea, but that is the case on Yorke Peninsula and in a small area of Eyre Peninsula.

We have in the Mid North very fertile areas which were the grain bowl of Australia in the very early days. They have red-brown earths which need specific wheats. We have the South-East, with its very high rainfall and high fertility soils which require grains of lower protein quality, but produce very high yields; we therefore need specific varieties for that area. So, the breeders need to move around the State and experiment on site. This is particularly important, but to experiment on site is very costly. Those distances

involved, particularly in this State, make that experimentation more expensive as the years go by.

The Bill will collect voluntarily; that is, if a purchaser wishes not to contribute to that fund, he may opt out. The Minister, I understand, has a small amendment to the Bill on the selection of the three people who may set the rate; this I believe will improve its operations. He will liaise with the industry before selecting those three persons, and that is an improvement on the clause in the Bill which deals with the appointment of the panel. The industry has wanted this Bill for some time and has approved of it in principle, so I support the Bill.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—'Deductions for wheat research.'

The Hon. FRANK BLEVINS: I move:

Page 2, lines 35 and 36—Leave out 'who are, in his opinion, representative of the interests of persons engaged in the wheat industry' and insert 'selected by the Minister after consultation with the Grain Section of the United Farmers and Stockowners of S.A. Incorporated'.

I have had some further discussions with the industry today. The industry had some very mild concerns that giving the Minister of the day the power to select these three people was perhaps too wide a power to give to a Minister when all the funds raised under this Bill are funds raised from the industry: there is no Government money at all. However, I have agreed in discussions with the United Farmers and Stockowners to move this amendment, which insists that I have discussions with it before appointing three people. I would have done that anyway, and I am happy to have that spelt out in the legislation if it makes the industry even happier (they are happy, anyway) with the Bill. That pleases me.

Amendment carried; clause as amended passed.

Clause 6 passed.

Clause 7—'Deductions for barley research.'

The Hon. FRANK BLEVINS: For the reasons I stated when dealing with clause 5, I move:

Page 4, lines 11 and 12—Leave out 'who are, in his opinion, representative of the interests of persons engaged in the barley industry' and insert 'selected by the Minister after consultation with the Grain Section of the United Farmers and Stockowners of S.A. Incorporated'.

Amendment carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

LOCAL GOVERNMENT BOUNDARIES OF THE DISTRICT COUNCILS OF BALAKLAVA, OWEN AND PORT WAKEFIELD

Consideration of the House of Assembly's address recommended by the Select Committee on Local Government Boundaries of the District Councils of Balaklava, Owen and Port Wakefield in which the House of Assembly requested the concurrence of the Legislative Council.

Adjourned debate on motion of the Minister of Health:

That the Address be agreed to.

(Continued from 21 April. Page 988).

The Hon. M.B. CAMERON (Leader of the Opposition): The Opposition views this matter very seriously and does not agree with the address in its present form. What the Government has proposed, by way of a split select committee recommendation, is to take action which is not wholeheartedly supported by the councils affected. Of the four councils which will be affected in some way by the amalgamation proposals, three are not happy: Port Wakefield has been opposed to the amalgamation, Balaklava is opposed to the amalgamation in its present form, and Riverton, from which a small area has been removed without a compensating area attached, is also opposed to what has occurred to it.

The Opposition believes that it would be failing in its duty if it did not bring to the council the concerns of all those involved. In the explanation tabled by the Minister little reference was given to them.

If we pass this address without considering adequately the views of all those involved, ignoring the fact that the select committee recommendation was not unanimous and without assessing alternative proposals, we could well be putting at risk any future amalgamation proposals for any local government area in the State. We cannot allow the confidence of councils in the select committee system that has operated so well to be undermined in any way. If there is any suggestion that the Government has simply forced its wishes on local government without fair consideration of all viewpoints, few councils will be prepared to take up approaches from the Government or to approach the Government to look at any amalgamation proposals, no matter how sensible those proposals may be. Councils will have no confidence in the impartiality of the select committee procedure.

I should stress that the Opposition has given the utmost attention to this issue and I have visited the area with colleagues on two occasions for the specific purpose of discussing the amalgamation plans. Our consultation involved all councils involved in this dispute. Local Government is a vital tier in our governmental system. Indeed, the Liberal Party in Government recognised this by incorporating and recognising local government within the Constitution. So we take very seriously all matters which involve local government. Local government is, of course, the closest to the people of all the tiers of government. Councils have a close association with their day-to-day activities and communities. In country areas, in particular, they have extensive contact with people and probably know better than any of us the wishes and needs of local communities.

As I mentioned earlier, four councils are affected by these proposals. The District Councils of Owen, Balaklava and Port Wakefield are proposed for amalgamation in their entirety. In addition, as I have said, a section is proposed for excise from the present District Council of Riverton for inclusion in the new council area. The suggestion of amalgamation of Owen and Balaklava councils has a long history. In fact, the select committee whose recommendations we are considering today, is the second committee to have considered the issue. The first committee, which was established in the time of the former Government, when the Hon. Murray Hill was Minister of Local Government, comprised members from this Council, and did all but bring down a report.

The Hon. Frank Blevins: It was a good committee.

The Hon. M.B. CAMERON: I have made that point to the Minister, and I should make that point now in my speech. I believe that the select committee system, in spite of some reservations that I may have earlier had in regard to equal numbers on the committee, did work well and it would be a good idea, in view of the situation that has occurred in another place on this matter, if select committees on local government were conducted in this Council or comprised of members from this Council. Then we would achieve a much better result and a result that would be accepted by people in the local government area.

The Hon. C.M. Hill: Or at least have equal numbers.

The Hon. M.B. CAMERON: That is exactly right. That is the problem that has occurred. The Government has trampled on two members (I will be saying a little more on

that) and, by doing that, the Government has trampled on an important part of the select committee system. With the change of Government and the switch of the responsible Minister to another place, the committee, too, switched and the select committee process began all over again. It is clear from the discussions which we held with councils in the area that all were very happy with the operations of the first select committee and were pleased by the equal numbers of Government and Opposition members. This they saw as enhancing the impartiality of the Committee. Given this confidence in select committees from the Council compared with those of the Lower House, it may well be worth considering the position in the future so that local government select committees can be set up from members within this place, notwithstanding that the Minister is located in another place.

The Hon. J.R. Cornwall: Keep the local members out of it and stop politicising.

The Hon. M.B. CAMERON: The Minister can give his views later. My summary of the views of the councils following personal talks with them is this: the Balaklava Council clearly indicated that it did not support the select committee's report, and that unless changes were made it would not support amalgamation. Their concern related to three principal matters:

1. The inclusion of Hamley Bridge in the new area.
2. The staffing proposals.
3. Feasibility of 1 July commencement date.

I do not wish to discuss in detail the validity of the various arguments for I believe that is, and can remain, the job of the select committee. But the Opposition is concerned about some of the general questions.

What is most concerning is that, with the present approach being taken by the Government, the new amalgamated council will suffer from a very unhappy marriage indeed. Unless there is a high degree of co-operation and harmony prior to the amalgamation, how can we expect the union to be long and productive? I am not going to mention specifically two areas about which I know. I know of one council where there is not a happy union between two country towns and this is causing grave difficulties in the council. The select committee has brought down a report which in the first instance is causing severe difficulties. What started out as a happy marriage between two local government areas has now grave difficulties, and that is a shame.

Indeed, the Minister, in describing the problems that could result from excluding Hamley Bridge from the new council, highlighted the dilemma. His description applies just as equally to the effect of an enforced amalgamation, when he says, 'It is believed that such an action would have jeopardised the future of the new council even before it had been established.' We cannot afford to jeopardise the future of the new council by appearing to force an amalgamation in a way which is contrary to the wishes of three of the councils.

The Riverton council understandably is unhappy at being forced to lose a small area without being consulted, whilst another area which is the subject of some moves for acquisition to Riverton remains in doubt. Surely it would have been better to consider both Riverton's gains and losses at the same time. On this point, without looking at any others, the select committee did not complete its task. Port Wakefield council accepts with some reluctance the possibility of amalgamation. But I must say that I am appalled at the way in which this position has been brought about. It is clear that the Minister and the department have used the threat of withdrawal of Grants Commission money to bring this about. While that may not have been a direct threat, it was an implied threat that has caused grave concern to that council and has led it into a difficult position. It is something that I am sure the Hon. Mr Milne would not support.

The Hon. R.C. DeGaris: Who made the implied threat?

The Hon. M.B. CAMERON: I do not want to go into that detail but, if the honourable member wants to know, he should ring up the Chairman of the Port Wakefield District Council.

The Hon. R.C. DeGaris: Perhaps the council should know.

The Hon. M.B. CAMERON: I do not want to go into that, because it could cause future difficulties. Should it be shown that future funding was guaranteed and that in every other sense Port Wakefield remained economically viable, I believe Port Wakefield would oppose the amalgamation. The Port Wakefield council is also concerned at the staffing proposals of the select committee which relegates the clerk, with the longest experience in local government of all those clerks involved, to that of accountant, prior to retirement within a relatively short term.

Of all the councils, the District Council of Owen is the one most happy with the recommendations and is keen to proceed as proposed. The council does, however, acknowledge that there is dissatisfaction among the other councils and, in terms of what this means for the future harmony of any new council, is concerned that difficulties should as far as possible be resolved prior to amalgamation.

The role of the Minister and his department in this matter is concerning. On the one hand, the Minister has suggested that the problem of Hamley Bridge, which is clearly the greatest point of contention, should be considered again after the amalgamation and that it is likely the town could be excised in two or three years. His departmental head, on the other hand, has said this is not the case and that once in it will stay in. Naturally this is confusing to the council which has received this advice.

Clearly then, there is widespread confusion and doubt within the communities involved. It is our job to resolve these issues as best we can if we are to ensure that any new council is to operate harmoniously and effectively from the start and if we are to ensure that the select committee system is not undermined in such a way as to put at risk any future amalgamation proposals. Confidence of councils in the impartiality of the select committee system cannot and should not be undermined in any way.

As I suggested earlier, all councils were generally happy with the approach taken by the first select committee under the Hon. C.M. Hill which investigated the amalgamation of the District Councils of Owen and Balaklava. When only these two councils were to be considered there was general agreement with amalgamation. Balaklava was prepared to accept the inclusion of all of the Owen council area, including Hamley Bridge. It has only been since the Minister decided to expand the amalgamation to include Port Wakefield and part of Riverton that the problem has arisen. I believe that this is the situation to which we must return. Both councils would accept total amalgamation, that is, of the two councils who were the parties involved in the original proposal. Harmony would be restored and the marriage of the two would be much happier and productive. The introduction of force, which the Minister seeks will cut across such a result.

Certainly, if it is considered at a later stage that the addition of Port Wakefield is warranted, then this would be and could be a matter for a further select committee. I am sure that that is not beyond the Parliamentary system. I am not yet satisfied that the best interest of the people of Port Wakefield can be best served by amalgamation at this stage. As far as the small section of Riverton is concerned, it would be foolish to consider only part of the question about its boundaries. Surely this whole question, coupled with that of the boundaries of the Saddleworth and Blyth

councils, should be considered more extensively. It is unfair to expect Riverton to lose an area and hence rate income without some adjustment elsewhere, if that is sensible.

There is no denying that a number of council amalgamations are sensible and needed. But such amalgamations should take place in a spirit of co-operation and harmony. Amalgamations should not be enforced unless all attempts at compromise and negotiation have failed. I am not satisfied that in this instance that has occurred. I believe that the address should be rejected and returned to the other place for referral back to a select committee.

I considered amending the address, but that would be too large a task within the limited time-frame remaining in these sittings of Parliament. I believe that it is unwise to attempt to amend the address and perhaps run into the question of eventually having to refer the matter back. If this matter has to go back to a select committee it should be done now. Unless we acknowledge the unhappiness in the region and the need for reconciliation (to use a phrase often quoted by the Labor Party in recent times) we will put at jeopardy not just the success of any amalgamation in the Owen-Balaklava area, but in any local government area throughout the state. I oppose the adoption of the address.

The Hon. K.L. MILNE: The Australian Democrats support the decision of the select committee in relation to this amalgamation. I have listened to what the Hon. Mr Cameron has had to say. He kindly went through the whole situation for us. Obviously, he has looked into the matter thoroughly and I understand exactly how he feels. On the other hand, the Australian Democrats have conducted inquiries and have had queries referred to us. We have received numerous letters and telephone calls and have had a long discussion with the Minister and the Director of Local Government.

I realise that in an amalgamation such as this, where the councils involved have been independent for a long time, there are always those who are opposed to this type of action (especially if it is not undertaken tactfully). When I was involved with local government I recall my reaction as Mayor of Walkerville when it was suggested that we should be taken over by Enfield.

The Hon. R.C. DeGaris: Where's Walkerville?

The Hon. K.L. MILNE: I will have the honourable member know that Walkerville is now twice the size that it was. I believe that the objections to this move are based on the way that the amalgamation has been approached, rather than on a feeling that it will not work or that it should not take place at all. I believe that the select committee, and the Minister and his advisers believe that they have taken into account the interests of the affected areas as a whole. I believe that to be true, even if the way that some of it has been done has been a little tacky.

My Party believes that there will be more amalgamations like this because the motor car and other rapid transport systems have brought country towns closer together, while the expenses of country councils have increased in relation to road maintenance and the staff that they are required to employ. I hope that this amalgamation will teach us all some lessons, but not to the extent of discouraging future amalgamations. There are two ways of looking at this question in the future: if this amalgamation is delayed it could be a bad move in relation to future amalgamations; on the other hand, if we proceed with the amalgamation other problems may be created. From our information it is extremely difficult to tell what will occur. I am afraid that, if this matter is referred back to the other place, it will become a Party-political battle. Submissions we received from Hamley Bridge indicated substantial support for the amalgamation.

The Hon. M.B. Cameron: Who got them together?

The Hon. K.L. MILNE: The honourable member can see them—they are quite open.

The Hon. M.B. Cameron: Who organised them?

The Hon. K.L. MILNE: To my knowledge, there was no organiser.

The Hon. M.B. Cameron: It was not your candidate?

The Hon. K.L. MILNE: Our candidate organised nothing. I think he has a substantial following in that area and we referred inquiries to him. As the honourable member knows, the Australian Democrats have only two members in Parliament and we were receiving constant telephone calls in relation to this matter, the Casino Bill, the education legislation and heaven knows what. We needed assistance, and we got it. The honourable member should not imply that we were cheating.

The Hon. M.B. Cameron: I asked you a simple question and I received the answer that I wanted.

The Hon. K.L. MILNE: The honourable member is implying that it was rigged; it was not rigged.

The Hon. M.B. Cameron: I know what he thinks.

The Hon. K.L. MILNE: The honourable member is doing him an injustice. Our candidate in that area gave us a report on the various referrals that he received—for, against and neutral. Not one person approached us from Port Wakefield, but the submissions we received from Balaklava were evenly divided. We found it impossible to assess what the people want or why they want it. We know that some people, particularly the Chairman, have some complaints. We have considered those complaints along with the other submissions that we have received and the importance of the select committee's decision and we have come to the conclusion that the select committee's decision should stand.

I point out that the select committee's performance may have left something to be desired. However, I am sure that important lessons have been learnt. In our opinion, to go over this matter again would be a mistake. Accordingly, with some misgivings and with better hope for the future, we support the select committee's decision.

The Hon. G.L. BRUCE: I was not going to enter into this debate, but having heard the Hon. Mr Cameron's contribution I felt compelled to say a few words. In the past, I have been a member of select committees that have looked at council boundaries. I agree that this is a complex and complicated issue. It does not matter what is done; all views cannot be accommodated. I believe that select committees of which I was a member under the previous Government acted in good faith and I believe that our recommendations were for the benefit of the community as a whole. I have no reason to believe that the work of this select committee is not worthy of my support at this time.

I am perturbed that this matter seems to have been politicised by the Hon. Martin Cameron rather than his trying to come to an amicable agreement about it. He sees fit to stir the pot in this Council, which does nobody any good. I believe that the Hon. Lance Milne put his finger on the matter when he said that if we play around with this matter and it goes to the other House they will change things in the area and we are going to be in worse trouble.

The Hon. M.B. Cameron: Point out where I politicised matters. All I did was point out the views of the councils. The honourable member has not been there to find out what they are about.

The Hon. G.L. BRUCE: People on the committee have not been lobbied down here. I have not been lobbied.

The Hon. M.B. Cameron: We went up there. We took some trouble about the matter.

The Hon. G.L. BRUCE: This report had been tabled and people were at liberty, if they felt strongly about the matter,

to lobby any member of this Council. It seems that they have only lobbied the select few and that the honourable member took it upon his shoulders to go there and investigate.

The Hon. M.B. Cameron: Why shouldn't I?

The Hon. G.L. BRUCE: If matters were as bad as the honourable member says, the whole Council would have been lobbied. All these councils are relatively small in terms of population, size, rate collection and fixed assets. Port Wakefield, for instance, is ranked 116 out of 127 councils in size. That is the problem. These small councils cannot continue to exist as they are now. I believe that amalgamation is the only way to solve this problem but councils are not in a position to do this. This Government serves a useful purpose by having select committees and going into these areas.

The Hon. M.B. Cameron: Nobody denies that. Matters were politicised in the other place when they trampled on other members of the committee. That did not happen in this Council.

The Hon. G.L. BRUCE: I am prepared to support the select committee and if there have been any problems I am sure that they will become apparent and the other place will take notice of what has happened. I support the recommendations brought forward by that committee. This has been a thankless job for this select committee and I am sorry that matters have gone off the rails because I think that this is the only way that council amalgamations can take place, by an outside body doing the job. I support the Bill.

The Hon. J.R. CORNWALL (Minister of Health): I rise much more in sorrow than in anger to say how disappointed I am at the performance of the Leader of the Opposition. It seems to be a stock-in-trade of the Leader in this place, and the Leader in the other place, to try to polarise local communities and politicise everything that happens.

The Hon. M.B. Cameron: That is nonsense.

The Hon. J.R. CORNWALL: It is not nonsense. For example, the Leader of the Opposition in the other place recently wrote to 79 hospitals trying to do just that, to polarise communities. That is what the Leader in this place has been all about, too. It is most regrettable. I know that the Hon. Mr Milne, as a man of reason who seeks consensus with most of us in these matters, would agree with what I am saying. One of the real problems, and we have to face this, is that the local Liberal members of the House of Assembly tend to try to score political points; it is not just the Leader of the Opposition in this place who does that.

The Hon. Murray Hill, for all his faults when Minister of Local Government (and if honourable members do not believe he had a few they should talk to the Local Government Association), conducted select committees into local government boundaries with a great deal of acumen, and I pay tribute to him. There was no polarising them and no politicising.

The Hon. M.B. Cameron interjecting:

The PRESIDENT: Order! The Hon. Mr Cameron has had a good run and will cease objecting.

The Hon. J.R. CORNWALL: Far too good a run, and that is no reflection on the Chair, Sir. The Hon. Mr Hill, in the company of reasonable people from this side like my late good friend the Hon. Jim Dunford and the Hon. Gordon Bruce, used to go into an area without politicking even when faced with irate crowds, as I understand he was on occasion. They handled these matters with great dexterity and produced some very good results.

The Hon. C.M. Hill: We never compulsorily amalgamated councils.

The Hon. J.R. CORNWALL: Indeed, and the honourable member did it well, as I said. That is no reflection on my esteemed colleague in the other place, the present Minister of Local Government. It is highly appropriate that he be Chairman of these select committees. The problem is that when one gets to these places and the local members happen to be Liberal members, then they want to play politics. As I have said, that is part of the stock-in-trade of these members, that they try to polarise local communities for short-term and crass political gain, which is most regrettable. I will now refute some of the more spurious and ridiculous points made by the Leader of the Opposition. He said that Riverton will be disadvantaged. It is quite clear, if one looks at the report and studies the evidence taken by the select committee, that Riverton will be compensated in the future.

The Hon. M.B. Cameron: Why wasn't it done?

The Hon. J.R. CORNWALL: I suggest that if the honourable member reads the report of the select committee he will see clearly that they will be compensated. In his second point he talked about Port Wakefield. If Port Wakefield was left on its own it would not have been a viable council and would have been disadvantaged. There was an overwhelming amount of evidence to support Port Wakefield's inclusion with the other three councils. Balaklava, I add, supported Hamley Bridge previously in this matter at the first select committee hearing. It is quite unfair to concentrate at this stage on Hamley Bridge as the exception because if one looks at the map the reasons for that become absolutely obvious. One of the people stirring up this matter was the member for Light. I wondered whether his reasons for doing this were entirely ultruistic when the Electoral Commission is looking at redistribution in his area.

The Hon. R.I. Lucas: That is outrageous.

The Hon. M.B. Cameron: It is not true.

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: It may well be true. I would have thought that it was regrettable.

The Hon. M.B. Cameron: That rumour is totally untrue and absolutely scandalous.

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: The member for Light is a former professional colleague of mine and I have had some admiration for him over the years. However, it seems regrettable that he must play politics at this level. Next there is the question of staff. The Leader of the Opposition would know, had he taken three minutes to find out, that there were adequate consultations with the union and the Municipal Officers Association and that general agreement was reached on this question. However, we suddenly have that champion of the working classes, the Leader of the Opposition, appearing from under the bushes.

The other question concerned Hamley Bridge. There is little likelihood, as I understand, that Hamley Bridge will go with another council at a future time. In any case, any future suggested change of boundaries would be taken on its merits. There are other points that I do not think I need to rebut, particularly in view of the fact that I clearly have the numbers. If there was any doubt about that then the way in which the Leader of the Opposition quite arrogantly, I suggest indecently, insulted my good and esteemed colleague the Hon. Lance Milne when he was on his feet would have changed that.

We should put this matter to the vote. I am confident that common sense will prevail and that the consensus that we on this side have been seeking for the past six months will be evident once again in this case.

The Council divided on the motion:

Ayes (10)—The Hons. Frank Blevins, G.L. Bruce, B.A. Chatterton, J.R. Cornwall (teller), C.W. Creedon, M.S. Feleppa, I. Gilfillan, Anne Levy, K.L. Milne, and C.J. Sumner.

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

Pair—Aye—The Hon. Barbara Wiese. No—The Hon. R.J. Ritson.

Majority of 1 for the Ayes.

Motion thus carried.

LOCAL GOVERNMENT ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 3 May. Page 1042.)

The Hon. J.R. CORNWALL (Minister of Health): I thank honourable members for their contribution. I do not have a great deal more to add to the debate. Amendments have been foreshadowed, and that is what we should discuss.

The Hon. C.M. Hill: What about the question I asked yesterday?

The Hon. J.R. CORNWALL: That can be handled quite well in Committee.

Bill read a second time.

In Committee.

Clauses 1 to 9 passed.

Clause 10—'Repeal of heading and section 213 and substitution of new heading and section.'

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

Page 2, line 41—Leave out 'rate of ten per centum per annum' and insert 'prescribed rate'.

This amendment deals with a situation that is covered in the Bill where a ratepayer may pay his annual rates and at the same time he may appeal to the Valuer-General against the assessment. As a result of that appeal, the assessment may be reduced and therefore the amount which that ratepayer must pay for the current year would be less than the amount already paid to the council. The Bill provides that the council can hold this money for the balance of that year but that it must pay interest at the rate of 10 per cent on that over-payment.

I asked the Minister (but he failed to answer my question in the second reading stage) why the Government included this provision whereby the local council is entitled to hold that money in credit. Surely it is fair, from the point of view of the ratepayer, that that money be paid back to the ratepayer. There must be some reason for the Government's adopting that course, and I believe that that question should be answered. Why should not money be paid back to the relevant ratepayer, rather than the council being entitled to hold the money and use it for the balance of the year? I assume that the Minister overlooked that matter because he was confused by his notes.

The amendment provides that the interest which the council must pay the ratepayer should be a reasonable percentage, rather than 10 per cent. As I said in the second reading debate, the ratepayer might have an overdraft with his bank and would be paying overdraft interest, which could well be, taking recent overdraft rates as an example, 13½ per cent or 14½ per cent on the money he borrowed.

That money, which is held to his credit by his local council, is money on which he is receiving only 10 per cent. That, of course, is grossly unfair. So, the endeavour in this amendment is to strike an interest rate comparable to the bank overdraft rate. Whilst there might well be a percentage one way or another in the actual amount fixed, and whilst there might be variations in overdraft rates, the amendment seeks to take the overdraft rate of the Reserve Bank for the purpose of fixing this prescribed rate. First, I would again ask the Minister to tell me why that money cannot be refundable compulsorily by the council in those circumstances; secondly, surely the Minister must agree that if the ratepayer is to be paid interest on that money which the council holds to his credit it ought to be a rate comparable with the overdraft rate.

The Hon. J.R. CORNWALL: First, I will reply to the question raised by the Hon. Mr Hill—and he seems pretty dogged about the whole thing. The very simple answer is that it is to enable the council to budget for repayment during the next financial year, particularly when a substantial amount is involved and it could be embarrassing to the council if it had to repay immediately. I am surprised that the Hon. Mr Hill, as the former Minister of Local Government, would even raise the matter. I thought that he would have known the answer. Perhaps it was merely rhetorical.

I am not attracted to the amendment. I have discussed it with my good friend and colleague, the Minister of Local Government. I am told—and I certainly agree—that adjusting the interest rate on what would virtually be a day-to-day basis on the day of payment to the overdraft rate would mean a constant day-to-day change. That would be quite unruly and unmanageable. What the member is trying to get to is well accommodated in the foreshadowed amendment of the Hon. Mr Milne, who has, of course, very considerable expertise in financial matters. I am far more attracted to the amendment moved by the Hon. Mr Milne. Indeed, I am giving very serious consideration on behalf of the Government to accepting it.

The CHAIRMAN: We are not discussing the amendment moved by the Hon. Mr Milne. This is an amendment to line 41, moved by the Hon. Mr Hill.

The Hon. J.R. CORNWALL: I have to say at this stage that the Government is not attracted to that amendment, and we will oppose it.

The Hon. C.M. HILL: The Minister accused me of being very dogged about this matter. I can assure him that there is need now for members on this side to be very dogged about all local government issues, because what happened a few moments ago is a situation in which the Government of this State has compulsorily amalgamated local government councils—not the readjustment of boundaries, a process with which the Government of 1979-82 was involved, but the amalgamation of a small council against its will. I am referring to the District Council of Port Wakefield. That is what the the Government has done tonight; that is what the Democrats in this House have joined with the Government in doing.

The Hon. J.R. CORNWALL: On a point of order, Mr Chairman, has this anything to do with the matter before the Committee?

The CHAIRMAN: I was about to query that. I ask the Hon. Mr Hill to stay within the limits of the amendment.

The Hon. C.M. HILL: Certainly, Mr Chairman, but the previous decision has upset me to such an extent that the Minister and the Government will hear about it, from within this Chamber and out in the field amongst local government, in no uncertain way for a long while to come.

Getting back to the matter before us, I believe, again, that the Minister cannot deny that an overdraft rate of interest is a fairer method of assessing the ratepayer than simply by fixing 10 per cent. As I am pragmatic enough to know our situation in this Chamber, with the two members of the Australian Democrats holding the balance of power on the floor of this Chamber, I would like to hear from them as to their view in regard to this amendment.

The CHAIRMAN: The Hon. Mr Milne has foreshadowed an identical amendment to this clause. We are speaking to the Hon. Mr Hill's merely because that was received first.

The Hon. K.L. MILNE: The first part of the Hon. Mr Hill's amendment is identical to mine. I would certainly support it.

The CHAIRMAN: That is the one we are dealing with at this time.

The Hon. K.L. MILNE: Yes; I have no objection to that. I think that that is the first part that we should get straight, and I support it.

Amendment carried.

The CHAIRMAN: After line 44, both the Hon. Mr Hill and the Hon. Mr Milne have foreshadowed amendments. I ask the Hon. Mr Hill to speak to his amendment.

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

After line 44—Insert new subclause as follows:

(3a) For the purposes of subsection (3)—

'prescribed rate' means a rate equal to the rate (expressed as a percentage per annum) which the Governor of the Reserve Bank of Australia may from time to time fix as the rate of interest charged by that bank upon bank overdrafts.

I have already spoken to my amendment, because I included the preliminary and relatively smaller amendment with this more important second part, which deals with the prescribed rate and the fixing of the overdraft. In regard to this matter I would like to hear the view of the Australian Democrats.

The Hon. K.L. MILNE: I agree entirely in principle with what the Hon. Mr Hill is moving, but it seems to me that the way it is worded would cause a great deal of trouble. It might necessitate calculations being made day by day. It is much better to fix the interest rate at a given date, which I think the Parliamenty Counsel tried to do at the time. The Hon. Mr Hill's suggestion was an improvement on that, but I hope that the way that we will have it when I move my amendment will tidy it up.

There is only one calculation to be made on the interest rate on the day of payment. The theory is correct; the protection that the Hon. Mr Hill has brought in for these people is correct in principle. Also, the provision for a minimum of 10 per cent is a good safeguard. I do not like to say that I hope that his amendment will be lost (I do not mean it in those terms), but if his amendment is lost I intend to move mine.

The Hon. J.R. CORNWALL: Very briefly, those points made by the two speakers were precisely the points that I was making earlier. I was speaking to the full thrust of the amendments in this area. The amendments moved by the Hon. Mr Milne are in substance a good deal tidier and more workable. They are the ones that the Government intends to support. We cannot accept the amendment moved by the Hon. Mr Hill for that reason. It is not because we are in any fit of pique; we are searching for that consensus about which I talked earlier.

We can certainly accept the amendment to be moved by the Hon. Mr Milne which, in a minor way, will improve the Bill; I thought that was sought.

The Hon. C.M. HILL: I believe that mine is the better amendment of the two. As the Government and the Australian Democrats are combining to use their numbers, I do not intend to divide the Committee.

Amendment negatived.

The Hon. K.L. MILNE: I move:

Page 2—

Line 41—leave out 'rate of ten per centum per annum' and insert 'prescribed rate'.

After line 44—Insert new subclause as follows:

(3a) For the purposes of subsection (3)—'prescribed rate' means a rate equal to—

(a) the rate (expressed as a percentage per annum) which is being charged by the Reserve Bank of Australia upon bank overdrafts on the day of payment of the amount to be credited under this section;

or

(b) the rate of ten per centum per annum, whichever is the greater.

Amendments carried; clause as amended passed.

Clause 11—'Power to declare general rate.'

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

Page 3, after line 9—Leave out the clause and substitute new clause as follows:

11. Section 214 of the principal Act is amended by inserting after subsection (4), the following subsection: (4a) Notwithstanding the provisions of subsection (4), where—

(a) a motion brought before the council that differential rates be declared is lost;

and

(b) at another meeting of the council, held at least three weeks after the date of the meeting at which the motion referred to in paragraph *(a)* is lost, another motion, in the same terms as the previous motion, for the declaration of differential rates is passed by an absolute majority of the council then the motion shall be carried.

The amendment deals with the proposal of the Government to bring out a more uniform method of council voting for different kinds of rating. In this amendment we deal with the question of differential rates. Honourable members who have had experience with local government know that the question of differential rating can be controversial in some council areas. Presently the Act requires that a three-quarters majority must be obtained in a council for that council to pass a differential rate. That is evidence of the importance of a change to differential rating and why the Legislature previously has deemed that a high majority is required before a change to differential rating from general rating can be made.

The Government proposes that this should be cut to a simple majority, but that is a considerable change. Accepting that this is Government legislation and that it has doubtless been investigated in depth, the amendment does not altogether oppose that proposal but does give a breathing space of three weeks; when a motion to apply differential rating is brought before a council and is lost, a three-week period must elapse before the motion is brought before the council a second time.

On that second occasion, if an absolute majority of the council carries the measure, the matter is fixed at that. It is simply a compromise between the existing situation and the change that the Government seeks to implement. It is not an unreasonable procedure to provide in local government legislation: it is a cautionary measure and gives ratepayers, who are the ones who get upset when they find differential rating either affecting their properties or other people's properties, a short period in which to make their opinions known to local councillors so that the council can be better appraised on the second occasion when the vote is taken.

The Hon. J.R. CORNWALL: I am absolutely amazed. I never fail to be amazed by the form of some members opposite, the Hon. Mr Hill in particular. He says that he is committed totally to making local government work, that it is close to the people, and that we will hear more about the alleged atrocities in regard to the Balaklava select committee, which of course is a lot of nonsense. He now wants to make local government unworkable to the maximum extent possible.

This proposal is to take away an unreasonable requirement, because these things can be passed only by a vote of 75 per cent of all those members of council eligible to vote: not those present, but 75 per cent of those eligible to vote. In practice this has proven to be unworkable in many cases. The Government is proposing a simple amendment to the Act in order to streamline the situation. It takes away none of the democratic processes; indeed, it is almost democracy rampant in that all that will be required is an absolute majority.

The Hon. Mr Hill, in the typical delaying tactics which seem to be so attractive to conservatives generally, wants

to retain 75 per cent of all those eligible to vote so that the initial vote in almost all circumstances may well be abortive, and then there is another three weeks delay. In the context of local government, at least, that has not proved to be workable. We are suggesting, without taking away any of the democratic rights of local councils or councillors that we wish to streamline the procedure. I am disappointed that the Hon. Mr Hill has put this amendment on file, because it is a bad amendment that does nothing for the legislation, except to try and drag it back into the dark ages. The Government opposes the amendment vigorously.

The Hon. C.M. HILL: I would like to hear from the Hon. Mr Milne, the Leader of the Australian Democrats. I would think that I have his support, because he is experienced in local government and would know the seriousness of differential rating being imposed upon some ratepayers in some council areas. I hope that he would appreciate the need for a check to be placed on a council which could, without notice to ratepayers, and simply by an absolute majority invoke in one sweep differential rating, thereby creating considerable unfairness and much controversy.

My amendment simply gives a three-week period for ratepayers and council members to reconsider the matter if in the first vote on differential rating the motion is lost under the 75 per cent majority rule. If it is lost, the council must pause for three weeks and reconsider the matter again and then, on the second occasion, an absolute majority can carry the day. In view of the seriousness of differential rating, surely this is not too much to ask. I would like to hear the thoughts of the Hon. Mr Milne on this matter.

The Hon. K.L. MILNE: I do not think that the honourable member has any right to seek my views.

The CHAIRMAN: The honourable member does not have to give them.

The Hon. K.L. MILNE: And I do not think that I have to give them, but I feel in a friendly mood. Why has the Hon. Mr Hill stipulated three weeks and not a month until the next council meeting?

The Hon. C.M. HILL: We certainly did not want to delay a final decision too long, but it was a question of fixing a time. We believe that three weeks is sufficient time for ratepayers to understand and ascertain what is happening. If it was extended further than three weeks, councils could well find the delay serious in relation to office machinery matters. A reasonable period had to be determined, and three weeks seemed to be a satisfactory period.

The Hon. K.L. MILNE: I am not too sure about the effect of the honourable member's remarks. I believe that the Bill as it stands has been approved by the Local Government Association and the department and, that, therefore, it should not be changed. The delay of three weeks will simply give people an opportunity to discuss the situation, but in the real world of local government that will not happen. I do not believe that ratepayers would be as protected as the honourable member believes they would be if his amendment was passed. I do not feel strongly enough about this area to oppose the Government.

The CHAIRMAN: I point out that the amendment refers to 'at least three weeks'.

The Hon. R.C. DeGARIS: I do not believe that any change is warranted at all. 'Differential rate' means that a different rate is applied to different wards The present situation is quite satisfactory and quite reasonable. Before a differential rate is struck, there must be a high vote; otherwise there could be difficulties in regard to forcing a differential rate upon a ward where the residents did not want that rate to apply. I find difficulty in supporting the amendment, but I agree that it is better than the provisions in the Bill. I am quite happy to leave the Bill as it stands in relation to differential rating.

The Hon. J.R. CORNWALL: I refer to the further point raised by the Hon. Mr Hill and the point raised by the Hon. Mr DeGaris. A period of not less than three weeks or any other period would and could be awkward because rates must be declared before 31 August each year, unless the Minister consents to an extension of time.

In relation to the question of differential rates applying to a ward, I am sure that, with his extensive knowledge, the Hon. Mr DeGaris would be aware that it is not just a ward where differential rates can apply—they can also apply in a planning zone or for a township. If that fact is taken into account plus the point that I made in relation to the Hon. Mr Hill's extension of time, it becomes apparent that, as the Hon. Mr Milne said, the Bill can only improve the legislation.

Amendment negatived; clause passed.

Clauses 12 to 22 passed.

Clause 23—'Expiation of offences.'

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

Page 6, line 5—Leave out 'or' and insert 'and'.

I have received representations pointing out that a council ought to have the right to recover its costs from an offending party.

The Hon. K.L. MILNE: This is a rather complicated area. I came to the same conclusion as the Hon. Mr Hill until the situation was explained in more detail. The word 'or' means that an offender must pay the parking fine and a fee for late payment. If the proceedings against offenders have begun, they will pay the fine and the costs incurred by a council up to the point that the fine is paid. I am sympathetic in relation to this matter because, having been involved in local government, I know that the cost of collecting small amounts is very high in relation to the time involved, solicitors fees and staff time.

Some penalty must apply to make people comply; otherwise the situation is unworkable. In fact, if the word 'or' was changed to 'and', an offender would pay the fine, the fee for late payment and the costs as well. It has been suggested, and I believe it is correct, that an offender pays a fine and a fee for late payment or he pays a fine and the costs incurred by the council. Local government is much closer to the people and is supposed to be friendlier. I therefore think that the proposal in the Bill is a more tactful approach.

The Hon. J.R. CORNWALL: The Hon. Mr Milne has put the situation very well. I do not think that I can add much more at all. In practice, the amendment would be a form of double jeopardy, and we cannot accept it. The Government opposes the amendment for the reasons that have been outlined extremely well by the Hon. Mr Milne.

The Hon. C.M. HILL: I do not agree with the views expressed but, as I appreciate that the Government and the Australian Democrats will join to oppose the amendment, I do not propose to call for a division.

Amendment negatived; clause passed.

Remaining clauses (24 and 25) and title passed.

Bill read a third time and passed.

SENIOR SECONDARY ASSESSMENT BOARD OF SOUTH AUSTRALIA BILL

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

The Hon. FRANK BLEVINS (Minister of Agriculture): I move:

That this Bill be now read a second time.

The Government is substantively reintroducing the Public Examinations Authority of South Australia Bill 1982 as the

newly-named Senior Secondary Assessment Board of South Australia Bill. This Bill has been introduced to give effect to changes to the South Australian system of accreditation of students in the final year of secondary school and the Government supports the basic arguments put forward by the previous Minister. Honourable members are referred to *Hansard* of 7 October 1982, pages 1297-1299, to note the second reading speech given on that occasion.

The need for changes to the examination system was highlighted in the reports of the Committee of Enquiry into year 12 examinations in South Australia (the Jones Report) and in the Committee of Enquiry into Education in South Australia (the Keeves Report). Concern was expressed about the apparent dominance of the universities over the curricula of schools at upper secondary level, the limited range of subjects and their academic orientation, the low retention rate as many opted out of upper secondary education because of perceived lack of relevance of courses, and the inappropriate use being made of the Matriculation certificate in selecting students for employment. The further arguments already presented need not be reiterated here, although there is a need to explain the modifications made to the former Bill in this newly drafted Bill.

The name change has been made to further distance the new Bill from the Public Examinations Board Act of 1968. As the method of assessing courses may go beyond the conventional three-hour examination, it has been seen fitting to rename the assessment board to reflect this change in emphasis. The Senior Secondary Assessment Board will of course be empowered to develop or approve assessment methods which may or may not include examinations. It will also have the power to vary the length of subjects and the period over which the subjects are studied so that the needs of students currently not staying on at school can be answered with more flexibility. As the scope of the curricula to be accredited has broadened beyond the narrow purpose of university selection to cater for students entering all tertiary institutions including the Department of Technical and Further Education, to provide public certification of student achievement and to assist employers to select students, the representation on the Senior Secondary Assessment Board of South Australia has been broadened.

The Bill proposes to increase the membership from the 25 formerly proposed to 29 members to include a nomination of the Commissioner of Equal Opportunity and of the Roseworthy Agricultural College as well as a second nomination by both the South Australian Commission for Catholic schools and the Independent Schools Board of S.A. This is, however, a decrease from the 32 currently in the Public Examinations Board Act 1968. A clause in the Bill in its first form which caused difficulty was clause 17, which gave significant power to the universities to control course content and which subjects should be studied for matriculation. Discussions have been held by the Government with the universities, the South Australian Institute of Technology, the South Australian College of Advanced Education, the Education Department and the Department of Technical and Further Education in an attempt to alleviate these fears. While this clause has been deleted in the Bill, any concern that this may cause a fall off of standards has been answered by adding a sunset clause which ensures that the Act must be reviewed after four years.

The Government has as a prime aim the realisation of the intellectual powers of the youth of the community. Indeed, the Government sees the increased technical skills and development of intellect based industries as having a major part to play in our economic recovery and does not see this legislation as inhibiting this end. Measures have also been taken to assuage fears that students will be disadvantaged if they are doing courses already approved by the former board or by the Director-General of Education before the proclamation of the Bill and so that such subjects to be studied in 1983, 1984, or 1985 shall, in relation to those academic years, still be deemed to be a syallabus prepared or approved by the board. Thus, the status of the present secondary school certificate subjects and the certificates of agriculture of Urrbrae Agricultural High School, and Cleve and Lucindale Area Schools, cannot be challenged in respect of those years. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal. Clause 3 sets out the arrangement of the Bill. Clause 4 provides definitions required in the interpretation of the Bill. Clause 5 repeals the Public Examinations Board Act, 1968. Clause 6 is a transitional provision transferring property and liabilities of the former board to the new board. Clause 7 establishes the Senior Secondary Assessment Board of South Australia as a body corporate.

Clause 8 provides for the membership of the board, the appointment of members, their term of office and other related matters. Clause 9 provides for the appointment of a Chairman and Deputy Chairman of the board. Clause 10 provides for matters relating to procedures at meetings of the board. Clause 11 is a savings clause that protects members of the board in the performance of their duties.

Clause 12 provides for delegation by the board to members, employees and committees established by the board and to persons appointed by it to assess students. Clause 13 requires disclosure by members of the board of any contractual interest that conflicts with that of the board. Clause 14 will enable allowances and expenses to be paid to members of the board when necessary. Clause 15 sets out the functions of the board. Clause 16 sets out the powers of the board. Clause 17 provides for the establishment of committees and subcommittees. A committee may delegate functions and powers to a subcommittee that it has established. Committees and subcommittees may be constituted by persons who are not members of the board.

Clause 18 provides for employees of the board. Clause 19 provides for the keeping and auditing of accounts. Clause 20 requires an annual report to be delivered to the Minister and to be laid before both Houses of Parliament. Clause 21 provides for proceedings to be disposed of summarily. Clause 22 is a financial provision. Clause 23 provides for the making of regulations. Clause 24 provides for the expiry of the Act.

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

STATUTES AMENDMENT (IRRIGATION) BILL

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

The Hon. FRANK BLEVINS (Minister of Agriculture): I move:

That this Bill be now read a second time.

Its purpose is to increase the level of interest charged on overdue irrigation and drainage rates in Government administered irrigation areas in order to encourage reduction in the high levels of rates that are now outstanding. The Lower River Broughton Irrigation Trust and the Pyap Irrigation Trust have requested that similar amendments be made to the Acts under which they administer their areas

and, accordingly, appropriate amendments to those Acts are included in this Bill.

A consensus in support of similar amendments to the Irrigation on Private Property Act, 1939-1978, has been demonstrated by trusts that operate under that legislation. The Acts that are amended by this Bill provide for interest or a fine on rates that are overdue at the rate of either 5 per cent or 10 per cent. The effect of the amendments will be that, in future, interest will be 5 per cent of the rates unpaid after three months and 1 per cent of rates and interest unpaid at the expiration of each subsequent month.

The initial moratorium of three months will assist those irrigators where cash flows are irregular, but the increased level of interest will more closely reflect the current market situation and provide an inducement for early payment. The Bill also makes a number of minor amendments that will be explained in the notes to individual clauses. It is proposed to proclaim Act No. 65 of 1981, which amends the Irrigation Act, 1930-1981, and this Act on 30 June 1983. The amendments to the Irrigation Act, 1930-1982, made by this Bill are therefore as it is amended by Act No. 65 of 1981. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal. Clause 3 sets out the arrangement of the Bill. Clause 4 is formal. Clause 5 amends section 75 of the Irrigation Act, 1930-1982. Paragraph *(a)* removes from subsection (1) the requirement that the notice of the rate published in the *Gazette* prescribe a time and place for payment of the rate. This information will be printed on individual rate notices which will be of assistance to ratepayers and will give greater administrative latitude.

Paragraph *(b)* strikes out subsections (2) and (3) and substitutes four new subsections. New subsection (2) is an improvement on the existing subsection (2) because it states clearly the persons who will be liable for rates and interest. New subsection (3) provides that both rates and interests on rates will be a charge on the land instead of rates only being charged on land as is provided by the present subsection (2). New subsection (4) replaces subsection (3) and provides that a notice setting out the rates must be served on the person liable and that the rates will be due and payable from the date stated in the notice. New subsection (5) provides for interest at 5 per cent in respect of rates unpaid after three months with an additional 1 per cent of rates and interest at the end of each subsequent month. Subclause (6) is a transitional provision that provides that interest at the rate of 1 per cent calculated at the end of each month will be payable on rates and interest unpaid at the commencement of the amending Act.

Clause 6 amends section 78 of the principal Act. This section provides for charges to be made for the supply of water where rates are not applicable. The amendments correspond to those made to section 75 by clause 5. Clause 7 makes amendments to section 80j in line with the amendments to section 75 (1) made by paragraph *(a)* of clause 5. Clause 8 enacts new section 80ja which makes provisions in relation to drainage charges that correspond to those made by clause 5 in relation to irrigation rates.

Clause 9 is formal. Clause 10 amends section 43 of the Irrigation on Private Property Act, 1939-1978, in line with the amendments to the Irrigation Act, 1930-1982. Clause 11 is formal. Clause 12 amends section 91 of the Lower River Broughton Irrigation Trust Act, 1938-1972, in line with the amendments made to other Acts by this Bill. Clause 13 is formal. Clause 14 amends section 56 of the Pyap Irrigation Trust Act, 1923-1979, in line with the amendments made to other Acts by this Bill.

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

MEDICAL PRACTITIONERS BILL

Returned from the House of Assembly with the following amendment:

Clause 8, page 6, lines 10 and 11—Leave out all the words in these lines and insert in lieu thereof the words—

The Minister shall, after consultation with the board, appoint one of the members of the board who is a medical practitioner to be the President of the board.

Consideration in Committee.

The Hon. J.R. CORNWALL: I move:

That the House of Assembly's amendment be agreed to.

The Hon. J.C. BURDETT: I do not oppose the amendment, although I have reservations about it. I believe that the Bill was in a better form when it left this Council than after the insertion of the amendment. There are different kinds of committees and boards, and the question of how the Chairman or President is appointed varies according to their several natures.

In regard to the board of the Festival Theatre Trust, for example, where the board is managing a trust in the interests of the public, it can to a certain extent be said to be acting as an agent for the Government. At any rate, it ought to act in conformity with Government policy, and it is appropriate for the Government to appoint the Chairman. If there was a medical advisory committee which advised the Government on matters of policy, it would be appropriate that the Government appoint the Chairman.

However, the principal functions of this board, as set out in clause 13(2), are to consult in regard to syllabuses and courses for people who wish to apply for registration, to make recommendations for the prescription of qualifications, and to establish and maintain registers of qualified persons. Part IV Division 1 of the Bill provides for proceedings before the board. The board, therefore, is concerned with the qualifications and practice of the medical profession. Obviously, it must have statutory authority to give it teeth, but it is essentially a professional registration body, not a Government policy body.

It is essential therefore, that the board have confidence in its President as being in the opinion of the members of the board most suitable for that position. That confidence will be enacted if the President is imposed from outside. The Presidents of medical boards around Australia meet from time to time, and thus it is essential that the South Australian President has the full confidence of his board. The Presidents of the various boards in Australia become members of the Australian Medical Examining Council, which deals with recognition of overseas qualifications, and of the national advisory committee which deals with specialist qualifications. Therefore, it is desirable, or really essential (and this is provided in the amendment) that the President be a medical practitioner. It is desirable, I believe, that it be assured that he would have the confidence of the board by having been appointed by that board.

It is common for boards of the kind to which I refer, namely, professional boards, to select their own President or Chairman. Precedents can be seen under the present Medical Practitioners Act and the Dentists Act. However, I do not oppose the amendment, because, if the spirit of the amendment as well as its letter are observed (and I have no reason to suppose that they will not be observed), that is to say, if the consultation between the board and the

Government before the Governor appoints the President is real consultation, it will achieve what medical practitioners have wanted and what I sought when I moved the amendment to the Bill when it was previously before the Committee.

For those reasons, while I believe that it is essential that consultation be general and that the spirit of the amendment that was moved in the House of Assembly be observed, I do not oppose the amendment, because what I sought to achieve will be achieved if these things are done.

Motion carried.

MEMBERS OF PARLIAMENT (REGISTER OF INTERESTS) BILL

In Committee.

(Continued from 21 April. Page 993.)

Clause 2—'Interpretation.'

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

Page 1—

Lines 19 to 35—Leave out all words in these lines.

Page 2—

Lines 1 to 3—Leave out all words in these lines and insert definitions as follows:

'"financial benefit" means any pecuniary sum or other financial benefit but does not include a financial benefit derived from a member of the recipient's family:

"income source"—

(a) in the case of a financial benefit derived by a self-employed person in the ordinary practice of a trade, business or profession, means that trade, business or profession; and

(b) in the case of any other financial benefit, means the person or body of persons from whom or which that financial benefit is derived:'.

Lines 8 to 20—Leave out all words in these lines and insert definitions as follows:

'"prescribed body" means—

(a) a corporation;

(b) an unincorporated body formed for the purpose of securing profit; or

(c) a trust:

"Register" means the Register of Members' Interests kept by the Registrar for the House of Assembly or the Registrar for the Legislative Council:

"Registrar" means—

(a) in relation to the House of Assembly—the Clerk of the House of Assembly; or

(b) in relation to the Legislative Council—the Clerk of the Legislative Council:

"return period" means—

(a) in relation to a primary return to be submitted by a person who is a Member on the first day of September, 1983—the period of twelve months expiring on that day;

(b) in relation to a primary return to be submitted by a person who becomes a Member after the first day of September, 1983—the period of twelve months expiring on the day on which the person takes and subscribes the oath or affirmation as a Member;

(c) in relation to an ordinary return to be submitted by a Member whose last return was a primary return—the period between the last day of the return period for that primary return and the thirtieth day of June next following; and

(d) in relation to any other ordinary return—the period of 12 months expiring on the thirtieth day of June on or within 60 days after which the return is required to be submitted:'.

After line 30—Insert subclause as follows:

(2) For the purposes of this Act, a person has a relevant interest in—

(a) a corporation if—

(i) he is an officer of the corporation; or

(ii) he has an interest in any shares issued by the corporation;

(b) an unincorporated body if he is an officer or member of the body or is entitled to share in any profits secured by the body; or

(c) a trust if he is a trustee or beneficiary under the trust including, in the case of a discretionary trust, a person named as an object under the trust.

The amendment proposes to amend the definitions of 'financial benefit' and 'income source', which form the basis for a significant restructuring of the Bill which is before us. If those two amendments are not carried by the Committee then other amendments of which I have given notice will not be proceeded with. It is pleasing to note that the Attorney-General has on file a series of amendments which, to some extent, meet the objections which I raised to this Bill and pick up some of the proposed amendments of which I gave notice, but they do not deal with all of the matters which cause me concern.

The significant restructuring which I propose will achieve a more precise and logical Bill than the one which is before us. It also would, prior to the Attorney-General having given notice of his amendments, have included provisions which were not in his Bill. For example, when we get to clause 5 my redrafting, among other things, includes the requirement to disclose a liability in an amount of or exceeding $10 000. We will have an opportunity to debate that at a later stage, but the Attorney-General has accepted the concept of members of Parliament, in disclosing their interests, being required to disclose liabilities as much as income sources.

Another aspect of my package of amendments depending upon the redefinition of 'financial benefit' and 'income source' includes a provision that, where a member makes reasonable inquiries of his or her spouse and discloses such information as the spouse makes available, the obligation is satisfied. That has not been picked up by the Attorney-General. That is the reason why I circulated another amendment which is consequential upon the decision whether or not the restructuring based on the redefinition of 'financial benefit' and 'income source' succeeds.

Yet another amendment which is part of my package will allow a member to disclose information under his name without being required to specifically identify a spouse or members of his or her family. Again, depending on the success of this initial amendment, we will have an opportunity to discuss that question at a later stage.

The Bill is something of a patchwork quilt. The amendments which I am proposing are now very much consistent with the Attorney-General's proposed amendments to the Bill, but set it out in a much more logical and less of a patchwork-quilt manner than his amendments. But, I accept that if this amendment fails there is some consolation in the fact that a number of my proposals have been picked up, and I would like them to be successful. However, if it does fail I will proceed with certain other amendments which do not depend on the significant restructuring I am proposing and which there will be an opportunity to debate in detail.

The Hon. C.J. SUMNER: As the Hon. Mr Griffin has indicated, this amendment which he has moved is in the nature of a test case as to the structure of the Bill. He has also rightly indicated that some matters which he foreshadowed in his second reading contribution have been taken up by the Government by way of amendments which I had on file. However, I ask the Council to maintain the basic structure of the Bill as it was introduced by me, honourable members being aware (because of the amendments that I placed on file) of the areas in which I have accepted the points made by the honourable member.

However, I do not agree that his amendments should be accepted in so far as they go to the structure of the Bill. As he has indicated, I do not concede that the way he is going about it in his definition of 'financial benefit' and 'income source' adds anything to the Bill as introduced by me or

has any greater logic about it. So, I will take up a number of issues in my amendment such as the separate registry, the use of real property having to be declared, the inclusion of the duties on an honourable member, additional explantory information which a member may wish to add, and the anonymity of family. Those matters will be taken up by me in subsequent amendments. I ask the Council to oppose this amendment of the Hon. Mr Griffin, which really turns the structure of the Bill around.

The Hon. K.T. GRIFFIN: The Attorney-General has referred to a register of interests. Although he quite rightly said that he also has some amendments on file which relate to that, the question of the registrar is not a matter which is consequent upon the success or failure of this amendment.

The Hon. I. GILFILLAN: At this stage I would like to acknowledge the contribution of the Democrats. I was naive enough to believe that others would acknowledge it.

The Hon. C.J. Sumner: We have not got to that; I was going to do it.

The Hon. I. GILFILLAN: I want to take the opportunity now to say that this has been a rewarding exercise. I have listened intently to the comments of the Leader of the Government and the Hon. Mr Griffin. It is a great feeling to have experienced a constructive unanimity of purpose, and I have been pleased to be part of it. These foreshadowed amendments reflect a direct contribution. In this light, the Bill can end up not as a patchwork piece of legislation but a specifically constructive and well thought out Bill which will enhance the status of Parliamentarians in this State.

The Committee divided on the amendment:

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

Noes (10)—The Hons. Frank Blevins, G.L. Bruce, B.A. Chatterton, J.R. Cornwall, C.W. Creedon, M.S. Feleppa, I. Gilfillan, Anne Levy, K.L. Milne, and C.J. Sumner (teller).

Pair—Aye—The Hon. R.J. Ritson. No—The Hon. Barbara Wiese.

Majority of 1 for the Noes.

Amendment thus negatived.

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

Page 2, line 2—After 'vocation' insert ', business'.

The definition of 'income source' presently means:

(a) any person or body of persons with whom the person or a member of his family entered into a contract of service or held any paid office;

and

(b) any trade, vocation or profession engaged in by the person or a member of his family.

It is appropriate to broaden the definition to include a business in paragraph *(b)*. To some extent the practising of a profession or the carrying on of a trade or the exercise of a vocation is in the context of carrying on a business, but not necessarily so. It seems to me to be more complete if the word 'business' is inserted.

The Hon. C.J. SUMNER: The Government is willing to accept the amendment, which clarifies the definition of 'income source'. I have no objection to it.

The Hon. K.T. GRIFFIN: In relation to that definition, my understanding of the reference to a contract of service really refers to employer and employee contracts. I was considering the possibility of moving an amendment to ensure that a member of Parliament, in disclosing the income source, was not required to name the clients of a medical practictioner, lawyer or accountant or name individuals with whom contracts were entered into in the course of carrying on business, although I recognise that, if there is an employment contract akin to a contract service, the member will have to disclose the name of the employer.

I considered the difference between a contract of service and a contract for services. This has always been a difficult area of the law, but my attention was drawn to the Long Service Leave Act (which refers to a contract of service in a technical definition relating to an employer/employee relationship) and also to the Workers Compensation Act, which again refers to a contract of service. I was persuaded that the disclosure of the name of a person or body of persons with whom a member has entered into a contract of service was only required in limited circumstances and did not extend to those contracts that are entered into in the course of practising a profession or carrying on a trade or business or exercising a vocation.

So that there can be no doubt about it in the future and because this area is totally untested, I would like an assurance from the Attorney-General that it is not intended that the names of the persons to whom I have referred will be disclosed by the member and that what is intended is that in the case of a medical practitioner, for example, the disclosure of the fact that income is derived from the practice of that profession is sufficient or, if a member is employed by another person, the name of the employer, that being the contract of service referred to in paragraph (a).

The Hon. C.J. SUMNER: That is the intention. I do not know that the words 'contract of service' could have a broader meaning. Certainly, if they do have a broader meaning it is not intended that a member should have to list each of the individuals with whom he has dealings as part of his trade or profession. That is certainly not the intention of the legislation. However, if that appears to be a problem when the legislation is implemented I will certainly consider an amendment. I cannot specifically say that the contract of service in the definition is exclusively confined to the employee/employer situation. Certainly, in the normally understood situation, a contract of service relates to an employer/employee relationship and a contract for services relates to a subcontractor/subcontractee situation. I think that the assurances sought by the honourable member can be given.

Amendment carried.

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

Page 2, lines 8 to 11—Leave out all words in these lines and insert definitions as follows:

'Register' means—

(a) the Register of Members' Interests kept by the Registrar for the House of Assembly; or

(b) the Register of Members' Interests kept by the Registrar for the Legislative Council:

'Registrar' means—

(a) in relation to the House of Assembly—the Clerk of the House of Assembly; or

(b) in relation to the Legislative Council—the Clerk of the Legislative Council:

This amendment was incorporated in the Hon. Mr Griffin's first amendment. That amendment was defeated because, as I said, his proposal did not fit into the structure of the legislation. My amendment picks up one of the issues raised by the honourable member in his second reading speech and provides that the registrar will not be a person appointed by the Governor but shall be a fixed Parliamentary officer. In the case of members of the Legislative Council it will be the Clerk of the Legislative Council and it will be the Clerk of the House of Assembly for members of that Chamber.

I did not see any great difficulties in the Bill as it was originally formulated. The Hon. Mr Griffin said that he believed that there might be some scope for political influence in the appointment of the registrar and he felt that that should not apply. I do not believe that those fears are well founded. The fact that two registers will have to be kept will have some impact on the bureaucratic costs involved. I have no doubt that the Clerks will consult about common forms and the like, and that will keep any inconsistencies

in the administration of the scheme to a minimum. I certainly hope that common forms will apply between the Houses.

The Hon. K.T. Griffin: The Government will prescribe the forms.

The Hon. C.J. SUMNER: That is correct, so there should be no difficulty. However, one registrar might adopt a different interpretation of the legislation or of the forms. I hope that consultation between the two Clerks will ensure that that does not occur. I am saying that, administratively, it would be easier and neater to have one Parliamentary officer conducting the registers. While I do not fully accept the honourable member's reasons for his proposal, I can see that it does give some certainty as to who will assume the role of registrar and it gives a member of this Chamber the chance to relate to a registrar from this Chamber. I see no objection to doing it that way.

The Hon. K.T. GRIFFIN: As the Attorney-General has said, when my previous amendment was lost a number of other amendments fell with it. I appreciate that the Attorney-General has accepted the proposal that I put forward during the second reading debate. I said then that anything that eliminated uncertainty about the administration of this legislation was desirable. A great deal of concern has been expressed about the administration of disclosure of interests legislation. Although the difficulties with the Governor being responsible for the appointment of a registrar may not be significant, it does involve a question of the choice of an officer of the Parliament by the Governor.

The proposal now before us eliminates that area of choice. I do not accept that additional costs will be incurred in keeping two registers as opposed to keeping one. I believe that the forms will be identical because they will be prescribed by the Governor by regulation. This amendment recognises that each House has its own responsibility for its members. Accordingly, I support the amendment.

Amendment carried; clause as amended passed.

Clause 3—'Registrar of Members' Interests.'

The Hon. K.T. GRIFFIN: I believe all members of the Committee will oppose this clause because we have now included the definitions of 'register' and 'registrar' in the Bill elsewhere. The need for clause 3 is therefore no longer obvious.

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

Clause negatived.

Clause 4—'Lodging of returns.'

The Hon. I. GILFILLAN: I move:

Page 2, lines 37 to 41—Leave out subclause (2) and insert subclause as follows:

(2) Every person who becomes a Member after the first day of September 1983, and was not a Member within the preceding period of 90 days shall, within 30 days after taking and subscribing the oath or affirmation as a Member, submit to the Registrar a primary return.

This amendment is designed to remove the obligation on a candidate to file a return. It has received widespread support from those with whom I have discussed it. The original Bill obliged every candidate to file a return. Had it been the intention to use this Bill to make information about pecuniary interests of candidates available to the electorate during the course of an election, the Bill would have needed to require that that material be available to the public during the course of a campaign leading up to an election. As that is not the case, it seems to me to have no purpose to put candidates to the trouble of filing such a return. My amendment is designed to remove any obligation for a candidate to comply with the requirement to file a return.

The Hon. K.T. GRIFFIN: I am prepared to support this amendment. It picks up an amendment I circulated the week before last. However, will the Hon. Mr Gifillan explain why he has included a reference to 90 days in his amendment? There may be some technical reason for so doing, but it escapes me. I should have thought that it was sufficient merely to provide for every person who becomes a member after 1 September 1983 and who was not a member in the preceding Parliament to complete the primary return within 30 days. If the honourable member can explain the reason for the inclusion of the reference to 90 days in his amendment it may help to resolve my difficulty.

The Hon. C.J. SUMNER: I oppose this amendment, which relates to whether or not candidates should have to declare their pecuniary interests in the same way that members of Parliament must do so. The Bill, as introduced, included candidates among those persons who should so declare their interests. I dealt with the reason for this in my second reading explanation.

One reason I see for it, apart from the general principle, is that a member could be placed at a disadvantage *vis-a-vis* a candidate who was contesting an election against him if that candidate did not have to declare his interests. In other words, the public would be fully aware of the member's pecuniary interests because he would have had to declare them when elected and update them year by year, whereas the candidate running against that member would not have had to declare anything and could use the information available in some political way during the course of the election campaign. I would agree that the use that can be made of such information is fairly limited.

The Hon. M.B. Cameron: Cut out all together the ability to use it during the election period.

The Hon. C.J. SUMNER: Even if that information was not used, the very knowledge of certain pecuniary interests of a member might affect a voter's intention *vis-a-vis* a candidate who had not declared his interests.

I do not think that that is the only reason for this requirement of a candidate. The basic reason is that a person running for public office should make his pecuniary interests available to the public, just as a member should. I cannot see any valid distinction between a member and a candidate seeking office. That is a general position in principle, and I point out that one of the undesirable factors that could flow from this amendment, if it was passed, is that a member of Parliament could find himself disadvantaged *vis-a-vis* a candidate during an election campaign.

The Hon. C.J. Sumner: The basic position that I am putting is that in principle a candidate should be on the same level as a member in this case. Accordingly, I oppose the amendment.

The Hon. K.T. GRIFFIN: I have had a brief opportunity to consult with the Hon. Mr Gilfillan, and I took wise counsel from the Parliamenty Counsel. I concede that there could be some difficulty in regard to the amendment that I have on file, because it refers to a person who becomes a member of Parliament after 1 September 1983 and who was not a member in the last preceding Parliament. The question is, what was the last preceding Parliament?

I take the view, having thought about the matter, that that really means the Parliament that prorogued before the last election, and in that event there could be a hiatus where a person who becomes a member after 1 September 1983 may, in fact, not have to file a primary return. Therefore, I withdraw any reservation in regard to the Hon. Mr Gilfillan's amendment. We are both now on the same wave length, and we both want to exclude candidates from the operation of the Bill.

Amendment carried; clause as amended passed.

Clause 5—'Content of returns.'

The Hon. I. GILFILLAN: I move:

Page 3, line 3—Leave out 'person' and insert 'Member'.

This is a consequential amendment.

The Hon. C.J. SUMNER: I agree that this is a consequential amendment. I would have opposed the amendment had it involved determination of the principle whether or not candidates should come within the scope of the Bill. According to the previous vote, Liberal and Democrat members accepted the fact that candidates should not come within the scope of the Bill. I did not call for a division: I accepted the reality of the situation, although of course I opposed the amendment. However, I concede now that the remainder of the amendments to be moved by the Hon. Mr Gilfillan are consequential, and, while I oppose the principle, I certainly will not call for a division.

Amendment carried.

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

Page 3, lines 4 and 5—Leave out 'or expects to have in the period of twelve months after' and insert 'had in the period of twelve months expiring on'.

This clause expects members of Parliament to look into a crystal ball, because it seeks to require a member to submit a return of any income source that he or a member of his family has or expects to have, and the emphasis is on the words 'expects to have', for 12 months after the date of the primary return.

Those who are members of Parliament at 1 September 1983 will indicate in the primary return the income sources that they have at that point, they will look into a crystal ball, and they will say they expect to have other income sources. What are the consequences if one does not disclose something that one thinks one might have but might not expect because there might be a degree of uncertainty?

The Hon. C.J. Sumner interjecting:

The Hon. K.T. GRIFFIN: There could be some argument about that. I am anxious to remove any area of potential disagreement or uncertainty.

The Hon. M.B. Cameron interjecting:

The Hon. K.T. GRIFFIN: It is not so much that. A member may attract public odium if he or she omits information that should probably have been included under the crystal ball clause. The other difficulty is technical, in that one is required to disclose an income source that one has at the date of the primary return. It is quite possible that a member may not have much to disclose because at that point he may not have received on that very day any remuneration, fee, or other pecuniary sum exceeding $500. He may have received such sum in the preceding 12 months but not on the date of the primary return. There is a drafting difficulty.

I want to provide that the primary return shall cover the period of 12 months immediately prior to 1 September 1983 or immediately after a member assumes office, so that he will not have to worry about looking into the crystal ball. That is the basis of my amendment.

The Hon. C.J. SUMNER: I oppose the amendment. In a sense, it is taken from the Victorian legislation.

The Hon. K.T. Griffin: That doesn't mean it is right.

The Hon. C.J. SUMNER: I accept that that does not mean that it is right. That legislation has been in effect since 1978, and this requirement has not caused difficulties, as far as I am aware. I have made inquiries about the Victorian legislation, and I spoke to the Registrar of Pecuniary Interests in Victoria in regard to a Bill on this topic which I presented while in Opposition.

So, there does not appear to be any practical difficulty in the Bill as it is drafted. In principle, I believe that the Bill is correct because it provides for declaration of interests that a member has while he is a member, not during the 12 months prior to his becoming a member. I do not believe that he is looking into very much of a crystal ball. He does not have to guess; he has merely to indicate what he expects in respect only of an income source. That is in respect of his employment in the ensuing 12 months for the derivation of income from any trade, business, vocation or profession.

So, I believe that this is fairly fundamental to the legislation. The scheme presumably would enable a member to arrange his affairs in such a way that conflict did not exist, but if he has to declare the situation in relation to the previous 12 months it may not bear any relationship to the situation that exists while he is actually a member, and that really is the position we are trying to ascertain in this legislation. If I felt that there was some insuperable practical difficulty in it I would be prepared to consider the issue in more depth, but I do not believe that there is a practical difficulty.

Further, as to the question of a prosecution, of course, the member must wilfully give misinformation in the return or wilfully fail to disclose information; so the honest mistake is not caught by the legislation. I therefore feel that any fears that the honourable member may have about looking into the future and making some mistake about what he declares are not really well founded.

The Hon. I. GILFILLAN: I feel that the Bill as it stands is acceptable, especially as I understand—maybe honourable members will correct me if I am wrong—that this applies only to the primary return. It is only a oncer. The word 'expect' implies that the member would reasonably have known of and that it was within his knowledge to anticipate an income source. I do not think that that is too onerous. I do not see it in quite the same light as the shadow Attorney does that it should be opposed because that information would be made publicly available fairly soon after that time. It would have to be disclosed in a 12-month period. With my understanding that it is only for the first primary return, I have no objection to the Bill as it stands and the proposed amendment.

The Hon. K.T. GRIFFIN: Certainly, it applies to the primary return; that, of course, is the critical one under this legislation. Whilst it may be possible to anticipate what one's income sources may be, it still requires a measure of forecasting which I do not believe members ought to be required to undertake in an area which is so serious as the disclosure of interests. For that reason, I have a real concern about a member, even for a primary return, being required to speculate.

The Hon. M.B. CAMERON: Before this matter proceeds to a vote I would like to know from the Attorney-General if what the Hon. Mr Gilfillan says is correct: that is, that this applies only to a return put in for the first time and not on a continuing basis.

The Hon. C.J. SUMNER: That is my understanding, and it is also the Hon. Mr Griffin's understanding. Clause 5(1) says:

For the purposes of this Act, a primary return shall be in the prescribed form and contain the following information:

(a) a statement of any income source that the person required to submit the return or a member of his family has or expects to have in the period twelve months after the date of the primary return;

So, in so far as we are dealing with clause 5, yes, it applies to the primary return

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: I can ascertain during the course of the Committee debate whether it applies to the subsequent returns, but my understanding is that it does not.

The Hon. M.B. CAMERON: I would be unhappy if it did not.

The Committee divided on the amendment:

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

Noes (10)—The Hons. Frank Blevins, G.L. Bruce, B.A. Chatterton, J.R. Cornwall, C.W. Creedon, M.S. Feleppa, I. Gilfillan, Anne Levy, K.L. Milne, and C.J. Sumner (teller).

Pair—Aye—The Hon. R.J. Ritson. No—The Hon. Barbara Wiese.

Majority of 1 for the Noes.

Amendment thus negatived.

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

Page 3, line 6—After 'unincorporate,' insert 'formed for the purpose of securing profit'.

This amendment seeks to clarify the offices which have to be disclosed by a member. Presently in the primary return one must disclose:

the name of any company or other body, corporate or unincorporate, in which the person or a member of his family holds any office whether as director or otherwise;

My amendment proposes that the bodies corporate or unincorporate other than companies be limited to those established for the purpose of securing profit. What we are really seeking to do is to not necessarily identify every interest which a member has but those where he or she has an interest that is likely to be a pecuniary interest.

This clause will require members to disclose whether they are patrons of a body corporate, an association or an unincorporate body or a president or secretary or member of the committee of any particular charitable non-profit organisation. It may be that there is a member of Parliament who is a member of the committee of the R.S.L. or the S.A.J.C.—

The Hon. Frank Blevins: The Seamen's Union.

The Hon. K.T. GRIFFIN: That is a trade organisation, and the Minister would have to disclose that. One could be a member of the Royal Life Saving Society or a whole range of charitable organisations. The legislation ought not to go that far. My amendment is reasonable and relates to bodies corporate or unincorporate formed for the purpose of securing a profit. If members disclose that they hold an office in one of those bodies, that would adequately serve the purpose of the legislation.

The Hon. C.J. SUMNER: I oppose the amendment. I understand some of the comments of the honourable member, but the amendment would mean that a director of a credit union would not have to disclose that fact, nor would a member of a building society, the director of a co-operative and the like, because they may not be organisations formed for the purpose of securing a profit. That could be one result of the amendment. At another level, the member would not have to disclose the fact that he was a director of, say, the R.A.A., an organisation which can be a most vocal lobbying group on Governments. It would mean that a person who was a member or director on the board of the Adelaide Children's Hospital, a private incorporated organisation not set up with a view to securing profit, would not have to declare his interest in that—

The Hon. R.C. DeGaris: And neither he should.

The Hon. C.J. SUMNER: He should, because clearly the interests of that organisation could be affected by the legislation. I also refer to co-operatives and organisations which do have a potential influence on the way that a member votes. To accept the amendment would exclude a whole range of organisations in which members should declare their interests, even though those organisations are not set up for the purpose of securing a profit. Credit unions, building societies and co-operatives can be organisations not set up to secure profit. The acceptance of the amendment would severely limit the legislation. This clause is in the Victorian legislation and apparently there has not been any practical difficulties with its implementation in Victoria.

The Hon. R.C. DeGARIS: The Hon. Mr Griffin's amendment is reasonable. If one has to make a declaration of the name of any company or any body, corporate or unincorporate, in which the member or his family holds any office, when one considers the number of activities in which people are involved, whether a member or his spouse, it becomes ridiculous. The Hon. Mr Sumner declared that a person who serves as a member of the board of the Adelaide Children's Hospital without any remuneration has to declare that interest, and that is ridiculous. What about people who are involved in a show society?

The Hon. C.J. Sumner: Is that dealing with membership?

The Hon. R.C. DeGARIS: I am not talking about office holders. How many people work for cricket, football or other sporting clubs? To make such a declaration is not sensible. The amendment is reasonable, and the provision should deal with an organisation established to secure a profit.

The Hon. I. GILFILLAN: I oppose the amendment, even though there are reasonable grounds to have misgivings about the extent of the somewhat trivial memberships or involvement that may be gathered and embraced in this provision. The amendment also has scope for confusion. I think the complication is that the interpretation of this wording offers too much of a dilemma in translating which entities could come under this category. I believe that the benefits to be gained from the listings under this clause outweigh the disadvantage of listing less significant memberships. Many of the things that the Hon. Mr DeGaris and the Hon. Mr Griffin referred to could be considered to have been formed for the purpose of securing profit.

The Hon. K.T. GRIFFIN: I am surprised at the concern that is being expressed about my amendment. The Hon. Mr Dunn wants to know about service clubs. Certainly, it is not a requirement to disclose membership, but it is a requirement to disclose the holding of an office. If a member is on a committee of, say, the Lions Club, Rotary or the Kiwanis or is patron of his local football club, all these areas become involved.

The Hon. C.M. Hill: I am an office holder with the Mayfair Opera Company.

Members interjecting:

The PRESIDENT: Order!

The Hon. K.T. GRIFFIN: I have some grave concerns about the wide scope of the provisions of the Bill. It appears that I will not receive much support from the majority of the Committee. If there is concern about building societies, credit unions and co-operatives formally incorporated and conducting what is essentially a business, I am prepared to rethink my amendment. If my amendment is lost on the voices, because we will have to recommit the Bill anyway to deal with earlier matters, I will seek to recommit this clause after considering it further. If my amendment does not succeed I will not call for a division but will reserve my right to seek to have this part of the Bill recommitted.

The Hon. R.C. DeGARIS: I am certain that when members think about this matter they will change their opinion. This Bill is concerned about whether a person is paid for the work that he does. That is the main point.

The Hon. K.L. Milne: Not only that.

The Hon. R.C. DeGARIS: What else should be disclosed?

The Hon. K.L. Milne: Whether a member is president of a large organisation that has a lot of members, because he could be influenced.

The Hon. R.C. DeGARIS: Surely the point is whether a member has any pecuniary interest. If we do not establish a cut-off point it could refer to anything and a whole range of things will have to be included in the Bill. There are dozens of interests that should not be interfered with in a Bill like this. Therefore, members should reconsider this question and think about the scope of this clause. If a

member serving in a company receives some reimbursement for what he does I do not mind it being declared. However, it is a gross invasion of a member's privacy to look at whether he is a member of a lodge or service club.

The Hon. C.J. SUMNER: It is not just the matter of building societies, credit unions and co-operatives that I raise as being one problem with the honourable member's amendment. It is broader than that. The Hon. Mr Hill's example is quite good. He is an office holder with the Mayfair Opera Society and, if at the same time he were Minister of the Arts, I believe that that is an interest that should be declared. A Minister might have to consider grants to organisations of which he is a member.

The Hon. C.M. Hill: Does that preclude those organisations from receiving grants?

The Hon. C.J. SUMNER: Of course not. There should be an opportunity for the public to be assured that an organisation is not receiving favourable treatment because of the interest of a member of Parliament. There is a more extreme and serious example, and I refer to the South Australian Jockey Club, which has committee members, a President and Vice-President who, as I understand it, are not paid. However, the South Australian Jockey Club receives enormous subsidies from the South Australian Government. That is an area where there is potential conflict and where an interest should be disclosed. I remind honourable members that the Bill refers to a Members of Parliament (Register of Interests) Act. It is not confined to pecuniary interests. Obviously, pecuniary interests are the most clear case of potential conflict, but there is no doubt in my mind that there can be conflict similar to the examples that I have outlined.

As I have said, a member could be affiliated with the South Australian Jockey Club and he could receive certain benefits because of that. If the Government subsidises the South Australian Jockey Club as it does at the moment other benefits may flow on to that member as a result of his association with the club, even though on the face of it he only holds a voluntary position. I chose the South Australian Jockey Club as one example where there is a large financial input from the Government. However, there is undoubtedly a myriad of other organisations in the same position. I mentioned the R.A.A. earlier, and it can be a powerful lobby group (although it does not receive moneys direct from the Government). There are many incorporated associations not set up for the purpose of generating profit which receive large Government subsidies. In those circumstances, the fact that a person is a member, director or office holder in those organisations ought to be declared. That is quite consistent with the objects of the Bill.

Amendment negatived.

The Hon. I. GILFILLAN: I move:

Page 3, line 7—Leave out 'person' and insert 'Member'.

This amendment is consequential.

Amendment carried.

The Hon. K.T. GRIFFIN: It seems to me that my proposed amendment to line 17 is consequential upon the amendment just put relating to the limitation of information about office holding in bodies corporate or unincorporate during the return period. The vote on my previous amendment having been lost, I do not think it appropriate to proceed with this amendment or my amendment to line 19. However, I move:

Page 3, line 21—Leave out "significant contribution made in cash or in kind" and insert "contribution made in cash or in kind of or above the amount or value of five hundred dollars.

This amendment requires a disclosure of the sources of any significant contribution made in cash or kind for any travel beyond the limit of South Australia undertaken by a member during the period. However, what is a 'significant contribution'? I propose that that be defined to be an amount over $500. I think that this is consistent with the other provisions of the Bill, which require disclosure of income sources over $500.

The Hon. C.J. SUMNER: This amendment improves the Bill. It means that any gift over $500 must be declared whereas, for some reason, any contribution for travel presently refers to a 'significant contribution' made in cash. The Hon. Mr Griffin's amendment requires that any contribution made in cash or kind of or above the amount of value of $500 in relation to travel should be declared. It consistently relates the receipt of travel benefits and the receipt of a gift. Accordingly, to prove that I am not totally bloody-minded about the honourable member's proposition, I accept the amendment.

Amendment carried.

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

Page 3, line 23—After "State" insert "or by a person related by blood or marriage".

This amendment deals with disclosure of the source of any contribution for travel beyond the limits of South Australia by a member during the return period. In relation to gifts, a gift from a person related by blood or marriage is excluded from the requirements to disclose. However, that same exclusion does not apply in relation to travel. It was felt that there was no distinction between a gift, the provision of cash for travel, or free travel. The previous amendment to which we agreed introduced some consistency into this clause by introducing a requirement to disclose travel benefits on the same basis as a gift. The amendment I have moved does the same thing in relation to the class of people from whom the granting of a travel benefit does not have to be disclosed.

The Hon. I. GILFILLAN: Why has the Attorney-General not used the term 'family', which is the recognised term, instead of the term 'or by a person related by blood or marriage', which casts a far wider net than the one under the definition of 'family'?

The Hon. C.J. SUMNER: I understand the honourable member's point and think that it has some validity. I suppose that the term 'related by blood or marriage' provides a broad exemption which could contain potential for abuse. I suppose that one could receive a benefit from a distant cousin which ought to be disclosed but which might escape under this clause. The exclusion of a person related by blood or marriage from disclosing a gift over $500 was contained in the original Bill. My amendment is to make the clause relating to travel consistent with that relating to a gift which was in the original Bill.

However, I can see that there may be some merit in what the honourable member suggests. I hope that a member would not use that clause to avoid declaring certain interests, and certainly I think that the public odium that would be attracted by a member who refused to declare an interest that he had received from a distant relative would be sufficient disincentive for him not to do that. However, I accept in part what the honourable member stated about the amendment. All I can say is that I want to be consistent with the original Bill.

Amendment carried.

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

Page 3, line 24—After 'Member' insert 'or a member of his family'.

This amendment is part of the exercise of bringing consistency in regard to the disclosure of gifts and travel benefits and the disclosure of gifts to a member of the family. Under the Bill, one must make such disclosures in relation to a sum over $500, whereas the provision of gifts or travel benefits to a member of the family is not covered. This amendment overcomes that inconsistency by requiring dis-

closure of travelling benefits to a member of a member's family.

Amendment carried.

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

Page 3, after line 29—Insert paragraph as follows:

(da) where the Member or a member of his family has had the use of any real property during the whole or a substantial part of the return period otherwise than by virtue of an interest disclosed under subsection (3)*(d)* and the person conferring the right to use the property is not related by blood or marriage—the name and address of that person;.

This is a substantive amendment, and was included among the Hon. Mr Griffin's amendments, which were defeated on the first division. The honourable member's amendments would have restructured the Bill. I agreed with the proposition put forward by the honourable member that a member should declare whether he has had the use of any real property during the period of a return. This amendment picks up the honourable member's suggestion, and I commend it to the Committee.

The Hon. K.T. GRIFFIN: I support the amendment. As the Attorney has said, it picks up a provision of a previous amendment.

Amendment carried.

The Hon. I. GILFILLAN: I move:

Page 3, line 35—Leave out 'person' and insert 'Member'.

This is a consequential amendment.

Amendment carried.

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

Page 3, line 37—Leave out 'body or association or' and insert 'any body or association formed for political purposes or any'.

This amendment makes clear that the party, body, or association referred to is a political Party, a political body, or a political association. I believe that that is reasonably clear from the Bill as introduced, but a query was raised in this regard.The amendment clarifies the position.

The Hon. K.T. GRIFFIN: I support the amendment. It is important to ensure that paragraph (b) of clause 5(3) does not refer to every association of which a member may be a member. Members of Parliament belong to a wide range of organisations because of their interest in community affairs. It would be quite wrong to require a member to present a list of the bodies of which he or she is a member and to disclose those organisations in that way.

Amendment carried.

The Hon. I. GILFILLAN: I move:

Page 3—
Line 38—Leave out 'person' and insert 'Member'.
Line 39—Leave out 'person' and insert 'Member'.
Line 41—Leave out 'person' and insert 'Member'.
Line 43—Leave out 'person' and insert 'Member'.
Line 46—Leave out 'person' and insert 'Member'.

Page 4—
Line 1—Leave out 'firstmentioned persons' and insert 'Member'.

Amendments carried.

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

Page 4, after line 2—Insert paragraph as follows:

(ea) where the Member or a member of his family is indebted to another person (not being related by blood or marriage) in an amount of or exceeding five thousand dollars—the name and address of that other person;.

This amendment picks up again the proposal put to the Council by the Hon. Mr Griffin and includes the declaration of any debt which exceeds $5 000. The original proposition of the honourable member was to include in the disclosure any debt exceeding $10 000. I felt, in considering the matter in discussion with honourable members, including the Hon. Mr Gilfillan (whom I can see is pleased at being recognised; I can assure him that I appreciated the discussions that I was able to have with him about the Bill), that $5 000 was probably a reasonable figure at which to bring into operation the disclosure of debt provision. It will always be a matter of judgment as to exactly what is the most appropriate figure, but the $5 000 line is quite substantial and I feel that the Council should support the amendment. Certainly, the principle is not in doubt; it is only a matter of the level of debt at which the disclosure provision should operate.

The Hon. DIANA LAIDLAW: During the second reading debate on this Bill I objected most strongly to the limited definition of 'interests' and called for an extension of the definition to include liabilities. I am very pleased that the Government is now prepared to acknowledge that one's liabilities (more so than one's assets) and other interests can be a very powerful influence in determining one's actions and decisions.

The Hon. Mr Griffin tabled an amendment requiring a member or a member of a family to disclose any liability of or exceeding $10 000 owing to a creditor other than a relative. It was my opinion that this was a reasonable provision, as it assumed that it was not unusual for a member to have a home mortgage, to lease a motor vehicle or to have a small bank overdraft from time to time. If the Government wishes to reduce this limit to $5 000 I have no objection. I do, however, wish to ask the Minister why he requires a member to identify both the name and address of the person to whom he or she is indebted. It is inconsistent with the provisions elsewhere in the Bill to require the address of the person. Why is it necessary in any case?

The Hon. K.T. GRIFFIN: Whilst the Attorney-General is getting advice of that, I might say that I support the amendment, even though the amount is $5 000 instead of the $10 000 that was in my proposed amendments which were on file. Quite obviously where a member is indebted to a person, that indebtedness can create as much, if not more, pressure than the fact that the member has an asset. It is important, therefore, that that influence or potential influence is exposed. So, I support the amendment for those reasons.

I support what the Hon. Miss Laidlaw has raised, and that is the question about why the address is included; it is the only place in the Bill where the address is included. In all the other information which must be disclosed we refer only to names. I suggest that the Attorney-General seek to delete the reference to address, and we would certainly accommodate him by granting him leave.

The Hon. C.J. SUMNER: I understand the points raised by the Hon. Miss Laidlaw. Certainly, in the disclosure of income source and other declarations that have to be made, the address of the person or organisation does not have to be given. I suppose that it could be argued that in the case of debt it might be more difficult to identify the person to whom the debt was owed.

In respect of the income source, it may be a company or other well known institution. There may be some situations where the income source is some person or body that is not well known. I imagine that it was felt that it should be placed there for the purposes of proper identification. If it was just stated as a debt to, say, Fred Smith it would not mean much to anyone.

Conversely, there would be no problem in identifying a debt to the A.N.Z. Bank. I can see the consistency in what the honourable member is saying, and I cannot see any compelling reason for leaving the address, except for that argument. If the honourable member cannot accept that argument, I would probably accept an amendment.

The Hon. DIANA LAIDLAW: I merely asked why it was necessary. The Hon. Mr Griffin suggested that it be deleted, and I am happy to support him.

The Hon. I. GILFILLAN: I support the intention of the amendment and acknowledge the initiative of the Hon. Miss Laidlaw in alerting us to the position. I do not think that

it reflects on her current state of liquidity, but she is certainly much more sensative to the effect of debt, and it is an improvement on the Bill as it stood.

The question of name and address is a dilemma, because the significance of a debt to an anonymous debtor is little contribution to achieving the aim of this clause. The address is important. Unless it is known, there is no way to determine it. Without it, the purpose of this amendment will be lost.

The Hon. K.T. GRIFFIN: In regard to consistency, there is no need for the address. I understand the Attorney's possible distinction between a debtor and a creditor. If one is required to disclose the name of a person with whom one has entered into a contract of service, the same difficulty could follow, and the name of a part-time employer might involve the same difficulty in tracing that person as it would in tracing a debtor. To maintain consistency, the address should be deleted.

The Hon. G.L. BRUCE: The removal of the address defeats the whole purpose of the Bill. One must know to whom the debt is owed or what it is. If it is to Joe Smith who has a contracting business, that is vital in regard to suggestions of influence on a member. Without knowing to whom the debt is owed, it defeats the purpose. That could influence one when making a decision. There should be more on the record than just a name: the name of the business should be revealed in that situation. While it may be inconsistent, to make any sense of the Bill the address should be there

The Hon. DIANA LAIDLAW: This discussion is most amusing in some respects. I am impressed that Government members are so willing to pursue this matter of liabilities because, until it was highlighted by this side of the Committee, I am not sure that it had been discussed. Certainly, it was not included in any of the Government's three Bills of the past decade.

The Hon. C.J. SUMNER: That shows how reasonable we are when faced with sensible suggestions from the Opposition. On reflection, it is probably better for the address of the person or institution to be kept in the Bill. There is a distinction as to the income source. It is probably true that when determining an income source there will be an obligation on the member to identify properly the income source, and in some circumstances that may involve giving the address. In most cases the source would not be obscured, but it is probably wise to proceed with the amendment as originally proposed, that is, to include in the declaration both the name and address of a creditor.

Amendment carried.

The Hon. I. GILFILLAN: I move:

Page 4, line 5—Leave out 'person or of a member of his family of which the person' and insert 'Member or of a member of his family of which the Member'.

Amendment carried.

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

Page 4, after line 8—Insert subclause as follows:

(3a) A member shall be deemed to have complied with the requirements under this section to disclose information relating to his spouse if he discloses all such information as is within his knowledge after making reasonable inquiries of his spouse.

In this enlightened age I think it is important to have a provision such as this because the spouse of a member might be quite independent in relation to his or her investments and income sources and may refuse to disclose this information. I mentioned during the second reading debate that a member and his spouse might be separated. In that event, the member is unlikely to receive full details sufficient to enable disclosure in accordance with the requirements of the Bill. In those circumstances, there has to be some basis upon which the member is not strictly liable and, provided that the member has made reasonable inquiries, that should satisfy the requirements of the legislation.

The Hon. C.J. SUMNER: I oppose the amendment. The member is not strictly liable in any event. The prosecution against a member for non disclosure would have to establish that a member wilfully gave incorrect information or failed to disclose certain material. I am sure that what the honourable member is intending to insert through this amendment is already accepted. However, I believe that an amendment such as this provides greater scope for avoidance of this legislation.

I think the protection for the member is that it must be proved that he wilfully and knowingly refused to disclose material. I believe that if a member is separated from his spouse and cannot obtain information there is no difficulty. I do not believe that the amendment is necessary because I think it provides some scope for avoidance of the legislation.

The Hon. K.T. GRIFFIN: I do not agree with the Attorney-General. There are men and women in this day and age who are married but still keep their investments separate and act independently. If the spouse of a member declines to provide information after the member has reasonably inquired of his spouse as to her income sources, I think that is where the member's obligation should cease. I suggest that members will not seek to use this provision as an avoidance mechanism. Members will recognise that if they do, even if the avoidance is not wilful, they will be brought to account both publicly and through the courts if they are detected. There will be enough disincentive in any event. I believe quite strongly that it is important to include this provision in the Bill because it recognises modern conditions and relationships.

The Hon. I. GILFILLAN: I oppose the amendment. I believe that it will make it far too easy and that there will be a proliferation of individual spouses who would feel very sensitive about disclosing their affairs. It is easier to take that stand than to go through the procedure of complying with the requirements of this Bill. I think the safeguard is that it needs to be proved that non disclosure is done deliberately; that there is deliberate deception before a member is culpable. I believe that the amendment is unnecessary, even though it is sensitive to this day and age and the emancipated roles of some of our spouses.

The Committee divided on the amendment:

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

Noes (10)—The Hons. Frank Blevins, G.L. Bruce, B.A. Chatterton, J.R. Cornwall, C.W. Creedon, M.S. Feleppa, I. Gilfillan, Anne Levy, K.L. Milne, and C.J. Sumner (teller).

Pair—Aye—The Hon. R.J. Ritson. No—The Hon. Barbara Wiese.

Majority of 1 for the Noes.

Amendment thus negatived.

The Hon. I. GILFILLAN: I move:

Page 4, line 12—Leave out "person" and insert "Member".

Amendment carried.

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

Page 4, after line 14—Insert subclauses as follows:

(5a) A member may include in a return such additional information as he thinks fit.

(5b) Nothing in this section shall be taken to prevent a person from disclosing the information required by this section in such a way that no distinction is made between information relating to himself personally and information relating to members of his family.

This amendment picks up another constructive suggestion made by the Opposition relating to a member including in his return such additional information as he thinks fit. The

reason for this amendment is that it may be that a member may wish to explain a particular income source or financial arrangement which, on the face of it, may appear to be somewhat irregular but when an explanation is given is quite innocent. I understand that the Hon. Mr Griffin felt that something of this kind is necessary and the Government is quite happy to accommodate him in this matter. The second half of the amendment, new subclause (5b), deals with the question of anonymity of the interests disclosed on behalf of a member's family. I accept this as being a reasonable suggestion. I think all members acknowledge that while all interests must be declared it is not necessary, unless a member wants to, to attribute interests to a spouse or a child and this amendment accommodates that situation.

The Hon. K.T. GRIFFIN: I support this amendment, having originally raised it. It overcomes the problem to which I referred in the second reading stage—that is, that the disclosure of the information about income sources of a spouse and children may unnecessarily focus undesirable attention upon them and create pressures which they should not be required to bear, having in mind that they already bear significant pressures by reason of being part of the family of a member of Parliament.

The Hon. I. GILFILLAN: I support the amendment and would like to share some of the kudos for recognising the need for anonymity for the family of a member. This amendment achieves that and has my support.

Amendment carried; clause as amended passed.

Clause 6—'Register of members' interests.'

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

Page 4—
Line 17—Leave out 'The' and insert 'Each'.
Line 20—Leave out 'The' and insert 'A'.
Line 21—After 'Register' insert 'maintained by him'.
Line 22—Leave out 'The' and insert 'Each'.
Line 25—Leave out 'The' and insert 'Each'.

These amendments are consequential upon the adoption by the Committee of the proposition that there should be two registrars, one for each House.

Amendments carried.

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

Page 4, lines 25 to 29—Leave out subclause (4).

This amendment deletes the subclause relating to candidates. There is no reason to have it included.

The Hon. I. GILFILLAN: I have the same amendment on file, so I am happy to support the Hon. Mr Griffin's amendment, which is obviously a consequential one.

Amendment carried.

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

Page 4, lines 30 and 31—Leave out all words in these lines and insert 'Each Registrar shall cause a copy of a statement prepared by him pursuant to subsection (3) to be laid before the House of Parliament for which he is Registrar within fourteen'.

We need to accommodate the change to two registrars. I suggest that my amendment is appropriate.

Amendment carried; clause as amended passed.

Clause 7—'Restrictions on publications.'

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

Page 4, after line 46—Insert subclause as follows:
'(3) Where a person publishes outside Parliament any information or comment in contravention of subsection (1), the person shall be guilty of an offence and liable to a penalty not exceeding fifty thousand dollars.'

The amendment seeks to provide a much more substantial penalty for a person who publishes outside Parliament any information or comment in contravention of subclause (1) of this clause. Subclause (1) relates to information derived from the register or a statement lodged in the Parliament by the relevant registrar. It is designed to act as a substantial deterrent to anyone outside the Parliament who seeks to misuse the information that is made available in good faith pursuant to the Statute.

A fine of a mere $5 000 can hardly be a deterrent to a media organisation or to some other person to whom the election result may mean a substantial benefit. A fine of $50 000 would be much more appropriate and would be a more significant deterrent to those people who may have so much to gain from an election win at all costs. For that reason, I strongly exhort the Committee to support my amendment, which will invoke a much more significant deterrent for misuse of information outside the Parliament.

The Hon. C.J. SUMNER: I oppose the amendment. I accept part of the honourable member's argument, that in regard to a corporation perhaps there should be a higher penalty for the wrongful publication of material that is disclosed by a member of Parliament. However, I really think that $50 000 is out of all proportion.

The Hon. R.I. Lucas: That would be a maximum.

The Hon. C.J. SUMNER: Maybe, but it is still out of all proportion to the crime, as it were. It is most unusual to see potential fines of $50 000 in legislation.

The Hon. K.T. Griffin: It is not unusual.

The Hon. C.J. SUMNER: It is unusual. I recall that a trafficker in heroin—

The Hon. K.T. Griffin: The penalty is 25 years or a $100 000 fine.

The Hon. C.J. SUMNER: I know what the penalty is, and I will explain it to honourable members. I do not need the assistance of the Hon. Mr Griffin. A maximum fine of $100 000 or a term of imprisonment for 25 years applies to drug trafficking. I believe that substantial fines, potentially $50 000, can be imposed against certain corporations for marine pollution, and in the radiation Act that we passed last year a substantial penalty of $50 000 was provided, but that is most unusual. That range of penalty is certainly not normal.

That penalty is provided under those Acts because corporations are involved. Of course, potentially the damage that can be done to the environment or to an individual's health can be quite drastic. It would not be possible to imprison a corporation, but it would be possible to apply to a corporation a hefty fine. I do not see that the wrongful use of this information by a person comes into that category. It really is a quite extraordinary penalty to apply to a contravention of this Act by, for instance, the media, and I imagine that that would be the group at which the honourable member is primarily targeting his amendment. Presumably, the honourable member does not suggest that that penalty be applied to an individual, but potentially he is saying to the media, 'Toe the line on this legislation or you can be hit for $50 000.'

I do not suggest that the media should not toe the line—obviously it should do that. All I suggest is that a potential fine of $50 000 is out of kilter with the rest of the Bill and is out of proportion to the crime that would be committed by the wrongful use of information. The potential harm that would be caused by a company through marine spillage or radiation mistreatment would make a breach of this Bill pale into complete insignificance, and a $50 000 penalty applies to that sort of breach. Really, if this amendment is accepted, it is a matter of the politicians looking after themselves. In my view, the suggested penalty is far too extreme.

So, I ask honourable members to be somewhat more reasonable about this matter. I certainly believe that the $50 000 penalty could be misinterpreted as a politician looking after himself. The other point that I wish to make is that it is quite probable that if a newspaper misused this information civil proceedings could flow by way of defamation proceedings against the newspaper. So, the newspaper

that decided to flout the legislation would be faced in my amendment with a potential penalty of $10 000, plus almost certainly the possibility of a defamation suit by the person who was offended against.

Basically, my amendment is to get this matter into proportion. The politicians could be seen as protecting their positions on this in a way that is not applicable to the general community. I oppose the amendment and foreshadow that I have an amendment which would keep the $5 000 maximum penalty for individuals and increase the maximum of $10 000 for corporations.

The Hon. K.T. GRIFFIN: I do not accept the Attorney-General's amendment because it is inadequate. Politics is a dirty business at times. The unfortunate fact of life is that there are people who may decide that for their own personal gain they will misuse information. Politicians of whichever political persuasion are constantly under the public spotlight. That means that when this information becomes available for those who may decide that they have something significant to gain the temptation to misuse the information will be a very real one if it is likely to confer a benefit on them. In that context we are looking at the careers and the friends and relatives of a member of Parliament, who might be quite wrongly on the end of the misuse of information disclosed as a result of this legislation.

I cannot accept that members of the public or anybody else could misconstrue this proposal to impose such a substantial maximum penalty as being something designed to protect politicians. It is not designed for that purpose; it is designed to ensure that before any people or companies are tempted to misuse information they think seriously about it. It is an appropriate safeguard in the context of the way in which Governments are made and broken and individual members of Parliament can be made or broken that the penalty needs to be substantial. For that reason I very strongly urge honourable members to support this amendment.

The Hon. I. GILFILLAN: I support the amendment because it appears that the original penalty is not adequate to prevent what I see as quite a serious danger. It is not so much the damage to an individual politician. I think that the Attorney-General has misinterpreted the grounds for having a severe penalty. It is because of the potential for controlling the result of an election.

The scenario that I could foresee is that, if the media wanted to abuse the information that they were now able to get as a result of this Bill being in place, the day before an election they could quite blatantly misuse that; if the politician who was being maligned in this way was a leading figure (perhaps a leader of a Party), it could quite foreseeably alter the result of an election.

A $5 000 or, as the Attorney foreshadowed, even a $10 000, penalty is a very cheap price for that manipulation. I think that he is comparing in the wrong context in comparing penalties for environmental damage and saying that the penalty for this is out of all proportion. Manipulating the powers that control decision making in the State is dealing in a much higher degree of culpability and risk of damage to the public coming from that serious misdemeanour. Because it is an unusually high penalty (to use the Attorney's words), it is appropriate. It is an opportunity to have an unusually dramatic effect on the political stability of our State.

I do not believe that civil proceedings are a satisfactory means of augmenting the penalty that the offender might suffer. Civil proceedings are tedious, and long and difficult to put through to resolution. I do not feel that the victim of some malicious attempt of this sort should be imposed upon to have to go to that extent. If there were a gaol option that could add very markedly to the deterrent.

It could be a responsible officer. I do not think that it is beyond the powers of the Parliamentary Counsel to persuade me very quickly of their remarkable ability to put forward things. It may be that this Committee needs to consider some variation to the exact wording of the amendment, because the Attorney-General's foreshadowed amendment distinguishes between the culpability of a company and that of an individual. That appeals to me. I think that there is a case to be made for that, but I am not prepared to leave it as it is in the Bill. Nor am I persuaded that the amendment foreshadowed by the Attorney is satisfactory to prevent what I see is the most serious offence that could be committed against what would be public knowledge as a result of this Bill. It is my intention to support the amendment.

The Hon. C.J. SUMNER: The only comment that I wish to make is that I do not see the same potential for misuse as do the Hon. Mr Griffin and the Hon. Mr Gilfillan. The information that this newspaper or person is going to use in the last couple of days in an election campaign will have been in the public record for probably the past 12 months prior to that time and available to all in the community to peruse.

I find it difficult to conceive of circumstances in which it would be written up in such a way as to be able to affect an election, given that there would be nothing new about the information that the newspaper would be considering. So, I think that that figure is somewhat exaggerated. I can only repeat that a fine of $50 000 is out of proportion to the nature of the crime that would be committed under this Act. I maintain my opposition to the amendment.

The Hon. K.L. MILNE: Although I can see the Attorney's point of view, we must remember that we are being compelled to disclose information under the legislation, which is a different thing altogether. If the media has found out a secret about someone who has not been honest and misuses it, then $10 000 might do but, if it deliberately misuses information in the heat of an election to distort the election and destroy someone, and the information is compelled to be exposed, that is altogether different. As we are compelled to disclose ourselves to these people, making it easy for them to misuse the information, the $50 000 is too low—

The Committee divided on the amendment:

Ayes (11)—The Hons. J.C. Burdett, M.B. Cameron, L.H. Davis, R.C. DeGaris, H.P.K. Dunn, I. Gilfillan, K.T. Griffin (teller), C.M. Hill, Diana Laidlaw, R.I. Lucas, and K.L. Milne.

Noes (8)—The Hons. Frank Blevins, G.L. Bruce, B.A. Chatterton, J.R. Cornwall, C.W. Creedon, M.S. Feleppa, Anne Levy, and C.J. Sumner (teller).

Pair—Aye—The Hon. R.J. Ritson. No—The Hon. Barbara Wiese. Majority of 3 for the Ayes.

Amendment thus carried; clause as amended passed.

Clause 8—'Failure to comply with Act.'

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

Page 5—

Line 2—After "Act" insert "(other than section 7)".

Lines 6 and 7—Leave out subclause (3).

These amendments are consequential.

Amendments carried; clause as amended passed.

Clause 9 and title passed.

Bill reported with amendments.

Bill recommitted.

Clause 1 passed.

Progress reported; Committee to sit again.

MOTOR VEHICLES ACT AMENDMENT BILL

The House of Assembly requested a conference, at which it would be represented by five managers, on the Legislative Council's amendments to which it had disagreed.

The Legislative Council agreed to a conference, to be held in the Legislative Council committee room at 9 a.m. on 5 May, at which it would be represented by the Hons. Frank Blevins, M.B. Cameron, H.P.K. Dunn, M.S. Feleppa, and R.I. Lucas.

ADJOURNMENT

At 1.36 a.m. the Council adjourned until Thursday 5 May at 2.15 p.m.