LEGISLATIVE COUNCIL

Thursday 1 December 1983

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

PAPER TABLED

The following paper was laid on the table:

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

Pursuant to Statute—

Department of Correctional Services—Report, 1982-83.

QUESTIONS

FISHING INDUSTRY SURVEY

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

Leave granted.

The Hon. M.B. CAMERON: In response to my question of 15 November concerning a survey of the fishing industry, the Minister of Fisheries said that he had not supported a Government contribution towards an economic survey of the fishing industry because:

> . . . quite frankly, as the Minister responsible, I cannot justify to Cabinet that that amount of taxpayers' money would be usefully spent.

In his reply to me, the Minister referred to a survey of South Australian recreational fishing which was prepared by the Department of Fisheries. He said that $15 000 for a survey of the professional fishing industry was unwarranted. Will the Minister indicate the cost of carrying out the recreational fishing survey, the results of which are published in the South Australian Recreational Fishing Report No. 1, dated September 1983?

The Hon. FRANK BLEVINS: I will endeavour to get those precise figures for the Hon. Mr Cameron, but I point out that that survey was done in the normal manner by the Department as part of its normal duties. If the professional fishing industry considers that it will assist if the Department, as part of its normal duties, does a similar survey for its industry and if the industry supplies the information to the Department, I am sure that we will be able to accommodate it and attempt to fit it into the normal work of the Department. I see no difficulty in that—subject to time constraints, of course. What the Hon. Mr Cameron failed to understand in my answer is the question of what value could be placed on the survey in terms of time. Quite frankly, it cannot be justified in terms of the amount.

The whole legislative structure of the fisheries is about to change. The new Fisheries Act will be proclaimed. Schemes of management for the various fisheries are drawn up. We really need a period of at least two years of operation of the new Act along with the licence fees that have already been established. I will not go over all that again, because I dealt with that fully yesterday.

It could be that, at the end of the two-year period, when we have seen the operation of the new legislation, the new schemes of management and the effect of the fees, there should be an assessment of the industry to determine whether it is working well, whether the new Act is working well and whether the new fees are appropriate. It could well be that in two years time an economic survey could be of some value. However, I believe that, while we are on the brink of very significant changes, we should allow the changes to occur and give the new system some time to operate—at least a couple of seasons. At the end of that time we can then look at the question of an economic survey or anything else that might be appropriate. I repeat: I see no value at this time in spending that amount of money, or less money, on such a survey. However, if the industry itself feels that a survey could be of value, that is its prerogative and it can spend money on a survey and present the results to the Government.

REST HOME FUNDING

The Hon. J.C. BURDETT: I seek leave to make a brief explanation before asking the Minister of Health a question about rest home funding.

Leave granted.

The Hon. J.C. BURDETT: I was recently approached by a number of representatives of the private rest home industry, including the President of the rest home association, members of the executive and others. I think the matter is summarised in a copy of a letter from a Mr Klecko of Sunnydale Retirement and Rest Home, addressed to the Federal Minister of Health, Dr Neil Blewett, and dated 31 October 1983, as follows:

> My concern then is in the financial viability and operation of this industry. The only source of income within our industry is from the pensions of residents or from their guardians. Fees must be kept to a minimum to attract prospective residents and in order to provide them with some money 'back in hand.' There is no Government subsidy either State or Federal to offset the costs associated with the running of rest homes. Our concern, that of myself and my co-director, is that the viability of our industry and of its service to the elderly is in real jeopardy because of costs associated with its running. Costs are outstripping the already limited income we can derive. As an example, our own rest home charges each person $180/fortnight or, on the basis of $12.85/person/day. When one compares this to the operating costs of nursing homes, in some cases $40/person/day or more, then . . .one can see that we operate on a 'shoe string budget', but with costs that are as high as nursing home costs based on NH 19 information.

Church and community-operated rest homes receive reasonable funding, and some retirement villages operated on a church or community basis are deficit funded. Nursing homes receive reasonably proper funding and quite often, in practice, rest homes do very much the same thing: they look after people who sometimes really need nursing-home care. Very often they look after needy people who cannot obtain care elsewhere.

These homes are not funded at all; they simply rely on the funds that they can obtain from residents and, as was stated in the letter, funding comes from the pensions of the residents. Certainly, one would not like to see a growth industry in this area. However, I suggest that the rest homes that exist perform a service. This is a Federal matter, so the funding would have to be on a Federal basis. I have taken up the matter with the Federal Minister, as have other people.

Will the Minister contact his Federal colleague and endeavour to produce some sort of rationalisation and consistency in this area of rest home funding as compared with nursing home funding and the funding available for rest homes in the church and community sector and retirement villages, hostels, etc?

The Hon. J.R. CORNWALL: The brief answer is 'Yes'. I will explain in a little detail. The question of accommodation and institutional care for the frail aged is, of course, a matter about which any politician and any Government worth its salt ought to be concerned. We have currently, and have had for a very long time I might say, a system of boarding houses for the elderly, rest homes, hostels and, of course, nursing homes. The only one of that group which

attracts any significant funding is nursing homes. They, of course, attract a quite significant daily nursing home allowance, as the Hon. Mr Burdett observes. The only area in which we can assist as a State Government in a direct sort of way is in the possible provision of domiciliary care services. I was visited recently by representatives of the rest homes—

The Hon. J.C. Burdett: Are you suggesting domiciliary care services in rest homes?

The Hon. J.R. CORNWALL: One moment. I discussed this matter with them, in company with Professor Gary Andrews, who is a gerontologist (and very learned and skilled in his field), and gave them an undertaking that we would look at the possible extension of domiciliary care services to residents of rest homes where appropriate. I do not have a response from the chairman's office at this stage, so obviously I cannot give any sort of firm undertaking, but the matter is under active consideration.

The other question regarding the funding of rest homes is a matter which rests, as the honourable member quite rightly observed, with the Federal Government. I understand that at the moment the Federal Government is looking closely at the whole question of aged care, both institutional and non-institutional. Particular emphasis will be on assessment and expansion, as I understand, of non-institutional services. The name of the game, certainly the thrust of the policy, will be to try to keep the frail aged in their own homes for as long as reasonably possible, consistent with civilised and decent care and sustenance.

These matters, of course, rest primarily with the Federal Minister for Social Security, Senator Grimes, and the Federal Minister for Health, Dr Blewett. I do not know how far down the track any formal submissions have come. What I do know is that my colleague, Dr Blewett, has been very preoccupied with arrangements which are necessary for the speedy introduction of Medicare. To that extent, I suspect that, while there have obviously been a number of significant preliminary discussions and possible scenarios drawn up, there is nothing concrete at this stage. However, I am aware of the problems in general and I am aware of the rest home problem in particular and I have written to Dr Blewett on several occasions concerning aged care in general and institutional and non-institutional aspects of it in particular. I can assure the Hon. Mr Burdett that I will be in constant contact with my Federal colleagues and, if necessary, in the near future I will most certainly write to Dr Blewett and Senator Grimes once again.

SEX DISCRIMINATION

The Hon. K.T. GRIFFIN: I seek leave to make a brief explanation before asking the Attorney-General a question about sex discrimination.

Leave granted.

The Hon. K.T. GRIFFIN: I have received copies of two letters that were forwarded to the Attorney-General by Ms Nancy Koh, who has initiated her own action against Mitsubishi Australia Limited in the Sex Discrimination Board. Copies of those letters were presumably sent by her, and I note from the footnote to each of those copies that they have been sent to a number of State and Federal members of Parliament, and I am on that list. The letters request the State Attorney-General to consider granting assistance to Ms Koh in her application before the Sex Discrimination Board. I understand from the letters that assistance was refused by the Commissioner for Equal Opportunity at an earlier stage and that is why Ms Koh pursued the matter on her own. Will the Attorney say whether the State Government is making available funds or other assistance to Ms Koh?

The Hon. C.J. SUMNER: No. This Government and the previous Government have not supported individuals before the Sex Discrimination Board by way of paying costs. If a case is taken by the Commissioner for Equal Opportunity, obviously there is a cost to the Government, but in this case I understand that Ms Koh declined to continue to seek the assistance of the Commissioner and decided to take her own case before the Sex Discrimination Board. In those circumstances, the practice has been and still is that no support by way of payment of costs can be given by the State Government. That would open up a situation where private complaints could be taken before the Board and the State would be liable to pick up the tab. It may be that Ms Koh is eligible for legal aid, but that of course would depend on the means test that is applied by the Legal Services Commission. I do not believe it is true to say that assistance was refused by the Commissioner for Equal Opportunity. A complaint was made to the Commissioner, certain inquiries were carried out, and Ms Koh declined to continue further with her complaint with the Commissioner. She has written to me on two occasions, and I have had the matter inquired into. I am making further inquiries and in due course I will provide a further reply.

LEGISLATIVE PROGRAMME

The Hon. R.J. RITSON: I seek leave to make a brief explanation before asking the Attorney-General, representing the Premier, a question about the Government's legislative programme.

Leave granted.

The Hon. R.J. RITSON: It is getting to the stage where members are sitting in the dying hours of a series of Parliamentary sittings. Again we face very late and exhausting sittings, about which members of the A.L.P. were so critical when, to a lesser extent, they were subjected to such conditions by the former Liberal Government.

In this instance we have had a situation where a number of extremely complex and contentious Bills have been saved, like the worst wine, until last and dumped on us with very little opportunity to examine and do research. I refer, for example, to the f.i.d. legislation, and the impending payroll provisions legislation which will require fairly complex scientific, medical and legal research to enable members to understand the consequences of it. We will not have time to do this, because the Government has saved this difficult, contentious and complex legislation almost intentionally until Parliament is exhausted in terms of time and physical stamina, and that is disgraceful. King Charles I suppressed Parliament with horse and sword and got his head cut off. What is happening and what will happen over the next few days is equally disgraceful.

I would not have raised this question had not the Premier had the damned gall to say that it was the fault of the Opposition that we were delaying when, indeed, we have on occasions voluntarily given up private members' time and curtailed Question Time.

Will the Premier make a public apology to this Parliament for the statement reported in the press to the effect that we were deliberately holding up the business of the Parliament? Will he try to sit in the coming year more than the 22 days that Parliament sat in the first half of this year, and how can he justify the 3½-month vacation that the Government proposes for itself over the Christmas period?

The Hon. C.J. SUMNER: I can answer the question. The Premier will not make a public apology. Secondly, I appreciate, as honourable members appreciate, the slightly different

attitude that is adopted to legislation in another place compared to what tends to happen here. I point out to the honourable member that the previous Government subjected the then Opposition to a large number of late-night sittings in order to get its legislative programme through.

To some extent it is in the nature of the beast that, towards the end of a session, there is material that has to be dealt with by Parliament, and that involves late sittings. I deplore the late sittings: I have criticised them in the past and I criticise them again. Indeed, I established a joint Select Committee of both Houses, and one term of reference was to investigate mechanisms to overcome the late night sittings. Unfortunately, those meetings have been cancelled for one reason or another; indeed, a meeting was cancelled on one occasion at the request of the Liberal Party. That was the first meeting which was scheduled and which was scheduled for two months ago.

The Hon. M.B. Cameron: The next one set for tomorrow morning will be cancelled, too.

The Hon. C.J. SUMNER: The Hon. Mr Cameron can interject and say that. I was keen to proceed with that committee, but the fact is that when we had—

The Hon. M.B. Cameron: There is more to it than late-night sittings.

The PRESIDENT: Order!

The Hon. C.J. SUMNER: I appreciate that there is more to it. However, I am concerned about the delay in operation of the committee.

The Hon. M.B. Cameron: There will be more delay than that—it's a complex Bill.

The Hon. C.J. SUMNER: If Opposition members do not wish to get down to a serious discussion about the mechanisms or functioning of Parliament, I am extremely disappointed in them. The honourable member well knows that a date was set about two months ago which the Liberal Party cancelled—when it was not ready to consider the first term of reference, which was the development of the committee system in this Parliament. Since then we have not been able to meet for one reason or another. Indeed, we have set three dates that have been cancelled.

The Hon. M.B. Cameron: One of which you cancelled.

The Hon. C.J. SUMNER: Only because Parliament has been forced to sit late, but I do not want to rehash the financial institutions duty. There was ample time for consideration of that Bill by the Parliament. It is traditional in the new year—and this happened under the Liberal Government—for Parliament to sit for four or five weeks in February and March or in March and April.

How many days we sit between the beginning of the new year and 30 June has been determined, but it will not be less than the traditional number of days sat during that period. It is just that the sittings will commence later than usual, but will continue for longer, because under previous arrangements, although there was always some flexibility, they would start, say, in the middle of February and conclude at the end of March. Then there would be April and May without sittings, June with perhaps a couple of weeks to deal with Supply, and then the rest of June and July without sittings. Instead of that procedure, on this occasion we will start in the middle of March and continue on and off until the beginning of June.

The Hon. M.B. Cameron: How can you pretend to be not in favour of late-night sittings with the programme that you have put in front of us?

The Hon. C.J. SUMNER: I assure the honourable member that I deplore late-night sittings, and mechanisms have to be found in the Parliament to deal with them, but the honourable member knows the problem.

The Hon. M.B. Cameron interjecting:

The Hon. C.J. SUMNER: The programme is quite satisfactory. The honourable member knows the situation as well as I do.

The Hon. R.J. Ritson interjecting:

The Hon. C.J. SUMNER: Not all of it is particularly controversial or difficult. Even honourable members opposite, I am sure, could come to grips with a good deal of it without a great deal of assistance. It is a somewhat intractable problem unless we can get down to an agreed method of dealing with business, particularly towards the end of the session.

The Government has a programme which it considers that it has to get through; the Opposition, on the other hand, wants to have its say on the business. Unfortunately, Oppositions being what they are—I am not aiming this at anyone in particular—if they see a nice political issue they grasp hold of it. There is, of course, the tendency to want to proceed to debate the issue at length and *ad nauseam*, and that unfortunately happens. When there is a Bill of that kind, at whatever time in the session, the Government wants to get it through in accordance with the time table, but the Opposition wants to be as difficult and obstructive about it as it can.

The Hon. R.J. Ritson interjecting:

The Hon. C.J. SUMNER: I am not applying this to any particular Government or Opposition; I am saying that that is what happens in the Parliamentary system. It has happened as long as I have been here. It happened under the Labor Government, it happened under the Liberal Government, and it is happening now. It is a situation for which all Parliamentarians, if they have any regard for the institution and for their health, should sit down and work out a sensible solution. That is why I included it in the terms of reference of this Committee.

The Hon. K.T. Griffin: You brought Bills into the Assembly the day before yesterday.

The Hon. C.J. SUMNER: The honourable member accuses us of introducing Bills. That is exactly what has happened here for the past 13 years.

An honourable member interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: It is. I sat in this Chamber for the three years of the Liberal Government. We sat through the night on a number of occasions, and I do not see what has changed except that the Government is on this side and honourable members opposite are on the other side. It is a problem for the whole Parliament; it is not a problem just for the Government or just for the Opposition. It is a problem with which we all have to come to grips. I hope that honourable members opposite would join with me in condemnation of the late night sittings that we have and really sit down to try to work out a concrete proposal to deal with the problem.

HOME VIDEO SCHEME

The Hon. H.P.K. DUNN: Has the Minister of Agriculture, representing the Minister of Education, a reply to the question that I asked on 20 October regarding the home video scheme?

The Hon. FRANK BLEVINS: Funds were provided by the Commonwealth to initiate this scheme in 1981 for the three year period ending 1984, at which time there would be an evaluation of the scheme. This in turn would establish the criteria for possible extensions of the scheme beyond that time. At this stage no further commitment has been given by the Commonwealth Government.

Should funds be withdrawn, the situation will have to be considered for continuation of funding by the Government of this State in the light of the financial situation existing

at that time. Whilst clearly I can give no assurance of the outcome, I can indicate that strong representation will be made for the preservation of this valuable support service for the benefit of our isolated and consequently educationally disadvantaged children.

COMPUTER TRESPASS

The Hon. R.I. LUCAS: Has the Attorney-General an answer to the question that I asked on 27 October about computer trespass?

The Hon. C.J. SUMNER: The answer is as follows:

1. As a general proposition it is not an offence to enter a computer without authorisation. Computer frauds are often covered by existing offences, but not always. If the person has not acted alone a charge of conspiracy to defraud is a possibility. If some tangible item such as a paper print-out is obtained he may be guilty of simple larceny.

2. Computer technology is such that computer crime can readily transcend State borders. It is highly desirable that any law to deal with the new forms of dishonesty which have been promoted by the advent of computers should be uniform throughout Australia. Accordingly, I have asked that the Standing Committee of Attorneys-General should look at computer crime. Any examination of the matter by the Standing Committee will take into account developments in other countries.

3. Government agencies use various procedures to protect the confidentiality of their records and precautions taken depend on the sensitivity of the data being protected. Security levels tend to cover hardware, software and the physical environment within which the computer is installed. Usually, the first level restricts access to the computer installation, the next level to specific user terminals, and the final level to specific databanks.

4. The Data Processing Board is unaware of any Government agencies not following adequate computer security procedures. The Board has issued a set of interim principles which include the secure treatment of data. Also, several Government agencies such as the Health Commission, the Police Department, and the Government Computing Centre, have their own more detailed procedures. The Centre has now moved into its new high security premises at Glenside and, after discussions with the Auditor-General's Department, has established internal security procedures and those for assigning data responsibilities to Government agencies using the Centre. The Board's last survey of Government agencies on security matters indicated that a good proportion expect to place greater emphasis on computer security in the future.

MINISTERS' SPEAKING FEES

The Hon. DIANA LAIDLAW: Has the Attorney-General, representing the Premier, an answer to the question that I asked on 20 October about Ministers' speaking fees?

The Hon. C.J. SUMNER: The Premier agrees with Mr Cain that Ministers should not accept fees for public speaking engagements. However, there has been no need for the Premier to issue any directive on this matter.

The Hon. DIANA LAIDLAW: I do not have my original question in front of me, but I recall asking whether the Attorney could ascertain from the Premier whether any fees had been collected.

The Hon. C.J. SUMNER: I understand that that has already been answered.

The Hon. DIANA LAIDLAW: I asked about six questions.

The Hon. C.J. SUMNER: The honourable member can check the answer.

COMMUNITY HEALTH

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

Leave granted.

The Hon. L.H. DAVIS: The previous Liberal Government placed a heavy emphasis on increasing the Budget allocation for community health services. That was demonstrated in the percentage share of the South Australian Health Commission's budget allocation to community health services. However, notwithstanding that the Minister of Health, Dr Cornwall, expressed a similar view on coming to office just 12 months ago, the 1982-83 Budget figures and the estimated budget allocation for 1983-84 suggest that the record has not matched the Minister's rhetoric.

The Auditor-General's Report notes the number of staff employed as at 30 June 1983 in community health domiciliary care and health promotion services as being 1 001, a decrease for that year of five officers compared with the corresponding period in 1982. At the same time, there was an increase of 400 in the number of staff employed in teaching hospitals during that period. Indeed, information supporting the 1983-84 Budget estimates for the South Australian Health Commission indicates that community health services will suffer again in that year in the sense that they will receive only 6.2 per cent of the total South Australian Health Commission Budget allocation for 1983-84, as against 6.3 per cent in 1982-83.

It may seem that only a small sum is involved, but it is disappointing to see, as I have said, that the Minister's rhetoric in the area in question, which has received a lot of publicity and where there is general agreement that it is an area that needs to be promoted much more heavily, is not matched by his record.

Will the Minister say whether he intends to increase the percentage share of the South Australian Health Commission budget allocation to community health services in the near future, which will reverse the unfortunate downward trend? In asking my question, I acknowledge that the Commonwealth Government is making a small contribution towards community health services in the 1983-84 year over and above amounts that have previously been advanced.

The Hon. J.R. CORNWALL: There has been no downward trend in the community health area. The Hon. Mr Davis said that the number of staff in the community health and domiciliary care and related areas as at 30 June 1983 was 1 001, a reduction of five officers. On my estimate, that is well within the sort of unfilled vacancy, normal variation situation that one expects in a standstill position.

The Hon. L.H. Davis: You've increased staff in the teaching hospitals by 400.

The Hon. J.R. CORNWALL: The Hon. Mr Davis, as is his wont, interjects and says that we have increased teaching hospital staff numbers by 400. I wonder whether he expects me to apologise for that. The fact is that the funding of community health initiatives under the previous Government, as mentioned by the honourable member, was achieved by taking money in a standstill situation from the teaching hospital budgets. The previous Administration, in a standstill situation, robbed Peter to pay Paul. We made a commitment that we would restore adequate staffing levels—not luxurious or abundant levels, but adequate staffing levels—to the teaching hospitals. We did that by Budget supplementation within a matter of weeks of coming to office.

That supplementation, an amount of almost $5 million, was carried on in the 1983-84 Budget. It is perfectly true, as the Hon. Mr Davis points out, that there has been a standstill increase in teaching hospital staff numbers. However, it is not of the order of 400. The Hon. Mr Davis should not be too carried away with the magic of the figure of 400 because, again, there are obviously great fluctuations at any given time during a financial year. There are a large number of employees within the teaching hospital system, and the 400 is probably not a true reflection of the real extent of the increase in teaching hospital staff numbers. I wish that it were. In practice, the figure is somewhat less than that.

The Hon. L.H. Davis: Are you saying that the Auditor-General's figures are fictitious?

The Hon. J.R. CORNWALL: I have explained that. The Hon. Mr Davis clearly did not understand what I was talking about. Notwithstanding that, only two weeks ago I arranged for a briefing with the Chairman of the Health Commission for the Hon. Mr Davis and the eight other pretenders to the shadow Health Minister's job.

In summary, there has been a modest increase in the staffing levels of the teaching hospitals. I am very proud of that, because it honoured a firm election commitment. There has been no reduction in the community health areas generally. Their budgets have been at a standstill in both the 1982-83 and 1983-84 financial years.

I am pleased to say that the Federal Government is meeting a firm election commitment to move towards restoring the real level of funding in the community health area to pre-1975 levels. The Hon. Mr Davis should be aware, as should all his colleagues opposite, that Federal funding for community health programmes was significantly slashed by the Fraser Federal Government during the eight years that it was in office.

The Hawke Government has moved quickly, within less than 12 months, to honour an election promise to significantly increase funding to the States in the community health area. As a result, we anticipate that we will have $600 000 in additional community health money available from 1 February for the remainder of the 1983-84 financial year. The amount in a full year, in 1983 dollars, will be almost $1.6 million. The honourable member can rest assured that, to that extent at least, there will be a significant increase in the community health area from 1 February next year.

FEMALE APPRENTICES

The Hon. ANNE LEVY: Has the Attorney-General a reply to the question that I asked on 18 October regarding female apprentices?

The Hon. C.J. SUMNER: The first term of reference for the Apprentice Review Committee is:

> Review current Government recruitment and selection procedures for apprentices and advise on whether improvements can be made.

In accordance with this term of reference, the committee has unanimously agreed that an extensive survey of the recruitment and selection procedures used in the South Australian public sector should be undertaken. This survey will cover all Government departments and statutory authorities currently employing apprentices including:

- Electricity Trust of South Australia.
- State Transport Authority.
- South Australian Housing Trust.
- South Australian Meat Corporation.
- Pipelines Authority of South Australia.

It is anticipated that the survey will be completed by the end of November 1983.

The issues of recruitment and selection are, of course, related to many of the other matters that the committee is addressing, particularly the recruitment of prevocational graduates, employment and training of female apprentices, and the establishment of a Government off-the-job training centre. The results and findings of the survey will assist the committee to address the broad issues of the review and formulate recommendations in regard to the whole public sector for its final report.

SALVATION JANE

The Hon. H.P.K. DUNN: I seek leave to make a brief explanation before asking the Minister of Agriculture a question about the biological control of Salvation Jane.

Leave granted.

The Hon. H.P.K. DUNN: There is a report in this week's *Stock Journal* written by Bob Dams that I will quote to make the picture clear. It states:

> Bitter arguments over the so-called noxious weed have erupted again now that the Minister for Primary Industry, Mr Kerin, has said legislation covering biological control of plants and pests will be ready to put to the Australian Agricultural Council meeting in Perth next February. This is despite a South Australian Supreme Court settlement in favour of a group of graziers and beekeepers who successfully sought to prevent the C.S.I.R.O. from releasing insects which could wipe out the purple plant.

The group is now seeking a public inquiry into this issue, although Mr Kerin has said that these insects would only affect Paterson's curse in high rainfall areas and would have relatively little effect in drier parts of South Australia. The announcement incensed the group that fought the C.S.I.R.O. in court. Although they are keeping a low profile because of rising animosity, their spokesperson, Rosemary Gibson, has said that the time has come to speak out against the one-sided publicity the issue has had in the Eastern States. First, will the Minister say whether the group of graziers and beekeepers represented by the solicitor, Rosemary Gibson, approached the Minister to set up an inquiry into the issue of control or otherwise of Paterson's curse? Secondly, will the Minister assure the farmers and graziers of South Australia that he supports the Federal Minister of Agriculture's approach to this matter of setting up legislation to control Paterson's curse?

The Hon. FRANK BLEVINS: The group referred to by the Hon. Mr Dunn has approached me. I am not sure that I should give him any details of that discussion because I take the view that people who approach me and put a point of view do so in the expectation that that point of view will be kept reasonably confidential. However, I can say that there was a measure of agreement between myself and the group and that in discussions and by way of question and answer it was found that we agreed on the question of biological control as such.

The Hon. H.P.K. Dunn: They approve?

The Hon. FRANK BLEVINS: Yes, they were not opposed to biological control as such—only to biological control of Salvation Jane.

The Hon. H.P.K. Dunn: Paterson's curse.

The Hon. FRANK BLEVINS: The name used depends on where one lives and what one's view is. However, I pointed out to that group that the Agricultural Council had decided that there should be legislation which allowed biological control. There would be a mechanism for identifying a particular target and widespread advertising of that target so that all community groups and individuals could comment on whether or not they felt that that pest was an appropriate pest to be controlled biologically. I advised that group that they would be able to put their point of view on that matter, as any other group can put its view, so it was a very even-

handed procedure. I do not want to go into any confidential matters raised, but my impression was that that was a satisfactory reply to the group with whom I was having that discussion. It was a very amicable meeting that I had with them. I am not sure that there is anything further I can add to my answer. The Hon. Mr Dunn can prompt me if there is any part of his question to which I have not responded.

The Hon. H.P.K. Dunn: Do you support it?

The Hon. FRANK BLEVINS: I support strongly the view of the Agricultural Council that there should be legislation covering biological control, very strongly indeed. I would have thought that, in the light of the scientific knowledge available to us today, it should be possible in very many areas to use biological controls to control some of the pests without endangering the community. I will certainly co-operate where I can and as speedily as I can to ensure that there is complementary legislation in this State. I know that the Hon. Mr Dunn and others will assist me in getting such legislation through this Parliament as quickly as possible. I have a very strong view on this matter, as did the group that came to discuss it with me. They assured me that they were not opposed to biological control as such.

CENSORSHIP

The Hon. M.B. CAMERON: I understand that the Minister of Agriculture has a reply to the question I asked about censorship on 20 October.

The Hon. FRANK BLEVINS: I am advised that:

1. No influence was exerted by the Minister of Mines and Energy to restrict the discussion on uranium or to amend reference to any project.
2. The text was finalised at the time that the Honeymoon and Beverley projects were being developed. The text is simply a statement of the facts at that time.
3. The purpose of the book is to describe how the minerals of South Australia are used in the manufacture of every-day products; less emphasis has been placed on potential mineral deposits such as uranium. Likewise, the major potential coal deposits of Lake Phillipson, Kingston, Sedan, etc., have only received a brief mention.

ELECTRICITY CHARGES

The Hon. M.B. CAMERON: I understand that the Minister of Agriculture has an answer to the question I asked recently about electricity charges.

The Hon. FRANK BLEVINS: The Minister of Mines and Energy has provided me with the following:

Electricity Tariff Increases:

	%
1 September 1979	10.0
1 July 1980	12.5
1 July 1981	19.8
1 May 1982	16.0
1 December 1982	12.0
1 November 1983	12.0

DOCTORS' OVERSERVICING

The Hon. ANNE LEVY: I seek leave to make a brief explanation before asking the Minister of Health a question about overservicing.

Leave granted.

The Hon. ANNE LEVY: The Sax Committee Report issued a few weeks ago contains disturbing data on regional variations in surgical procedures. It was found that in the central northern Elizabeth sub-region of this State the population has twice as many appendectomies than the State average, 49 per cent more cholecystectomies and 83 per cent more tonsillectomies. The female residents appear to have 70 per cent more mastectomies and 48 per cent more hysterectomies than the State average. I realise that the data used for this analysis was not completely reliable and that there were some difficulties in collecting the data for such an analysis. However, considerable resources were put into determining this information and it is regarded as significant by the Sax Committee.

I am particularly perturbed by the incidence of mastectomies being nearly double the number for the rest of the State. As I am sure all members know, mastectomies are carried out primarily for breast cancer, and because the operation is regarded as having such a traumatic psychological effect, it should never be undertaken lightly or other than for extreme reasons, such as breast cancer. The very elevated incidence of this operation in the northern sub-region suggests either that there is some environmental factor in that area that causes an increased incidence of breast cancer or alternatively that mastectomies are being carried out for other than breast cancer reasons. That would seem very undesirable except in the most extreme cases.

Will the Minister of Health say what is the reaction of the Health Commission to some of this information, particularly with regard to the high incidence of mastectomies, whether any suggestions have been made regarding environmental factors that may result in more breast cancer in the northern metropolitan area, and whether there is any means of checking whether the mastectomies are being done for breast cancer or, most unfortunately, for trivial and, I would suggest, unnecessary reasons?

The Hon. J.R. CORNWALL: I appreciate that the matters raised in the Sax Report, relating to operations performed on residents of the central northern Elizabeth sub-region, are of particular concern to those living in the area. They are also of great concern to me as Minister of Health, because of the implication that unnecessary surgery may have been performed in the central northern Elizabeth sub-region.

The Sax Report compared the incidence of certain commonly performed surgical operations in defined areas of Adelaide against an incidence that would be expected if the same rate applied uniformly across the State. For example, the figures for mastectomy in the central northern Elizabeth sub-region showed an expected number of 37 and an actual number of 63. The figures are small in statistical terms and, because it is a statistical comparison, we must be cautious in making concrete assertions from these results. In addition, the collection of these figures from multiple sources is a complex procedure and the results are thus subject to a number of extraneous factors. The data as presented, however, show that there were consistently high numbers of operations performed in each of seven categories—appendectomy, cholecystectomy, thyroidectomy, tonsillectomy, adenoidectomy, masectomy and hysterectomy.

I move:

That Standing Orders, be so far suspended as to enable Question Time to continue until 3.20 p.m.

Motion carried.

The Hon. J.R. CORNWALL: The thrust of this information leads me to the inevitable conclusion that the rate of surgical procedures is generally high in patients in the central northern Elizabeth sub-region and, in the words of the Sax Report, there are clearly 'grounds for concern'. To investigate this issue further the Health Commission has

initiated an in depth retrospective review of the figures provided in the Sax Inquiry study. While the Commission expects that retrospective analysis of the figures will clarify the issue to a considerable extent, it is also important to monitor the future situation and to ensure that any necessary corrective action is taken.

The Hon. M.B. CAMERON: I rise on a point of order. The Opposition would have been quite happy to have this answer presented and inserted in *Hansard*, and if the Minister sought leave to do so it would save a lot of time.

The ACTING PRESIDENT (Hon. G.L. Bruce): It is up to the Minister. If he wants to appeal to the Council to take that course, he may do so.

The Hon. J.R. CORNWALL: The Hon. Mr Cameron has been here long enough to have a rough knowledge of Standing Orders. He is making a nuisance of himself.

Members interjecting:

The ACTING PRESIDENT: Order! It is up to the Minister to—

The Hon. J.R. CORNWALL: It is a matter of substantial moment to the people of South Australia. If the Hon. Mr Cameron does not care whether in the central northern Elizabeth sub-region people are undergoing unnecessary surgery, then—

Members interjecting:

The ACTING PRESIDENT: Order! It is up to the Minister to reply to a question as he sees fit. If the Minister wishes to insert a reply in *Hansard*, it is his right to ask to do so. The Minister is making an extensive reply to the question, and the Council should have the courtesy to listen while he replies.

The Hon. J.R. CORNWALL: It is clear that the Hon. Mr Cameron does not care whether twice as many mastectomies are performed in the central northern region.

The Hon. M.B. CAMERON: I rise on a further point of order. I am not the least concerned about what the Minister says: I believe that he is making a goose of himself, to put it mildly.

The Hon. J.R. CORNWALL: I ask that that be withdrawn.

The ACTING PRESIDENT: Order!

The Hon. J.R. CORNWALL: To these ends the Commission has approved the funding for a prospective surgical audit review to be carried out with the co-operation of both the public and private hospitals in the region. The review committee will be chaired by a distinguished academic surgeon and will be conducted with the co-operation of the Royal Australasian College of Surgeons, the Australian Medical Association and the hospitals concerned. The purpose of the review will be to carry out a detailed audit of selected surgical procedures, including mastectomy, in the participating hospitals. This will ensure that during the period of the study the criteria for carrying out the selected procedures will be closely monitored and the results of the study will identify any corrective action which is needed. The results will be reported to the Commission and to the participating hospitals.

In addition to these specific steps, the Commission continues to encourage the further development of peer review in hospitals throughout the State. Following consultation with the Australian Medical Association, South Australian Hospitals Association, Australian Hospitals Association, and Royal Australian College of General Practitioners, the Commission has prepared guidelines for the granting of admitting rights and the delineation of clinical privilege for medical staff in hospitals. These guidelines have been sent to all hospitals in South Australia and many have already formally adopted them.

The Commission will continue to monitor surgical procedures carried out in all recognised hospitals throughout the State and, where appropriate, more in depth studies such as proposed in this instance will be undertaken. Finally, in co-operation with the Royal Australasian College of Surgeons, guidelines for selected surgical procedures will be developed and promulgated to all hospitals and medical practitioners in the State.

I must say in conclusion that I am amazed that I have not been asked a question on this subject by the shadow Minister or by members opposite well before this. The Sax Report was tabled more than two months ago. Such is their regard for the possible implications of overservicing and in particular the possible gross abuse of patients in the central northern region that members opposite have not even seen fit to question the matter.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 29 November. Page 1998.)

The Hon. K.L. MILNE: I am sorry that this Bill has come on so suddenly, because I am still in the midst of investigating exactly what effect it will have, particularly on Adelaide City Council which has made strong representations that it is unhappy about the legislation. I do not see any reason why the Bill should not go into Committee when perhaps we can further discuss this problem.

I can see that there is some conflict between the Local Government Act and the Conciliation and Arbitration Commission in questioning the relationship of industrial matters. A further complication is that the staff awards of the Adelaide City Council and of the other councils are both Federal awards. Something has to be done because I understand that the Conciliation Commissioners believe that they are unable to arbitrate in many cases because of those conflicts. In fact, they have said so, and this has caused the Government to introduce these amendments. However, having said that, I will be considering seriously the Hon. Mr Hill's amendment, but I will support the second reading so that we can discuss the matter in greater detail in Committee.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Arrangement of Act.'

The Hon. C.M. HILL: I oppose the clause. The purpose of this amendment must be seen together with my amendments which deal with clause 4 and which are on file. The one relatively simple change that I am trying to achieve involves all my amendments on file. Their purpose is to allow the Bill to pass as the Government wants it to pass, except that it will not affect the Adelaide City Council. It means that all the other councils in this State and their officers will come under the procedure that the Government wants to apply in regard to suspension, dismissal and appeals and that is, as was mentioned earlier, the consideration of such matters under the Industrial Conciliation and Arbitration Act, section 15 (1) *(e)*.

The situation in regard to the City of Adelaide is unique in that its officers are under the M.O.A. (City of Adelaide) Award, a separate award, and the Council wants further time to look at the whole question, which has been rather unfairly foisted upon them in great haste by the Minister, and I do not think he can deny that. The Council was not given sufficient notice to consider all the implications and, because it has got this separate award; if the Bill goes through in the form in which the Government introduced it, it means that some advantages which it has under its

separate award and which the other councils do not have will be done away with and it would simply have to trust the M.O.A. to approach it and negotiate with it so that its officers, too, could come under section 15 (1) *(e)*.

It is fairly complex, as far as the industrial relations side of it is concerned, and it does not mean that the City of Adelaide will always want to remain as it is. It may well treat in due course with the Minister and with the M.O.A. and seek change at a later date along the same lines that the Minister wants to apply in this Bill. The Council has had the change put to it too quickly and has not had sufficient time to consider the matter fully. It sees that it will be under some disadvantage in comparison with its present position or remaining with the *status quo*, so the only way in my view for this Bill to deal properly with it is for the Council to be culled out of this legislation at this stage. The Minister's Bill can then go through and further discussions can continue. The Minister himself is confused by the matter. When he spoke to the Bill on 17 November in another place, he said:

> However, I advise the House that the M.O.A. has written to the Adelaide City Council today indicating that it wishes to vary the Adelaide City Council award to give the same conditions as 15 (1) *(e)*.

In a letter dated 22 November—five days later—to the Adelaide City Council, he said:

> If this is so I support moves to provide that protection as quickly as possible, and I have today written to the Municipal Officers Association and the Local Government Association asking them to discuss with you inserting into the Adelaide City Council Award provisions based upon appointment and probation redundancy and termination and reinstatement provisions of the Municipal Officers (S.A.) General Conditions Award which will apply to all other councils when the Local Government Act amendment comes into force.

He is not sure of his statement. It appears that he made a statement to Parliament on 17 November that was not true. I do not want to pursue the matter now, but it should be looked at in due course. My amendments simply let the Adelaide City Council remain as it is and allow the balance of the Bill to proceed so that all other local government officers can come under the Industrial Conciliation and Arbitration Act, section 15 (1) *(e)* in regard to these important matters of suspension, dismissal and appeals.

The Hon. K.L. MILNE: I support what the Hon. Murray Hill has said. Given time—and there is time—we can sort this matter out; I hope so, at any rate. I ask the Minister to report progress and seek leave for the Committee to sit again, possibly next Tuesday or Wednesday, by which time I am sure that the parties concerned will have had further talks about it.

The Hon. J.R. CORNWALL: My instruction and my understanding is that clause 2 is central and must be an integral part of the Bill before the Council. However, matters have been raised and allegations have been made by the Hon. Mr Hill that concern both the subject matter of the Bill and my colleague and friend, the Minister of Local Government in another place. In those circumstances, I should not only receive further instructions from my colleague and friend, the Minister of Local Government, but also be given time to make a considered reply to some of the allegations which the Hon. Mr Hill has made rather unjustly. Therefore, it would be appropriate for the Committee to report progress.

Progress reported; Committee to sit again.

STATUTES AMENDMENT (FLOOD MANAGEMENT) BILL

Adjourned debate on second reading.

(Continued from 29 November. Page 1999.)

The Hon. K.T. GRIFFIN: I support the second reading of this Bill with a view to moving an amendment and supporting other amendments in Committee. The subject of this Bill has been around for several years. The Bill implements some proposals which were being considered by the Liberal Government and on which decisions had been taken by the Liberal Government.

One of the areas of particular interest to me is the restoration of riparian rights under that part of the Bill that relates to the Water Resources Act. That amendment is in clause 11. The principal Act abolished riparian rights. That, as I understand it, was unintentional, but nevertheless it occurred. Since the principal Act was enacted there have been considerable problems for persons who previously had riparian rights but found that they were abolished as a result of the enactment of the Water Resources Act.

Riparian rights essentially are the rights of owners of properties through whose properties the watercourse runs to use the water and to have the full benefit of that watercourse flowing through their properties. That means that if someone upstream pollutes, dams or diverts the watercourse, the downstream owner has certain rights. It also means that persons upstream have obligations to ensure that the water supply is not polluted, diverted or dammed.

Those rights were abolished by the principal Act. I had this matter drawn to my attention when I was Attorney-General by several constituents who were experiencing problems with upstream owners in respect of the watercourse which ran through their respective properties. We had reached the point where the Department had agreed that there was a problem, and at the next opportunity the matter would have been rectified in legislation; so I am pleased that clause 11 is in the Bill.

The difficulty with clause 11 as it stands is that it merely refers to riparian rights in respect of watercourses continuing to exist, subject to the super-eminent right of the Crown under new section 6 (1). I have no argument with the Crown having a super-eminent right, but the difficulty is that all riparian rights have been abolished so that the clause as it stands means nothing in terms of restoring riparian rights to their position prior to the enactment of the principal Act. My amendment, which I hope the Minister and the Government will consider sympathetically, remedies that defect and reinstates riparian rights back to the date of the commencement of the principal Act. That will ensure that justice is achieved.

The other area of concern that the Hon. Murray Hill has taken up in his amendments relates to the application of the Land Acquisition Act to give councils power to compulsorily acquire for the purposes of the Water Resources Act. Already powers of acquisition are vested in councils under the Local Government Act. I would be concerned if additional powers were given to councils under the Water Resources Act. What that power means, if abused, would be that a local council could acquire any land that might have an impact on a particular watercourse where that land was in the opinion of the council required for the purpose of carrying out works for the prevention and mitigation of floods. I know that the Land Acquisition Act has safeguards in it, but they are few.

While I was Attorney-General I was undertaking a review of the Land Acquisition Act with a view to trying to achieve a better balance between the rights of the citizen and the powers of Government. No matter what their political persuasion, all Governments on occasions seek to use the heavy hand when it comes to land acquisition. Whilst it is a dilemma for Governments to achieve the proper balance, nevertheless, I think that it is an issue on which a great deal of work needs to be done, and should be done, because it

relates very much to the private property rights of the citizen.

Local councils already have some rights to compulsorily acquire under the Local Government Act. Those rights are not as generous as is the case under the Land Acquisition Act. I am not convinced that local government should enjoy the wide powers available under that legislation. Local government should have some compulsory acquisition powers, but I suggest that those powers are already available under the Local Government Act and are sufficient for its purposes. During the Committee stages I will consider the two principal matters that concern me, in conjunction with the amendments that are on file. Generally, I support the second reading.

The Hon. FRANK BLEVINS (Minister of Agriculture): I thank honourable members for their contributions and their indications of support for the second reading. The Government anticipated that the Bill would enjoy support from the Opposition, because it is in the same form as a Bill introduced by the previous Liberal Government 12 months ago (in fact, not one comma or full stop has been changed). The amendments that are on file are better dealt with in the Committee stages, rather than during the second reading debate. Once again, I thank honourable members for their support.

Bill read a second time.

In Committee.

Clauses 1 to 5 passed.

Clause 6—'Repeal of Part XXXV and substitution of new Part.'

The Hon. K.L. MILNE: I notice that there was some discussion in another place about who should be responsible for rubbish obstructions found in a watercourse on one's property. The Opposition in another place moved an amendment which was not accepted by the Government. The amendment provided:

(1a) An owner of land shall not be required under this section to remove obstructions from a watercourse if those obstructions have been carried onto his land by the current from land further upstream.

The amendment appears to be logical, sensible and fair. However, it is not as easy as that and, in fact, the Government did not accept the amendment. I believe that the Hon. Mr Hill intends to move a similar amendment in this Chamber.

I believe that councils with only a few kilometres of watercourses could rectify the problem by taking action during the summer months. My amendment provides that a council shall inspect all watercourses within its area at least once during the period 1 November to 31 January in each year. In some cases that might be impossible but, in others, it might by easy. Obviously, this area needs further discussion. As an example, the District Council of Onkaparinga has made representations to the effect that it has watercourses totalling 500 miles in its area. Cases such as that obviously require further discussion.

If a council or an authority makes ratepayers or homeowners responsible for the recovery of rubbish in a watercourse following a flood, the inspection would be carried out after the flooding occurred. Correspondence and notices would be issued and there would probably be an argument about the ownership of the rubbish, which would waste time and cause ill-feeling. I believe that, if it were possible, it would be preferable to inspect watercourses (including rivers, creeks and tributaries) during the summer months because, at that time, they are usually dry. Many people thoughtlessly dump rubbish, particularly garden refuse, into creeks, hoping that it will be washed downstream. I believe that action should be taken before heavy rainfalls and before any flooding occurs.

It should be up to a council to ask an owner to remove rubbish before it is washed away. The inspection of a watercourse need only occur near housing areas: there would be no need to inspect a watercourse where there was no housing. Councils will have to inspect rivers, whether or not my amendment is carried. I felt that it might be easier for councils to inspect watercourses when they were inspecting areas for noxious weeds. However, I am informed that councils are no longer individually responsible for noxious weed inspection: that is now done by a board. I have attempted to highlight two matters that require further discussion. The Local Government Association has had time to discuss the two areas, but the Local Government Department has yet to consider them.

Individual councils may wish to make representations about this matter. Something sensible may be worked out to the benefit of the local government system as a whole if we are given time to consider this matter. I suggest that the earliest time for its consideration should be Tuesday next. Will the Minister report progress and seek leave to sit again while these matters are considered?

The Hon. R.C. DeGaris: Was this regarding man-made drainage areas?

The Hon. K.L. MILNE: To my knowledge nobody has mentioned man-made drains.

The Hon. R.C. DeGaris: Are they a watercourse?

The Hon. K.L. MILNE: They are. That would apply, I would think, when man-made drains are going through one's property. I know of an instance where a house is built over a drain. This happens especially in the suburbs.

The Hon. C.M. HILL: The drain that is a watercourse under the control of the Crown or there by Statute is exempt—we are not dealing with that.

The Hon. R.C. DeGaris: They are not all under the control of the Crown.

The Hon. K.L. MILNE: In this case I seek the indulgence of the Council and the Minister and ask that progress be reported so that we can discuss this matter with him. It may be an urgent matter to the Government, but it could be that if the matter were adjourned the Bill could be put through by agreement and then the matter raised again during the next session. I am not trying to be difficult about this matter, but it seems to me that there is a great deal that could be done about this matter by next Tuesday.

The Hon. C.M. HILL: I turn first to exemptions, a matter raised by interjection by the Hon. Mr DeGaris. The Bill excludes a proclaimed watercourse. Under the Water Resources Act, 1976, a watercourse that is under the control of the Crown or that is by Statute under the control of a particular body corporate, or a watercourse declared by proclamation, is a watercourse to which this particular measure does not apply. On the point that the Hon. Mr Milne is pursuing, I think that in theory his idea has a lot of merit. However, as his amendment now reads it would in practice involve some local councils in a huge volume of work. I think that the honourable member mentioned the District Council of Onkaparinga. That council has about 236 kilometres of major waterways and 250 kilometres of major tributaries in its region. The council believes that minor creeks and gullies, which are mostly dry during the summer months but carry a lot of water during winter and flood periods, total up to 5 000 kilometres. If the Hon. Mr Milne could be given a little more time to pursue the principle of his amendment he could possibly fashion it so that partial exemption could be granted by the Minister of Water Resources in council areas to which the honourable member's proposed idea would not apply. Possibly the amendment could be altered so that, in effect, only those

waterways which have been flood prone to the extent that there has been damage to property or risk of damage to life or property could be included in the measure.

I believe that there is an obligation on local government to maintain surveillance over those waterways which are flood prone. If one pursues the Hon. Mr Milne's thinking further, if such waterways are kept clear of obstructions and refuse during the summer months then obviously a lot of the problems that this Bill is setting out to solve (problems of obstruction further downstream from where the actual refuse or material is placed in the stream) would not occur. If streams were relatively free of this material then a lot of the damage would not occur and the problems that have given rise to this Bill would, to a certain degree, not occur. Although I cannot support the honourable member's amendment as it reads at present, I think that if he had a little more time to consider a new amendment along those lines, but in a far more restricted way than at present, it might have considerable merit and might be worthy of serious consideration.

The Hon. FRANK BLEVINS: I was going to oppose the amendment foreshadowed by the Hon. Mr Milne because, in the opinion of the Government, it is totally impractical. We have had discussions with local councils that might have been affected by such an amendment and I can assure the Council that they also think that the amendment would be totally unworkable. The Hon. Murray Hill spelt the matter out rather well when he gave the startling figure that the District Council of Onkaparinga could have 5 000 kilometres of secondary creeks that would have to be inspected in the three months set down. It might be a good job creation scheme, as one would have to have an army of people to do it.

The Hon. R.I. Lucas: It would solve the unemployment problem.

The Hon. FRANK BLEVINS: Although the District Council of Onkaparinga may think that a job creation scheme for the unemployed is a good idea I do not think that it would appreciate shouldering the burden of removing 50 000 people from the unemployed list in South Australia or that the cost of that should fall on the heads of its ratepayers. In order for the Hon. Mr Milne to have consultations with the Local Government Association and other parties, I am happy to co-operate and ask the Committee to report progress.

Progress reported; Committee to sit again.

MARALINGA TJARUTJA LAND RIGHTS BILL

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

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

That this Bill be now read a second time.

The purpose of this Bill is to vest the area known as the Maralinga lands in the ownership of the traditional Aboriginal people from that area, on a freehold and inalienable basis. I seek leave to have the remainder of the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Remainder of Explanation

This will fulfil a long-standing commitment first made by Premier Playford as far back as 1962, when he promised that the land would be returned to the control of the traditional people, following cessation of the atomic bomb tests and relinquishment of the land by the Commonwealth as a prohibited area under the Defence Act. Members may be aware that the Aboriginal people were moved from the lands when the bomb tests were to take place in the 1950s. These people scattered to various parts of the State and some to Western Australia although the bulk of them remain at Yalata Aboriginal community.

The people have therefore been waiting for over 20 years for the opportunity to return to their land. Initially, they were well aware of the dangers associated with the after effects of the bomb tests, and were prepared to wait for a time. However, it is understood that it was the intention of the Playford Government that the land would eventually be added to the then North West Aboriginal Reserve, which had been in existence since 1921.

In 1972 the South Australian Government was advised by the Commonwealth that the Maralinga village was no longer required and the whole test area would be derestricted, except for section 400 which surrounds the village and the bomb sites and 'cemetery' areas, which has been retained by the Commonwealth under a land grant. In July 1972, the Dunstan Government approved that the whole of the land would be vested in the Aboriginal Lands Trust. The implementation of that decision was delayed while negotiations were completed with the Commonwealth over radiation issues and the issue of the land grant over section 400. The people therefore again had to wait while Governments and bureaucracies slowly worked towards resolving the problems.

There was further delay during 1977-79 when the Pitjantjatjara Land Rights Working Party undertook its work and presented a report on the attitudes of the people in the area to land rights. Subsequently the Pitjantjatjara Land Rights Act was passed in March 1981, which vested the previous North West Aboriginal Reserve and some adjacent pastoral properties in the Pitjantjatjara people on a freehold and inalienable basis, with special controls over access and mining operations. Negotiations with the Aboriginal people over that legislation involved Governments of both persuasions. It was hailed by the Tonkin Government as unique and forward-looking legislation which could act as a model for other places dealing with ownership and control of land by indigenous minorities. The legislation when passed had the support of all political Parties in the Parliament.

The former Government had extensive negotiations with the Yalata people during the 18 months prior to the last election. Whilst these negotiations failed to reach a complete agreement, they were taken to an advanced stage and were of no little significance to this whole issue. Throughout 1982 the Aboriginal people had been advised and assisted by the Aboriginal Legal Rights Movement. Questions of access and mining controls have always been under close scrutiny, especially in relation to the protection of significant sites on the land. In discussions with Government Ministers and officials, the people have asked for a 'strong' law to protect those sites, and to enable them to protect the land generally. They have had meetings with representatives of the Anangu Pitjantjatjara and have noted the effectiveness and merit of their legislation.

At a meeting with a large number of traditional owners at Ooldea in March this year, it was made abundantly clear that the people wanted distinct and separate title to the land, to be held in the name of the traditional owners, as occurs with the Pitjantjatjara Land Rights Act, 1981. This legislation seeks to give effect to that wish. Over the past 10 years many of the traditional people have made visits to the area to identify and record significant sites, and more recently there have been moves to establish some homeland camps on the lands. This movement will continue and the granting of the land will contribute in a major way to advancing the dignity of these people and their ability to control their own lives.

The legislation follows the model of the Pitjantjatjara Land Rights Act, 1981. It establishes an incorporated land holding body, known as Maralinga Tjarutja, consisting of all Aboriginal traditional owners of these lands. There will be a Council to act as an executive. The land will be granted fee simple and inalienable. The area to be granted totals approximately 77 000 square kilometres. The existing Unnamed Conservation Park, established in 1970, is unaffected by this measure and a right of access through the lands is maintained. The conservation park has considerable significance to conservationists and the Aboriginal people have an interest in many significant sites there.

The western boundary of the lands under the Bill is along the Western Australian border and then the edge of the conservation park, while it is proposed that the eastern boundary be drawn at 133°E. The southern border is a line drawn eight kilometres above the route of the east-west railway line, and the northern boundary skirts the conservation park and the Pitjantjatjara lands. Section 400 as held will remain in the control of the Commonwealth.

As this Bill deals with entitlement to land, the setting of these boundaries is of prime importance. An issue that remained at the introduction of this Bill was the positioning of the eastern boundary, which was initially set at 132°E. The Government has always been concerned about the future of those lands between longitude 132°E and 133°E, an area with which the traditional owners also claim affiliation. The Select Committee which was appointed in another place to report on this Bill took this matter into consideration and concluded that the boundary be extended to the 133° longitude, thus encompassing all of section 1446.

Some of the land comprised within the schedule to this Bill, between longitude 131°30′ and 133°, is within the Woomera prohibited area. This area is regulated by the Commonwealth, and public access is restricted. The Aboriginal people are aware of these restrictions and have indicated that they wish them to remain until the safety of the areas presently controlled by the Commonwealth is assured. There will be a constant review of this issue.

The mining and access provisions in the Pitjantjatjara Land Rights Act are reflected in this Bill, although the Bill incorporates some appropriate reforms. The provisions enable the traditional owners to negotiate reasonable costs from mining companies when dealing with applications for permission to mine and cater for adequate and reasonable compensation on account of mining operations. A review has been conducted into the issue of royalties and, unlike the Pitjantjatjara Act as it presently stands, the prescribed limit applying to royalties has been removed. Other relevant provisions from the Pitjantjatjara Act again appear. It is also of importance to note that mining tenements presently exist over part of the lands. These are preserved in this measure, ensuring that existing rights are unaffected.

The Aboriginal Lands Trust has been consulted about the proposed land grant to the traditional owners and concurs with the principles contained in the Bill. This Bill has been considered and approved, with suggested amendments, by a Select Committee in another place. The Government believes that that committee provided a valuable and comprehensive report, and its appointment ensured that all issues arising by virtue of this legislation were properly canvassed. As honourable members will be aware, the Select Committee recommended various amendments to the Bill, which were accepted by the Government and incorporated in the Bill in another place. Those amendments will enhance the effectiveness of this measure. I commend the Bill to all members.

Clause 1 is formal. Clause 2 provides for the commencement of the measure. Clause 3 sets out the arrangement of the Act. Clause 4 contains a number of definitions for the purposes of the Act. The 'lands' to which the Act is to apply are defined by reference to the schedule. Clause 5 establishes a body corporate, to be known as 'Maralinga Tjarutja', and provides that all traditional owners are members of that body.

Clause 6 sets out the powers and functions of Maralinga Tjarutja. Clause 7 provides that Maralinga Tjarutja shall, before carrying out proposals relating to the administration, development or use of any parts of the lands, consult with the traditional owners in order to ensure that they are fully aware of the situation. Clause 8 provides for annual general meetings of the corporate body. Clause 9 establishes an Executive Council of the corporate body. The council will consist of a chairman and eight other members, elected at an annual general meeting. Until the first annual general meeting, Yalata Community Incorporated may act as the council.

Clause 10 prescribes the procedure of the council. It must meet at least once in every two months. Decisions are decided by majority vote. Clause 11 requires the council to act in conformity with resolutions of Maralinga Tjarutja, and provides that no act of the council is binding on the corporate body unless in accordance with a resolution. Clause 12 provides for proof of acts of the council. Clause 13 requires that the council keep proper accounts of the financial affairs of Maralinga Tjarutja. An annual audit must occur, and audited accounts lodged with the Corporate Affairs Commission.

Clause 14 provides that proceedings of Maralinga Tjarutja shall be regulated by a constitution approved by the Corporate Affairs Commission. Clause 15 provides that the Governor may issue a land grant in fee simple for the whole, or any part of the lands. A gradual transfer of title may therefore occur. Clause 16 provides that a land grant shall be in both the English language and the Pitjantjatjara language (the common language for the area). Incorrect or imperfect descriptions of the lands may be altered at a later time. Clause 17 provides that vested land is to be inalienable and may not be compulsorily acquired, resumed or forfeited.

Clause 18 provides that the traditional owners are to have unrestricted rights of access to the lands. Clause 19 relates to control of access to the lands. A person who enters the land without the permission of Maralinga Tjarutja will be guilty of an offence. Permission to enter the lands may be sought by lodging a written application with the council. Provision is also to be made for group permits. Conditions may be imposed in relation to restricted access to the lands, and contravention of such conditions will be an offence. The section does not apply to police officers or other statutory officers acting in the course of their duties, a person acting on the written authority of the Minister, a member of Parliament or a candidate, entry in cases of emergency, entry in relation to existing mining tenements, or for road works, entry by an Aboriginal person, at the invitation of a traditional owner, and rabbit trappers who presently work the lands.

Clause 20 is a clause inserted in another place, upon the recommendation of the Select Committee. The provision allows the residents of Cook to be granted an annual permit to enter some of the lands for recreational or sporting purposes. The permit will extend to persons accompanying a resident. Permission to enter the lands will be subject to various prescribed conditions, and a person who breaches a condition will be liable to a fine and may lose his right to enter the lands.

Clause 21 provides that any person who carries on mining operations on the land without appropriate permission shall be guilty of an offence. Provision is made for applications for permission to enter the land for mining purposes. Any dispute may be referred, by the Minister of Mines and

Energy, to an arbitrator. Provision is made for his appointment and powers. Maralinga Tjarutja may recover its reasonable costs. The clause also prescribes the matters which the arbitrator must take into account in order to determine the dispute. A decision is binding on all parties, including the Crown. The Arbitration Act, 1891, does not apply to an arbitration.

Clause 22 relates to the interaction of this Act and the Mining and Petroleum Acts. These Acts are still to apply to persons seeking the grant of a mining tenement, in conjunction with the requirements of this Act. Provision is made to prevent payments in relation to the possible granting of permission to carry out mining operations, other than those expressly authorised by this Act. Clause 23 deals with royalties, which are to be divided into three equal shares and one share each paid to Maralinga Tjarutja, the Minister of Aboriginal Affairs, and general revenue.

Clause 24 makes it an offence to give a bribe in connection with applying to carry out mining operations. Clause 25 provides that payments or other consideration given to Maralinga Tjarutja in respect of carrying out mining operations must be reasonably proportioned to the disturbance to the lands, the traditional owners, and their ways of life. The Minister of Mines and Energy is to be notified of any payments under this section. Clause 26 reserves the right of the Crown to remain in occupation for up to 50 years of the lands, for purposes connected with the health, education or welfare of the traditional owners.

Clause 27 provides that the Commissioner of Highways may carry out road works on the lands, with the consent of the Maralinga Tjarutja. Consent shall not be withheld in relation to the work on the road referred to in the second schedule. Clause 28 deals with the information which the Commissioner must submit to Maralinga Tjarutja and provides that a dispute may be referred to arbitration. Clause 29 establishes a road reserve along the road referred to in the second schedule. Clause 30 is another clause inserted upon the recommendation of the Select Committee. Its inclusion is to provide that road works carried out on roads within the lands are deemed to occur under the Highways Act, 1926.

Clause 31 provides for the consent of Maralinga Tjarutja to the maintenance of the road in the second schedule. Clause 32 deals with the appointment of a tribal assessor. Clause 33 provides that a dispute between a traditional owner and Maralinga Tjarutja, or any of its members, may be referred to the assessor. The section prescribes the procedure to be observed. Clause 34 allows the enforcement of a direction of a tribal assessor by the local court of full jurisdiction. Clause 35 provides that offences shall be disposed of summarily. Clause 36 provides that a court may award compensation for damage suffered by Maralinga Tjarutja as a result of the commission of offences.

Clause 37 exempts the lands from land taxes. Clause 38 is a financial provision. Clause 39 provides that the Outback Areas Community Development Trust Act, 1978, does not apply. Clause 40 provides that in the application of other Acts, the lands may be regarded as public places. Clause 41 is also a new provision, providing that in the event that the traditional owners depasture stock on the lands, they will be subject to regulations applying under the Pastoral Act, 1936.

Clause 42 was also included in the Bill on the recommendation of the Select Committee. The committee received a proposal that a Parliamentary committee be established to review the effectiveness of the legislation, and decided to recommend its acceptance. Accordingly, this clause proposes that a committee of the Minister and four members of the House of Assembly be constituted to review the legislation, inquire into matters affecting the lands, and provide an annual report to Parliament. A new committee would be appointed after each term to the House of Assembly. Two members are to be members of the Opposition. Clause 43 is a regulation-making power.

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

INDUSTRIAL CONCILIATION AND ARBITRATION ACT AMENDMENT BILL (No. 3)

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

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

That this Bill be now read a second time.

Members of this Council will be aware that amendments to the Industrial Conciliation and Arbitration Act have been foreshadowed by the Government in line with the recommendations of the Cawthorne Report. Discussions on those amendments with the Industrial Relations Advisory Council are well in hand, and it is hoped that a Bill will be introduced into this Parliament towards the end of the current session.

However, there is one machinery matter which requires urgent attention in this place. In his report, Mr Cawthorne recommended that some attention be given to the provisions of the Act relating to acting appointments of Industrial Court personnel to alleviate problems caused by illness and absence on leave and fluctuating workloads. At present, section 10 (1) of the Industrial Conciliation and Arbitration Act provides that where the President of the Industrial Court is for any reason unable to perform his duties the most senior in office of the Deputy Presidents of the Court shall act during the period of that incapacity. However, a problem has arisen with the application of this section in that the President of the Court is to be on sabbatical leave between 19 March 1984 and 21 September 1984 and the next most senior Deputy President has indicated that he does not wish to act in the office of President during that period.

In the light of this position, it is necessary to make an urgent amendment to the Act to enable the necessary administrative arrangements to be put in train well before the President proceeds on leave. Accordingly, this Bill seeks to correct the deficiency in the existing Act by providing that where the President is unable or unavailable to perform the duties of his office, an Acting President may be appointed from the ranks of the Deputy Presidents of the Industrial Court. The appointment to the office in respect of an absence of a fortnight or less may be made by the President himself, to enable short-term absences to be expeditiously covered, with a general power to appoint an Acting President for periods of both a short-term and long-term nature to be vested in the Governor. In accordance with the established procedure, the draft Bill has been considered by members of my Industrial Relations Advisory Council, and no objections have been raised to its provisions. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 amends section 10 of the principal Act which provides for absences from office of the President of the Industrial Court. The section presently provides, at subsection (1) that, where the President of the Court is unable to perform the duties of his office, the most senior in office of the Deputy Presidents is to act in the office of President. The clause amends this section so that it provides that, where the President is or will be unable or

unavailable to perform the duties of his office, the Governor or the President may appoint one of the Deputy Presidents to act in the office. Under the clause, the President is not empowered to appoint a Deputy President to act in his office for a period exceeding two weeks. The present provision for payment of an allowance to a Deputy President while acting in the office of President is repeated under the amendment. The clause makes amendments to subsection (3) that are consequential upon the rewording of subsection (1).

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

STATE LOTTERIES ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

Section 17 of the State Lotteries Act requires the Lotteries Commission to offer as prizes, in any individual lottery, 60 per cent of the value of tickets offered in that lottery. A proposal has been received from the Lotto Bloc, of which South Australia is a member, for the introduction from 1 January 1984 of a scheme whereby a small part of the prize pool in each individual lottery would be set aside and the accumulated amount added to the prize pool of a subsequent lottery. A similar scheme has operated in New South Wales (which is not a Lotto Bloc State) with great success and members of the Lotto Bloc are keen to emulate this success.

The specific proposal is for the prize money in the regular competitions to be set at 58 per cent of subscriptions, with a further 2 per cent being set aside for the major prize in a subsequent lottery. Over the course of time, a full 60 per cent of subscriptions would be paid out in prizes, but individual competitions would normally return only 58 per cent of subscriptions. The proposal relates only to the Lotto competition. However, the greater flexibility provided by the proposed amendment would enable the Lotteries Commission to offer the public a wider variety of competitions, while safeguarding the interests of subscribers by retaining the requirement for 60 per cent of total subscriptions to be returned as prizes. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 amends section 17 of the principal Act which provides that the Commission must offer as prizes for each of its lotteries not less than 60 per cent of the value of the tickets offered in the lottery. The clause amends the section so that the Commission will be authorised to offer lesser prizes in particular lotteries provided that the surplus produced is directed towards larger or additional prizes in subsequent lotteries. Proposed new subsection (3) is designed to make it clear that any such additional prize money is not to be taken into account in determining whether or not the value of prize money in a lottery is less than 60 per cent of the value of the tickets offered in the lottery.

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

CLASSIFICATION OF PUBLICATIONS ACT AMENDMENT BILL

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

That proceedings subsequent to the second reading of the Bill be declared null and void.

Motion carried.

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

That it be an instruction to the Committee of the whole Council on the Bill that it have power to divide the Bill into two Bills, one Bill comprising clauses 1, 2, 3, 4, and 5, and the other Bill comprising clauses 6 to 11, and that it be an instruction to the Committee of the whole Council on the No. 2 Bill that it have power to insert the words 'of enactment'.

I announced today that I would make an immediate approach to the Commonwealth Minister on Censorship, the Attorney-General (Senator Evans), for a further Commonwealth/State conference on censorship matters to review the uniform proposals to control videos agreed to at the June conference of Ministers in Brisbane. The legislation that I introduced was a package of Bills involving the Classification of Publications Act, the Criminal Law Consolidation Act and the Police Offences Act and was to give effect to an agreement entered into between the Commonwealth and most of the States at the Brisbane meeting in June.

The legislation was the first to be introduced in Australia to bring excessively violent and pornographic videos under control, that problem having been recognised by Ministers. However, in relation to this matter it appears that the Opposition and the Democrats support no other system but a compulsory system of classification. The Bill that I introduced included amendments to the Police Offences Act to ensure that video tapes and material dealing with violence, manufacture of drugs and terrorism were covered, and that the letting or hire of videos was also covered. The legislation also tightened up on existing laws relating to child pornography.

The system that I introduced as part of the Classification of Publications Act provided for a system of classification of videos at the X and R level and would have included advisory classifications on some videos from G, NRC and M levels. However, as I have said, that system, which I believed would have been effective in dealing with the problem outlined, has been opposed in this Council by both the Liberals and Democrats. In the light of that, I had to consider the Government's position.

I believe, first, that there is little substantive difference between the Government's proposals and those of the Opposition and that the essential difference was between those who wanted compulsory classification and those, like myself, who believed that a voluntary system was quite satisfactory. However, clearly the discussions which occurred in this Chamber and which were confirmed by private discussion indicate that a compulsory system would have been inserted into the legislation by this Chamber. That would have placed the Government in a difficult position. On the one hand, I would not, as the Attorney-General who participated in an agreed position with the other States and the Commonwealth, have accepted the compulsory system—

The Hon. R.I. Lucas: Even if you wanted it?

The Hon. C.J. SUMNER: I would not have felt able to accept it, because of my involvement with the Commonwealth and other States. This is a uniform scheme, and I believe there will be difficulties if it is not uniform. Even if I had wanted to, I still believe that the system introduced by the Government is basically satisfactory.

The Hon. R.I. Lucas: You can see some advantages in the compulsory system.

The Hon. C.J. SUMNER: No; we will get to that in a minute. If I had acceded to a compulsory scheme, either

the Commonwealth would have had to do the classification and add resources to the Commonwealth film censorship system to enable that to be done or, alternatively, this State would have had to establish a video censorship apparatus here. In effect, we would have become the video censor of Australia. That was something that I did not believe we could have done successfully in South Australia—certainly, not without much more consideration. It would have been quite wrong for me to impose that sort of obligation on the Commonwealth without further consultation with the Commonwealth and the States.

So, in view of the agreement reached on that scheme in June, I am not in a position to accept amendments dealing with compulsory classification. I have made that quite clear, as it would either involve the State in becoming the censor on videos in the whole of Australia, which is not satisfactory, or imposing on the Commonwealth the obligation to censor all videos, and that had not been effectively agreed to.

Conversely, the other option is to insist on the system that was agreed in June in the House of Assembly and for the matter to come back here and go to a conference and for the Bill not to pass. It would have been irresponsible not to have allowed some aspects of this package of legislation to pass into law. I believe that the most important part of the legislation, the tightening up of the loopholes in the Police Offences Act dealing with the hiring of videos and violence, should proceed. The situation is reinforced by the fact that the latest advice I have is that all States and the Commonwealth, except Queensland, will participate in the scheme as agreed to in June.

In the A.C.T. an ordinance, which will be the principal authority for uniform decisions, is currently before the A.C.T. House of Assembly. The New South Wales Government is preparing a new Bill for introduction in 1984, Victoria has a Bill which has passed its Legislative Council and which is now in the Lower House, Western Australia has passed a temporary Bill to classify video tapes while the main legislation is prepared, and Tasmania, which had some reservations in June, expects its Bill to be introduced before Christmas.

It is strange, but it appears that only in South Australia has there been such a concerted campaign to oppose the means proposed by the Government of bringing videos under control. There are two possible results: maintenance of the present unsatisfactory position or a cumbersome, costly compulsory system at the State's expense. As I said before, the State can scarcely compel the Commonwealth to fund a compulsory local scheme.

For that reason I will propose in Committee, if this motion is passed, that the Classification of Publications Bill be split to enable certain clauses to pass to ensure that videos classified R and X cannot be sold to minors but to leave the substantive question of the compulsory classification of videos until the March sitting, and in the intervening period I will approach the Commonwealth Attorney-General, indicating to him the views expressed in this Council and that at this time it is not possible to have the agreed scheme passed into law in this State.

In addition to splitting the Classification of Publications Bill in this way, I will also suggest that the Government and Parliament proceed with amendments to the Police Offences Act and to the Classification of Films Act. I believe that the essence of the difference between the parties on this legislation revolves around the system of classification. As I said before, the Opposition proposal would require censors to classify all titles, including those on Margaret Fulton's cooking, cricket, football and so on. We (the Commonwealth and the States involved) did not believe that it was necessary in order to attack the problem, the problem being the dissemination of quite violent and abhorrent material that could fall into the hands of children. The legislation that I introduced would have attacked the problem without the need for that increased bureaucratic structure.

The Hon. R.I. Lucas: You concede the problem of M-rated films?

The Hon. C.J. SUMNER: I do not concede that.

The Hon. R.I. Lucas: You said that there was one.

The Hon. C.J. SUMNER: I said that there was a legitimate difference of opinion on whether or not it was necessary; that is really the major difference between the two sides of the Parliament. I do not believe that there is a major problem with M-rated films. It is a matter of weighing up on the one hand whether or not it is worth having that expanded bureaucracy and the cost of it against having a system which works but which does not pick up all M-rated films, although many of them would have been picked up by the scheme that I introduced.

Be that as it may, the situation is that the Bill was going to fail because I could not accept the compulsory classification as a one-off situation without further consultation, and the Opposition was going to insist that that be inserted in the Bill. A stalemate was reached, and I have put forward this proposition to resolve the stalemate and provide the immediate protection that is necessary by way of the Police Offences Act, but allowing the Government and Ministers to discuss the matter further with the Commonwealth and the other States; then in March that aspect of the matter can be further considered. The motion that I moved, giving an instruction to the Committee, would have enabled that course of action to take place. I ask the Council for its support.

The Hon. K.T. GRIFFIN: Whilst this is a procedural motion, it is an appropriate point at which to consider the consequences of the instruction being supported by the Committee. I am pleased to be able to support the proposal which was made by the Attorney-General and which is embodied in this motion. While we are ensuring that there is some amendment to the law to deal with the sale and hire of videos, the important question of classification has to be considered again by the Attorney-General, the Federal Attorney-General and the other Ministers responsible for censorship in the other States.

The Hon. C.J. Sumner: We do not know with what result.

The Hon. K.T. GRIFFIN: I hope that the result will be in favour of a scheme of compulsory reclassification and, in the light of the Attorney-General's preparedness to take the course of action that he is now proposing, that he will be able to represent to his interstate and Federal colleagues the strength of feeling within the Parliament and the wider community for stronger controls over video tapes which would have been evidenced by compulsory classification.

The Attorney-General has suggested that there is little substantial difference between the Government and Opposition proposals for classification of video tapes. I join issue with him on that because the voluntary classification does not give the sort of controls that will flow from compulsory classification. If one considers the amendments that I proposed to move, it can be seen that significant consequences would flow from either the failure to obtain classification while such video tapes were sold or hired, or when video tapes were refused classification.

In addition, there was as a result of the second amendment to clause 9 which I substituted a clear indication that any classifications obtained under the Film Classification Act would need to be disclosed so that categories G, PG (if successful, and I believe that it will be), M and R would be clearly shown on the cassette or on the container in which the cassette is sold. If there were video tapes made only for the video market, my amendment required them also to

have an advisory classification under the present Film Classification Act. So, the compulsory classification scheme is substantially different from a voluntary system of classification of videos.

The Attorney-General has raised a supposed problem with Margaret Fulton's video cooking sessions and sporting video tapes, but I referred to the current practice of the Commonwealth Film Censorship Board in respect of those videos and indicated that a significant number are examined—not all are classified—and a substantial proportion (about 50 per cent) are classified for either cinema or television. That classification would necessarily flow through to a compulsory classification scheme.

But, in that process of classification for cinema and television the Film Censorship Board indicated a procedure which did not require examination of every one of those 7 000 films that were classified, but by which a number of them could have been classified upon certain documentation or upon declaration by a responsible officer from a metropolitan television station.

Video tapes of that type would have been classified as being suitable for unrestricted sale or hire. They could be processed without the necessity to view each one physically. That course is consistent with the present practice adopted by the Commonwealth Film Censor. A substantial number of video tapes, even under a voluntary system, would be submitted for classification. A South Australian compulsory classification system would not place an unrealistic burden on either the State or the Commonwealth Film Censorship Boards.

I agree that it would be difficult to estimate the number of video tapes that would have to be submitted for classification under a compulsory scheme. Undoubtedly, a number of restricted video tapes would have to be submitted for voluntary classification. In assessing the costs involved in a compulsory scheme, it would be necessary to have some regard to the level of classification under a voluntary scheme. Under the scheme that I proposed, the Commonwealth would have received films and video tapes from distributors for classification under the Film Classification Act; they are then transferred by the State authorities to the compulsory classification scheme. I accept that the Attorney-General has some difficulty with that scheme, because he is a party to the decision taken at the Brisbane conference of State and Federal Ministers responsible for censorship. I can understand that the Attorney wants to discuss the matter with the conference.

The Hon. C.J. Sumner: Even if that happened, the Commonwealth does not have the resources to cope with the situation—it would cause chaos.

The Hon. K.T. GRIFFIN: I am not convinced of that. Be that as it may, I appreciate that the Attorney-General has recognised the reality of the situation and is prepared to agree to take up the matter with his colleagues. During the Committee stages I will make several comments about the detail of what will be Bill No. 1. For the moment, I certainly support the procedure adopted by the Attorney-General. Ultimately, I hope that it will result in a compulsory classification scheme for video tapes for sale or hire in South Australia. In the meantime, the Police Offences Act will be strengthened. The Opposition will support the Bill, with one amendment. We recognise that there are difficulties with the law as it stands at the moment. The Liberal Party was about to deal with those difficulties in 1982, but the election intervened. A vacuum will not occur as a result of the deferment of the classification scheme, because the Police Offences Act will be strengthened, as will the Classification of Publications Act. Accordingly, I am delighted that we are this far down the track. I support the motion.

The Hon. I. GILFILLAN: I do not intend to repeat the arguments that I submitted when we considered the question of compulsory classification. I refer those who are curious about what I said to my comments in *Hansard*. The events that have occurred since that debate largely centre around the practical suggestions made by the Commonwealth Film Censor, Janet Strickland. I think that this State should be indebted to her for her enthusiasm and the documents that she produced to show that there was a legal and practical formula that will allow the State to accept compulsory classification and virtually oblige the Federal Government to cover the cost.

Unfortunately, the Attorney-General (whom I described in a reckless press release as having behaved in a statesmanlike manner) is not listening to my contribution. He spent some time arguing against the measure on the purely practical excuse that it would be impossible to implement. As a result of our efforts and persistence, the Attorney-General graciously consented to talk to Mrs Janet Strickland on the telephone. I agree that that is not a task that one undertakes lightly but, with great courage, he spoke to her. It was spelt out for the Attorney-General in detail which legislative procedures were available to appoint the Commonwealth Film Censorship Board as the classifying authority under this Bill. (I understand that that is what occurred, but the Attorney can correct me if I am wrong.) That would have obliged the Federal Government to make resources and costs available to South Australia. The Attorney accepted Mrs Strickland's explanation and acknowledged what I believe is the more profound reason for his reluctance: disagreement with the resolution adopted during the Brisbane conference. Along with the Hon. Mr Griffin, I acknowledge that as the significant reason behind the Attorney's reluctance to go it alone in this State.

I believe, from what the Attorney has said, that that was the major reason why he was not prepared to consider going it alone in relation to compulsory classification. It has also been mentioned that the State would have to bear considerable expense if it adopted independent compulsory classification. I think that the Attorney overlooks the fact that an adequate fee could be placed on those who submit titles for classification. Frankly, I think that that should occur wherever classification is considered. There should be no obligation on the taxpayer to cover the cost of the classification of material. The cost should be borne by those selling classified material to the public. I have long felt that there are practical opportunities to implement compulsory classification.

I think that perhaps the moral obligation on the Attorney to refer the matter back to his colleagues overrides that factor in the current political scene. It is for that reason that I have been so lavish in my praise: he has now decided to take this course of action and has recognised there is enormous public demand for compulsory classification. He will not only be able to say that he was the first in Australia to introduce this legislation but also will be able to say that he was the first Attorney in Australia to introduce compulsory classification, which will be quietly accepted and taken up by other States and the Commonwealth. I am convinced that this move towards compulsory classification, whether one likes the infection or not, will be infectious and will put pressure on people selling video cassettes in every State in Australia, particularly once they see that it can be put into place. I am enthusiastic about the proposed measure, which allows us to get in place the advantages and improvements without putting compulsory classification in jeopardy. This puts pressure on Gareth Evans and other Attorneys-General.

I was contacted this morning, in an indirect way, by Senator Evans, who is perturbed about what is happening

in South Australia. I was able to explain what is happening in lucid terms and so his fears were allayed. All is tranquil in Canberra and they realise that this is probably the initiation of another major reform taken in South Australia, thanks to the Australian Democrats, the Liberal Party and, somewhat belatedly, the statesmanlike act of the Attorney-General.

The Hon. C.J. SUMNER (Attorney-General): I thank honourable members for their support of this procedural motion and the scheme that I have outlined for dealing with this legislation. I reiterate that, unless there is some misunderstanding, I believe that the legislation which was introduced was basically satisfactory to deal with video films, including the excessively violent and pornographic video films which have been circulating and which have been recognised as being a developing problem, not only in this community but in communities throughout the world. I believe that the system agreed to by all the States initially, except Queensland and Tasmania, was satisfactory. I reiterate that Tasmania was apparently prepared to participate in that scheme. However, I recognised the situation in this Parliament and what was going to happen—that is, that the legislation could fail. I felt that it was necessary to get some part of the legislation through.

I want to make it clear that in going to Canberra and putting the view of this Council to Senator Evans and representatives of the other States I cannot guarantee what the result may be. The Commonwealth and the other States may wish to continue with what they have thought previously was a satisfactory system, a system that they are in the process of implementing. I will certainly put the views expressed in this Parliament and ascertain whether or not there is any possibility of some system of compulsory classification being introduced on the basis that, if it is not, honourable members opposite will continue to press in this Parliament for a system of compulsory classification. I will certainly do that as a matter of priority before March of next year. I do not think that the situation regarding my conversation with Mrs Strickland was quite as the Hon. Mr Gilfillan outlined it. I certainly did not feel particularly daunted by that conversation.

The Hon. I. Gilfillan: You were mighty reluctant to start it.

The Hon. C.J. SUMNER: I was not particularly reluctant to do that because, in fact, it did not tell me anything new. What she told me I already knew. It was clear that if the Commonwealth permitted it, or provided the resources for her as Chief Censor to classify all video films, that could be done—that was known. The problem was that the Commonwealth and the other States did not agree to it. Also, the Commonwealth did not provide her with the resources to do it. Even if she could have done it she would have been in the unsatisfactory position of having a massive number of video films submitted to her and not being able to classify them because the resources were not available to do so. In other words, she was technically prepared but, in terms of practicality, resources were not made available to enable her to do it. I knew all that, but was concerned to clarify what her position was and what she had been telling the Hon. Mr Gilfillan. I clarified that without any difficulty and the situation remains the same. If the Commonwealth refused to provide the resources, then a compulsory system of classification would be in difficulty. That is the course of action I intended to take and we will have to see what the end result will be in March.

Motion carried.

In Committee.

Clauses 1 to 4 passed.

Clause 5—'Classification of publications.'

The Hon. K.T. GRIFFIN: I do not now propose to proceed with my amendment to this clause (which was put on file yesterday) as a consequence of further consideration of the amendment I have on file in respect of the Police Offences Act. I was concerned that the provision in this Bill should be the same as that in new section 33 of the Police Offences Act. I was also concerned that there may have been a gap in the area which is covered by the Bill. However, I have given some further consideration to the emphasis in this amendment on the use of violence. Violence is already one of the prescribed matters and it is most likely that a significant part of the area I was seeking to cover in my amendment is already encompassed by the use of the word 'violence' in the definition of 'prescribed matters'.

There are a great number of publications becoming available which advocate the use of violence with a view to overthrowing or changing the social order, with particular emphasis on political, judicial or religious institutions. That is a matter of some concern. The amount of material available is not significant at this stage, but the reference to violence in those manuals and publications, and now videos, may well be covered. I do not propose to proceed with the amendment. Perhaps this area should be monitored by the Classification of Publications Board over the next year or two and, if the problem becomes significant, we could review the operation of this clause at that time.

Clause passed.

Title passed.

The PRESIDENT: The Committee has considered the Bill and divided it into two Bills. I report No. 1 Bill without amendment, and report progress on No. 2 Bill, and the Committee asks leave to sit again in respect of No. 2 Bill.

Committee's report adopted.

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

That Standing Orders be so far suspended as to enable No. 1 Bill to pass through its remaining stages without delay.

Motion carried.

Bill No. 1 read a third time and passed.

STATUTES AMENDMENT (CRIMINAL LAW CONSOLIDATION AND POLICE OFFENCES) BILL

Adjourned debate on second reading.

(Continued from 10 November. Page 1686.)

The Hon. K.T. GRIFFIN: The Opposition supports the Bill. At the appropriate time, I will move certain amendments that I hope the Government will consider sympathetically. The Attorney-General suggested during the course of the debate on the package of the Bills that there were deficiencies in present section 33, and that is correct. At the time of the last election we had a Bill ready to be introduced.

The Hon. C.J. Sumner: It didn't cover violence, though. Your draft Bill only covered making clear that videos were—

The Hon. K.T. GRIFFIN: Certainly there was a Bill ready to be introduced, it would have been introduced, and we would have had an opportunity to debate at length the objectives of the amendment. However, I should say in respect of the Attorney's interjection that I recollect that violence was included. If it was not, certainly it should have been included, and to that extent, if there was that deficiency, I am pleased that it has been picked up in this Bill. The penalty provisions for a breach of new section 33 in regard to an offence where a child is the subject, are three years for a first offence and five years for a subsequent offence as maximum penalties. Those penalties are the same as those in section 58 of the Criminal Law Consolidation Act. In other cases, the penalties are $2 000 or imprisonment for six months. At the appropriate time I will seek to

increase that penalty of $2 000 to $10 000, because I believe that $2 000 is relatively insignificant in the context of this sort of provision.

The other amendments that I will move pick up what I see as a gap in the present Bill. They relate to the situation where a parent or guardian of a minor causes or permits the minor to deliver or exhibit indecent offensive material to another person. I would hope that that is rare, but occasionally one hears of parents or guardians who abuse their children physically, mentally, or require them to do things that might be illegal. Occasionally, we hear of a parent encouraging a minor to shoplift in a supermarket. I do not condone that, and I do not believe that any other member in this Chamber or any responsible member of the community would condone that, yet it happens. To ensure that in the area of indecent or offensive material the parent or guardian does not cause or permit a minor to deliver or exhibit indecent or offensive material, my amendment should be accepted.

In addition, while the general criminal law deals with causing or permitting a person to commit a particular act that might be illegal, I believe there is good value in having that included in this legislation to ensure that it is seen to be a complete code of the law as it affects indecent and offensive acts. Although there may be some argument that this is superfluous, I suggest that from a public information point of view, it would be important to insert that provision. With these amendments I would be prepared to support the Bill.

The only other matter to which I refer is the subsection under section 33 that provides that the prosecution shall not be commenced without the written consent of the Minister. I had considered removing that provision in the light of the Attorney's comments in an earlier debate that he did not really think there was much need for the consent of the Minister to a prosecution.

I have decided that at this stage we can see how the law enforcement agencies operate under this provision without taking that step to remove the power of the Attorney to so authorise. Accordingly, I support the second reading.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—'Amendment of Police Offences Act.'

The Hon. K.T. GRIFFIN: Although I had an amendment on file to this clause on page 2 after line 1, I do not wish to proceed with that amendment. I have already indicated my view on this amendment in respect of the Classification of Publications Act. The object that I was seeking to achieve with my amendment is largely covered by the Bill. When I first looked at the matter I believed that there may be a significant area of omission. Having now concluded that there is not a significant omission I believe that we ought not move to include this amendment. I will monitor the area in the next year or two and, if there is a problem, it can be taken up at that time. I now turn to my next amendment. I move:

Page 3, after line 9—Insert paragraphs as follows:

(g) being a parent or guardian of a minor, causes or permits the minor to deliver or exhibit indecent or offensive material to another person; or

(h) causes or permits a person to do an act referred to in a preceding paragraph of this subsection.

New subsection (2) deals with the events which will result in the person committing them being guilty of an offence: the producing or taking of any steps in the production of indecent or offensive material for the purpose of sale; the selling of indecent or offensive material; the exhibiting of indecent or offensive material in a public place or so as to be visible from a public place; the depositing of indecent or offensive material in a public place or, except with the permission of the occupier, in or on private premises; the exhibiting of indecent material to a person so as to offend or insult that person; or the delivery or exhibition of indecent or offensive material to a minor (other than a minor of whom the person is a parent or guardian).

That scheme, which is reasonably comprehensive and which contains some valuable additions to present section 33, does not deal with the paragraphs that I wish to insert. The first paragraph ensures that, where a parent or guardian of a minor causes or permits the minor to deliver or exhibit indecent or offensive material to another person, that is an offence. I indicated in the second reading debate that some parents encourage children to shop lift and they abuse children physically or mentally, and it is possible that such parents may use children for the purpose of delivering or exhibiting indecent or offensive material to another person. I hope that that never occurs, but I want to ensure (in the context of re-examining section 33) that, if it does occur, it is an offence.

The other paragraph that I seek to include is a general provision covering anyone who causes or permits a person to do an act referred to in a preceding paragraph. It is important to have this provision in.

The Hon. C.J. SUMNER: I express some degree of mystification because I do not see how the amendment takes the position any further. All the categories to which we should be directing our attention are contained in new subsection (2).

The Hon. K.T. Griffin: There is a difference between exhibition to a minor and causing a minor to deliver material—not actually exhibiting it.

The Hon. Anne Levy: It is covered by paragraph *(f)*.

The Hon. C.J. SUMNER: As I cannot see the problem at which the Hon. Mr Griffin is driving, perhaps he can provide greater elucidation so that I may be convinced.

The Hon. K.T. GRIFFIN: The Hon. Anne Levy by way of interjection referred to paragraph *(f)* and suggested that it would cover the situation, but it deals only with the person who delivers or exhibits indecent or offensive material to a minor (other than a minor of whom the person is parent or guardian). The parent or guardian can give and deliver the material to the child, and my amendment seeks to make it an offence for a parent or guardian of a minor to cause or commit that minor to deliver or exhibit indecent or offensive material to another person. It deals with, I admit, a very limited area—an area that I hope might never happen.

The Hon. C.J. Sumner: What is the factual situation?

The Hon. K.T. GRIFFIN: I gave the honourable member an analogy of a parent sending a child into the supermarket to shoplift. It is only to the extent that there are parents or guardians who take advantage of minors and who cause them to do illegal acts. All that I am seeking to do here is to prevent a parent who is that irresponsible from giving to a minor (who is a child) indecent or offensive material to deliver to another. 'Deliver', of course, can also be 'exhibit that material'. So it is a parent or a guardian giving to a minor indecent or offensive material to deliver, or giving indecent or offensive material to the minor with a view to that minor exhibiting it. It may be a dirty book—

The Hon. Frank Blevins: Obscene publication.

The Hon. K.T. GRIFFIN: Obscene publication. Children are abused in many ways. I see that there is a gap here in respect of parents or guardians who use a child for the purpose of delivering or exhibiting indecent or offensive material.

The Hon. C.J. Sumner: To get around the law?

The Hon. K.T. GRIFFIN: Not just to get around the law, but doing it so that they can make a profit. There is a gap here. If the Attorney-General wants time to think about it I would urge him to report progress so that he can do that.

It does not prejudice the Bill, but enhances it by providing for that perhaps remote situation where a parent uses the child (who is a minor) for the purpose of exhibiting or delivering an indecent or offensive publication, which, of course, will include videos. It is not covered in the paragraphs that are there.

The Hon. C.J. SUMNER: I am afraid that I am a little bemused. If it does have any validity I suppose that it really is a fairly significant overkill. I find it difficult to see just exactly what evil this is designed to get at. I suppose that, if a parent delivers indecent or offensive material to his child, that is not an offence against existing law; that is one of those situations that have not been caught up by this Bill and there is fairly common agreement that it should not be caught up—namely, the relationship between parent and child, the family relationship. It has been conceded that we cannot stop parents showing their kids what other parents would not want them to see.

The Hon. K.T. Griffin: This amendment does not affect that.

The Hon. C.J. SUMNER: No, it does not affect that, but it seems to me that it deals with the same sort of situation. If a parent gives it to the child and says to the child, 'Take this video down to my neighbour who has asked for it', that would be an offence. I really wonder whether we are trying to extend the law a little bit beyond what is really necessary. That is what we would be covering: a parent could give the video to the child (that is not an offence) but, if the parent said to the child, 'Take this video [even if it is wrapped up] and take it down to Fred, who told me last night that he wanted it', and if the kid trotted off down the street and gave it to the neighbour, that would be an offence.

The Hon. Anne Levy: It would not be an offence for Dad to take it himself.

The Hon. C.J. SUMNER: That is right, but it would then be an offence under the Hon. Mr Griffin's amendment to have an indecent or offensive video in a brown paper bag given by a parent to his kid and taken by the child to a neighbour (the child does not see it; it is in a sealed packet). Maybe one could find some other factual situation that the honourable member might want to cover that is not as odd as that one, but that is what he is doing by this amendment. It seems to me that he is encroaching into the area in where there was common agreement that we should stay out of, and that is the relationship within the family. Having heard the arguments, I really cannot see that this amendment could be accepted.

The Hon. I. GILFILLAN: I do not have a precise knowledge or interpretation of the meaning of the amendment, but what inclines me to support it is that it appears to prevent a parent or guardian using a child as an agent in an activity that is either not acceptable or may be illegal.

The Hon. C.J. Sumner: If it is illegal the parent will be caught anyhow.

The Hon. I. GILFILLAN: If it is illegal, that is no justification for it.

The Hon. C.J. Sumner: How do you determine what is acceptable or not?

The Hon. I. GILFILLAN: It has to be acceptable in terms of this Bill. I ask the Hon. Trevor Griffin whether he could interpret for me whether the amendment attempts to cover the possibility of a parent or guardian using a minor as his or her agent in some way.

The Hon. C.J. Sumner: If it is for an illegal purpose the parent or guardian would be committing an offence anyhow.

The Hon. I. GILFILLAN: The Hon. Trevor Griffin has accepted that.

The Hon. C.J. Sumner: It is really trying to cover some behaviour that is considered undesirable.

The Hon. I. GILFILLAN: What about exhibition—actually working a projector or putting into a video X or R-rated material, and the parent or guardian has more or less given encouragement for that to happen?

The Hon. Anne Levy: Are you talking about that happening in a private home?

The Hon. I. GILFILLAN: Yes.

The Hon. Anne Levy: It is not illegal to show it in a private home to your child.

The Hon. I. GILFILLAN: But for a minor to exhibit it to other minors? I am weaving my way around to try to find out whether we are on a thing here which would justify this amendment. I do not want to stand on my feet any longer than I have to, but I want to encourage the Hon. Mr Griffin to get some action. If a parent or guardian encourages his or her minor to do something that is unacceptable to us, this amendment might cover it.

The Hon. ANNE LEVY: I really do not see that what the Hon. Mr Gilfillan is looking at is not covered anyway. If it is a question of showing indecent material to a minor, be it by another minor or by an adult, that is illegal.

The Hon. I. Gilfillan: If a minor has shown it to a minor, that is an offence?

The Hon. ANNE LEVY: That will be an offence.

The Hon. I. Gilfillan: For the minor or the child?

The Hon. ANNE LEVY: Yes.

The Hon. I. Gilfillan: But this amendment tries to put the blame back on to the parent or guardian who causes the child to do that.

The Hon. ANNE LEVY: This is getting ludicrous. If a parent has an offensive publication at home and, while the parent is out, his or her child finds that publication and shows it to the child next door, the honourable member is saying that according to this amendment the parent who is out has committed an offence.

That is ludicrous. It will make it an offence for a parent to send a child next door to deliver a blue video tape but, if the parent delivers the tape, it is not illegal. If the parent places the video tape in a paper bag and asks his child to deliver it to a neighbour who has asked to see it, an offence is committed. It is ludicrous to create a situation that will make innocent activities illegal. We will make a laughing-stock of Parliament if we agree to the amendment. I do not believe that any reasonable person would deem the situation I have described as illegal.

If we place the amendment on the Statute Book, we will make illegal what the majority of people would regard as perfectly normal, harmless and sensible every-day behaviour. It would be ridiculous to make such behaviour illegal. It may well be that the Hon. Mr Griffin is trying to catch other situations, but I suggest that this amendment will also catch the situation that I have described and will render an innocent activity illegal.

The Hon. I. Gilfillan: It could be that the parent is using the child to make a commercial delivery, involving up to, say, 20 different houses.

The Hon. ANNE LEVY: That is easily remedied: insert the word 'commercial'. We should not render a perfectly normal, commonsense act illegal. Most parents use their small children to run messages. If the activity does not harm the child, it is ridiculous to suggest that it should be illegal.

The Hon. K.T. GRIFFIN: The Hon. Anne Levy is plumbing the depths of the ridiculous. The amendment is designed to catch parents or guardians of a minor who cause or permit something to occur and as a result the minor delivers or exhibits offensive material. Clause 4 defines 'indecent material', as follows:

. . . material of which the subject matter is, in whole or in part, of an indecent, immoral, or obscene nature: 'Offensive material' means material—

(a) of which the subject is or included:—

The definition then goes on to list violence, and so on. The material is that which, in the ordinary scheme of the Classification of Publications Act and the Film Classification Act, does not have a classification. Whether a parent or guardian uses a child to deliver material to a friend or commercial client is, to my way of thinking, irrelevant.

It is all very well to suggest that, if a parent delivers the material, it is legal. In fact, it is most likely that that would not be legal. Clause 4 defines 'sell' as follows:

(a) barter, exchange or let on hire;

(b) offer or have in possession for sale, barter, exchange or hire;

or

(c) deliver for the purpose of, or in pursuance of, sale, barter, exchange or hire,

Most cases will come within that definition. I believe that this provision is important. I have evidenced the types of cases to which the amendment is principally directed. If a parent uses his children to deliver or exhibit offensive or indecent material, he should be subject to the scrutiny of the law. I make no apology for that point of view. It is ridiculous to suggest that parents should be able to use their children for that purpose and get away with it.

The Hon. ANNE LEVY: It is ridiculous to suggest that parents cannot give their children a brown paper bag containing a video tape and ask them to carry it next door. The video tape cannot be viewed as one walks from one house to another, unless there are video machines along the footpath. Whatever film is depicted on the video tape cannot damage the child. The Hon. Mr Griffin is asking us to legislate in areas that cannot be policed. If the Hon. Mr Griffin wants to prevent parents from using their children for commercial gain, I suggest that he moves to insert the words 'commercial gain'. I would like to see the Liberal Party condemning profits for once. That would be an interesting approach, but I do not believe it will do that. I think it is ridiculous to place on the Statute Book something that will render illegal a perfectly harmless and innocuous activity. I suggest that the Hon. Mr Griffin should speak to the Parliamentary Counsel about rewording his amendment. The interpretation that I have placed on the amendment is perfectly logical. To suggest that we render such an activity illegal would, I maintain, make this Parliament a laughing stock.

Amendment carried.

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

Page 3, line 21—Leave out 'two' and insert 'ten'.

This amendment merely increases the penalty for committing an offence. If one looks at the Classification of Publications Act, one sees that the penalty for offences under section 18 is $5 000 or imprisonment for three months. The imprisonment in this case is for six months. I therefore suggest that the money penalty ought to be increased to $10 000, which would then make the penalty exactly double that under the Classification of Publications Act. I know that what appears in the Bill is merely a translation of the provisions presently in the Police Offences Act, but I submit to the Council that the penalty of $2 000 is very much out of date. The penalty was increased from $200 to $2 000, as far as I can remember, in 1978, since which time there has been a considerable reduction in the value of money.

The Hon. Anne Levy: Not 500 per cent.

The Hon. K.T. GRIFFIN: That may be so, but I am suggesting to the Committee that if we are to be consistent with the Classification of Publications Act, as I believe we ought to be, a penalty of $10 000 or six months imprisonment is exactly double the penalty that appears in that Act.

The Hon. C.J. SUMNER: The honourable member has moved for an increase in the penalty because he says that there are huge profits to be made. It is interesting to note that he has not moved for an increase in the term of imprisonment.

The Hon. K.T. Griffin: I am not doing that because the period is six months and I am happy with that.

The Hon. C.J. SUMNER: The term of imprisonment is remaining six months but the monetary penalty is to be increased. I would have thought that the penalty in the Bill was quite adequate, but one must leave that matter to the determination of the Committee.

Amendment carried; clause as amended passed.

Bill read a third time and passed.

FILM CLASSIFICATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 10 November. Page 1687.)

The Hon. K.T. GRIFFIN: The Opposition supports this Bill, which makes a relatively minor amendment by changing the classification of 'not recommended for children' or NRC to 'parental guidance' or PG, which brings it in line with the television classification PGR, or 'parental guidance recommended'. This change has been sought for quite a long time. It was considered when I was Attorney-General but there was not unanimous agreement between Ministers from all States in the Commonwealth about the change, so it was decided to leave it as it was. As it has now been agreed to, at least by a majority of Ministers and the industry, I am prepared to support it.

The change in the name of the Act to the 'Classification of Films for Public Exhibition' better describes the objectives of the legislation. It has always been a bit difficult for people to comprehend that the Film Classifications Act relates only to classification for public exhibition purposes. Now that it is proposed to change the title it will certainly give a much clearer indication of the role of the Bill. Accordingly, the Opposition supports the Bill.

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

PIPELINES AUTHORITY ACT AMENDMENT BILL

In Committee.

(Continued from 30 November. Page 2118.)

Clause 2—'Additional powers of the Authority.'

The Hon. M.B. CAMERON: I move:

Page 2, lines 38 to 47—Leave out all words in these lines and substitute the following passage:

the boundary between the States of Victoria and New South Wales thence easterly along the geodesic to a point of latitude 37°30′23″ south longitude 150°30′ east, thence southerly along the geodesic to a point of latitude 41° south, longitude 150° 30′ east, thence westerly along the parallel of the latitude 41° south to its intersection by the coastline of Tasmania at mean low water, and thence westerly along the northern coastline of Tasmania at mean low water to a point that is the intersection of that coastline at mean low water by the line of longitude 144°41′, and thence westerly along the geodesic to a point of latitude 38°40′48″ south,

I referred to this amendment in the second reading debate. It covers the Bass Strait oil fields. The Opposition accepted the argument for SAOG's areas of exploration to be extended in the area where SAOG can operate. However, the Opposition continues to hold the point of view that the area should not be extended beyond this, and we urge members to support the amendment. I apologise that two separate

amendments have been circulated, but this results from mapping information not being available when the amendment was first drawn up.

The Hon. FRANK BLEVINS: Although the Government opposes the amendment, it appreciates the concerns that have been expressed by the Opposition, although obviously it does not agree with them. However, they are legitimate points of view and the Government respects them. The arguments for and against the amendment were essentially canvassed at the second reading stage, and I do not propose to go through them again. Suffice to say that the Government opposes the amendment.

Amendment negatived.

The Hon. M.B. CAMERON: I intimate that I do not intend to pursue my second amendment.

Clause passed.

Title passed.

Bill reported without amendment. Committee's report adopted.

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

That this Bill be now read a third time.

The Hon. M.B. CAMERON (Leader of the Opposition): The Opposition opposes the Bill. As the Minister is aware, the Opposition attempted to amend the Bill to provide for an extended area where SAOG was certainly interested in operating and the area most likely for it to do so. Although that amendment was, unfortunately, lost, it does not alter our opposition to this Bill. We express our opposition and we intend to divide on the third reading. We do not believe it is necessary for SAOG to extend its area of operation to almost anywhere, as will result from the passage of this Bill.

The Hon. FRANK BLEVINS (Minister of Agriculture): I urge honourable members to support the third reading. While appreciating that the Opposition opposes the Bill and the reasons for that opposition, the Government cannot agree with those reasons, as I have stated. This is an important Bill. It will go some way towards ensuring that South Australia's long-term energy requirements are met. It is absolutely impossible to foretell what will occur in the future, and we must give a South Australian Government of any persuasion the maximum amount of flexibility to ensure that the energy resources of this State are maintained.

The Council divided on the third reading:

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

Noes (10)—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, R.I. Lucas, and R.J. Ritson.

Majority of 1 for the Ayes.

Third reading thus carried.

Bill passed.

[*Sitting suspended from 5.50 to 7.45 p.m.*]

SOUTH AUSTRALIAN ETHNIC AFFAIRS COMMISSION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 30 November. Page 2127.)

The Hon. DIANA LAIDLAW: I support the second reading of this Bill, which seeks to amend the South Australian Ethnic Affairs Commission Act in accordance with a number of the recommendations arising from a recent review of the Commission (chaired by Dr Paolo Totaro) and in accordance with measures outlined in the A.L.P. ethnic affairs policy.

Legislation to establish the Commission was introduced in 1980 with the aim of promoting greater community awareness, understanding and co-operation, to assist migrants and their families to participate equally in the social, cultural, political and economic life of the State, and to develop the goals of multi-culturalism. The creation of the Commission elevated the status of the Government's work in ethnic affairs. It enhanced the Government's capacity to alleviate the frustrations and inequalities encountered by some migrants and their families and the Government's ability to help these people pursue more rewarding lifestyles in this country.

In establishing the Commission, the then Tonkin Government sought to provide an active, receptive and high-level body in and through which all members of ethnic communities could work, to resolve their concerns and problems. When the Bill to establish the Commission was debated in this Chamber in August 1980, the then shadow Minister of Ethnic Affairs (the present Attorney-General) stated he did not oppose the concept of the Commission, although he did 'query whether it is really necessary'. The Hon. Mr Sumner indicated at the time he would have preferred to maintain the *status quo,* to have maintained the Ethnic Affairs Branch.

Considering the strength of the Hon. Mr Sumner's questions in regard to the value of a Commission in August 1980, it was interesting, indeed pleasing, to note that he and his Party underwent a change of heart over the next two years. The A.L.P. policy for the last State election gave prominence to a pledge that, in Government, the A.L.P. would retain the Commission. This belated endorsement by the A.L.P. confirmed the view long held by members on this side of the Chamber, and a view held by hosts of ethnic communities, that the initiative to establish the Commission had merit, that the Commission had important and positive functions to fulfil, and that since its inception it had made some gains towards raising people's awareness of desirable community goals.

If the Commission had not been an effective forum during the first years of its operation, I have no doubt that neither the Liberal Party nor the A.L.P. would have agreed that it should be retained, let alone that its role be expanded. While the Commission recorded many successes in a comparatively short period. I am not blind to the fact that it did not live up to the high expectations of all those interested in the field of ethnic affairs. In truth, few, if any, such bodies ever realise all the expectations that are generated in the community at large when they commence operations—such bodies in this regard are no different to Governments. Therefore, the fact that we have heard criticisms about the operations of the Commission should not surprise anyone in this Chamber or elsewhere who has any interest in the provision of ethnic services or any knowledge of the sensitivity of ethnic communities themselves.

I suggest, however, that the Government's commitment at the last election to arrange a review of the Commission immediately on coming to office stemmed from these criticisms, although the basis of the criticisms and the motives of some of the people raising the criticisms was, and remains in my view, highly questionable.

The Hon. C.J. Sumner: What evidence have you got for that?

The Hon. DIANA LAIDLAW: Vested interests. In making this observation I am not denying the right of the Government to establish the review (and to do so for whatever reasons it wishes), nor the fact that the review itself raised a number of legitimate issues and proposed reforms. My

concern, however, is that the Government to date has not publicly given sufficient credit to the Commission for the work it has undertaken since its inception (work undertaken often under immense pressure) and that the report likewise gave insufficient credit where credit was due.

The Hon. C.J. Sumner: It was an independent report. It was investigated.

The PRESIDENT: Order! The Hon. Miss Laidlaw does not need to take notice of interjections and I ask the Attorney-General to comment, if he so wishes, in his reply.

The Hon. DIANA LAIDLAW: I appreciate that I do not need to take note of the interjections but it was one to which I felt a response was required. Before I address specific aspects of the Bill, I wish to note that I have considerable sympathy for the proposition raised by the Hon. Mr Feleppa during Question Time on Tuesday that consideration be given to phasing out use of the term 'ethnic' to describe persons of non-English speaking backgrounds resident in Australia. Indeed, the matter has been raised by the Hon. Murray Hill on previous occasions in this Chamber and elsewhere, based on the knowledge that many people consider the term 'ethnic' both derogatory and offensive. It is true also that the term is inappropriate when used in relation to the thousands of second and third generation off-spring of migrants, born and raised in this country. Wide discussion of this proposition has merit and I welcome the Attorney-General's response that he will facilitate such discussion.

Changing the name of the Commission to the South Australian Commission of Community Relations may well be one step towards realising the lofty aims and objectives of the Commission; however, such a change of name to community relations would broaden the scope of the Commission's work dramatically and I suggest should not be pursued unless the Commission is given an accompanying increase in staff and resources to cope with any increase in responsibility which would flow from a change of name.

One of the difficulties that has dogged the Commission since its inception has been lack of officers and resources to carry out the many responsibilities with which it has been entrusted.

The Hon. C.J. Sumner: Why didn't you do something about it?

The Hon. DIANA LAIDLAW: I was not myself in Government then.

The Hon. C.J. Sumner: You were helping the Minister.

The Hon. DIANA LAIDLAW: I was simply advising.

The Hon. C.J. Sumner: I believe you were the mini-Minister.

The PRESIDENT: Order!

The Hon. DIANA LAIDLAW: The Commission was created at a most difficult time and there were staff ceilings.

The Hon. C.J. Sumner: You were the mini-Minister.

The Hon. DIANA LAIDLAW: Flattery will not get you anywhere. Beyond the appointment of a full-time Deputy Chairman, the Minister has not advised us of what action he proposes to take to overcome this major problem confronting the Commission. I have no doubt that, despite the review and the measures proposed in this Bill, criticisms of the Commission will continue until adequate staff and resources are made available to the Commission. Nor do I doubt that this problem will be exacerbated by amendments in this Bill, first, to expand the Commission's statutory objects and functions in relation to fostering a recognition amongst members of ethnic groups of their rights to full participation in the social, economic and cultural life of the community.

The second problem relates to expanding the functions of the Commission in relation to its capacity to advise public authorities on the formulation and implementation of appropriate policies for ethnic affairs. I have no objection to either of those goals. I stress that, without extra staff and resources, I question the capacity of the Commission to fulfil those goals. Alternatively, without extra staff and resources, the Commission will only fulfil these goals by diverting staff, energy and resources from its other areas of responsibility which, as I have mentioned, are at the present time not being addressed or met to the satisfaction of many people concerned with the situation of migrants, refugees and their families.

Accordingly, can the Minister, during his reply to the second reading debate, advise whether or not there are measures he proposes taking concerning this basic problem confronting the Commission—a problem that I strongly suggest is reflecting on the capacity of the Commission to meet community expectations?

The Hon. C.J. Sumner: What problem is that?

The Hon. DIANA LAIDLAW: The problem of staffing and resources.

The Hon. C.J. Sumner: Haven't you read the report?

The Hon. DIANA LAIDLAW: Yes, I have. The two areas I have just referred to regarding the Government's proposals to expand the objects and functions of the Commission were not only recommendations of the review but also were sought by the Hon. Mr Sumner when he was shadow Minister. In August 1980, the Hon. Mr Sumner indicated, in relation to his proposal, that the objects of the Bill make reference to the full participation of members of ethnic groups in the social, economic and cultural life of the community, that the Labor Party wanted to provide financial encouragement to ethnic organisations so that they would have 'the facilities and resources to conduct research, investigate problems relating to ethnic affairs and make representations to Governments and other organisations'.

I have no objection to the amendment making reference in the objectives to the full participation of members of ethnic communities in all aspects of life in this State. I wish to ascertain from the Minister whether or not he still proposes to provide finance to ethnic communities to facilitate this participation. Equally, I believe the proposal to assist public authorities to formulate and implement appropriate policies to ensure that services are provided to members of ethnic communities without prejudice and undue frustration is also a most desirable reform.

There is no doubt that many people in our community, who are not fully conversant with the English language, customs and laws, are often treated unsympathetically, or worse, are the brunt of subtle and not so subtle discrimination when they approach public authorities for assistance and/or guidance. Of course, any unsympathetic or discriminatory treatment that they may face will not be confined to their experience with public authorities. However, in this Chamber we can take steps to ensure that such practices are reduced to a minimum or, at best, eliminated.

I am pleased at the positive measures being taken by the Government in this regard. I fully support any moves that will help raise the awareness of public authorities and the staff of these authorities to the extent that in serving the public they ensure that people who do not have a full command of the English language, and who are not fully familiar with our system of Government and Government operations in general, receive equitable treatment.

I wish to comment about the amendments concerning the composition of the Commission. I would have no objection to the increase in the size of the Commission if the Government proposed to increase the representation of ethnic communities on it. However, I do not accept all the Government's proposals in relation to stipulating who some of these new members should be or who they should represent. I am aware, as clearly the Government has been aware over a period, that a number of ethnic communities

have been dissatisfied with their level of representation on the Commission. I have some sympathy with this argument, especially when the arguments have been presented by some of the larger communities in this State. However, it is also a fact that merely because of their size these large communities already have important pull with Governments if they wish to exercise their right to do so. Smaller communities do not have the same ability to command the attention of Governments and, as such, it is important that they have adequate representation on the Commission to voice their concerns and participate in decision-making.

I believe that the system adopted by the former Government in respect to the Commission is the only sound and equitable approach. This system was outlined by the Hon. Mr Hill in his second reading speech and involved selecting persons to represent a regional area of influence and rotating membership on a regular basis to ensure the widest possible contribution from persons active in the area of ethnic affairs.

If this same approach was continued, regarding appointments on the expanded Commission, criticisms currently directed at the Commission regarding the limited representation of some ethnic groups would be reduced considerably. However, in expanding the size of the Commission the Government has ignored legitimate complaints of under-representation. Instead, it has opted to define who will fill three of the positions on the Commission: in addition to the Chairman they are the Deputy Chairman, an officer of the Commission, and a person nominated by the United Trades and Labor Council. While it is proposed that in the future three positions will be reserved for these persons, the Bill notes only that the Commission be expanded to comprise up to 11 persons—not specifically 11 persons. Therefore, there is a possibility that a Government may not appoint 11 persons, while being committed by proposed amendments to the legislation to reserve three places for persons not representing ethnic communities.

As such, this Government, rather than using the opportunity of an expanded Commission to increase representation from ethnic communities, can justifiably be accused of adopting a measure which could well lead to a reduction in the representation from ethnic communities.

I see no need for a member of staff to have a place on the Commission when positions are already reserved for two other full-time members of staff—the Chairman and the Deputy Chairman—and when such a position may deny a representative from an ethnic community taking his or her place on the Commission. I do not see much sense in defining that at least two members of the Commission be women and at least two members be men. If the Government was really genuine about equality of opportunity and affirmative action principles, both of which I support, the amendment should provide that at least five members of the Commission be women. I suggest that two women is a distasteful platitude.

Accordingly, I will oppose this clause. In opposing this clause I add that I have no objection to part *(c)* of the clause, which defines that one member of the Commission should be a nominee of the United Trades and Labor Council. I believe that it is important that the trade union movement adopt a more active programme in representing the interests and welfare of its members who have a non-English speaking background. Many of these people are unskilled and among the most disadvantaged in our community. A closer liaison between the Ethnic Affairs Commission and the United Trades and Labor Council may heighten the awareness of the trade union movement to its responsibility to these workers. Indeed, I would like to see all trade union organisations being encouraged to adopt ethnic affair policies of a similar nature to those proposed in the Bill for public authorities.

Finally, I wish to comment on the proposal that all commissioners be appointed on such conditions as may be specified in the instrument of their appointment. I find this clause most objectionable on the ground that it could, and I suggest would, lead to political interference in the Commission. Such a development is most undesirable and I must admit that I am surprised that the Minister has moved to introduce the measure. I remind the Minister that when he was speaking on this Bill in August 1980 he placed great weight on the need for the Commission to be independent of government. His concern was a most laudible one at the time, and remains no less valid today. I thus intend to oppose this new and, I suggest, insidious clause. There are a number of other comments which I wish to address to the Minister, but I shall use the Committee stages of the Bill for that purpose.

The Hon. C.J. SUMNER (Minister of Ethnic Affairs): I thank honourable members for their contributions. It appears that they will support the second reading of this Bill. Most speakers seem to recognise that the time has come for certain changes to be made to the South Australian Ethnic Affairs Commission Act and to the administration of the Commission. A number of questions were raised which I am sure are basically Committee issues and which can, therefore, be considered in Committee. Therefore, I will not respond at great length at this stage.

The Hon. Miss Laidlaw referred with some enthusiasm to more staff for the Commission, which was a very useful contribution from the former mini-Minister who assisted the Premier in ethnic affairs matters for many years. She will no doubt realise that the report of the Ethnic Affairs Commission recommends a rearrangement of staff and an increase in staff levels. The important recommendation, for the appointment of a Deputy Chairman, will be implemented early in the new year. In fact, as soon as this Bill passes the Parliament steps will be taken to fill the position of Deputy Chairman. That is a significant staff increase to the Commission that was accepted by the Government. Also, the Government has accepted that there should be a Secretary to the Minister of Ethnic Affairs, and that position will be filled some time in the new year.

The Hon. C.M. Hill: What is he going to do?

The Hon. Diana Laidlaw: Or she.

The Hon. C.M. Hill: Or she.

The Hon. C.J. SUMNER: I am not sure whether he or she will do exactly what the Hon. Miss Laidlaw did when she was working for the Hon. Mr Hill, but I am sure that some of the things that she did will be performed by the Secretary to the Minister of Ethnic Affairs.

The Hon. L.H. Davis: The Attorney had better take the Hon. Miss Laidlaw's arguments to the Premier to get more staff.

The Hon. C.J. SUMNER: I would like to do that. There is need for some additional input here and, it appears, for additional assistance in relation to the Commission and the Minister. I am sure that the Hon. Mr Hill recognises that from his experience in the job and from the way in which he utilised the Hon. Miss Laidlaw during those years.

Some other recommendations have been made, and attempts will be made to put them into effect over a period of time. The Hon. Miss Laidlaw talked of the financial situation being stringent in her day. I can assure her that it is no less stringent now, but is probably more difficult. There will be the staff addition that I have mentioned.

The report of the Ethnic Affairs Commission review team has been accepted in principle by the Government. We will attempt, resources permitting, to implement the recommendations of the report over a period of time. Certainly, the first stage will be implemented during this financial year

and will involve the appointment of a Deputy Chairman and probably the appointment of a Secretary to the Minister.

The other substantive point that the Hon. Miss Laidlaw raised involved the question of an umbrella organisation. I said in relation to this matter in 1980 that there are a lot of misconceptions about exactly what the Ethnic Affairs Commission is. I would like the Hon. Miss Laidlaw to say where I indicated that the Ethnic Affairs Commission should be independent of the Government, because I have never so indicated. That is not the case under the existing Act.

The Ethnic Affairs Commission is subject to the general control and direction of the Government and is an instrumentality of the Government. It is not some kind of independent organisation that is representative of ethnic minority groups; that does not characterise it correctly. One must characterise the Ethnic Affairs Commission as an instrument of Government.

The Hon. C.M. Hill: You're characterising it as independent of the Public Service, to some extent.

The Hon. C.J. SUMNER: It certainly has some capacity to operate outside the Public Service, but certainly not independently of Government. It is subject to the control and direction of Government. It exists to implement Government policy. It is not an elected body representing minority groups. The proposition that I have put forward for some time now is that there is a need for a body which is independent of Government and which can be formed in whatever way minority groups wish it to be formed—that is for them to say. Whatever is decided upon, whether it be the ethnic broadcasters model, or some other model—

The Hon. C.M. Hill interjecting:

The Hon. C.J. SUMNER: Yes, and that will be pursued. That is not something which can be done overnight. The first step is to get the Ethnic Affairs Commission changes in place. Then, I hope that we can establish some negotiation and discussion with the ethnic minority groups concerned with a view to establishing a group which can, in effect, act as a lobby group on behalf of ethnic minority communities but which is independent of Government—which the Commission is not.

That is not a criticism of the Commission, because it has provided some input from communities. However, they are not meant to be representative, and the Commission is, basically, there to carry out Government policy, albeit by a different method than that of a normal Government department. I think that that needs to be borne in mind. We still support the concept of an umbrella organisation, and steps will be taken during the coming year, once this Bill is in place, to attempt to facilitate some kind of agreement amongst the various groups for an umbrella organisation. If that cannot be formed, so be it.

The Hon. Diana Laidlaw: A Government-sponsored umbrella organisation?

The Hon. C.J. SUMNER: Not Government-sponsored as such, but we would be prepared to look at some financial and administrative assistance for such an umbrella organisation. However, it is not sponsored by the Government as such.

The Hon. Diana Laidlaw: With headquarters like those of the Conservation Council?

The Hon. C.J. SUMNER: What financial assistance would be given would have to be determined by negotiation. I do not know whether it will come about—it may not be possible and, if it is not possible, so be it. There would then be a number of umbrella organisations, all of which would have some input to the Government, which is another way of doing it. If the groups can get together and form one organisation to act as a lobby group to Government on their behalf, that would be welcomed by Government. That is something that we will have to see about in the future. Although a number of other questions were involved, I indicate that I appreciate the support that honourable members have given to the second reading of the Bill, and I look forward to the exchange during the Committee stages of the Bill.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Constitution of the Commission.'

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

Page 1, line 30—Insert after 'Chairman' the passage '(who shall be the Chief Executive Officer of the Commission)'.

The existing Act contains the provision that the Chairman is to be the Chief Executive Officer of the Commission. That did not reappear in the drafting in the amending of the Bill. When that was pointed out I agreed that the Chairman should be the Chief Executive Officer of the Commission under the way in which the Commission is set up at present. Accordingly, the amendment merely clarifies that situation.

The Hon. C.M. HILL: I support the amendment; I also have a similar amendment on file. It would appear that the Minister or the Government forgot to put it in the Bill when they drew it up, and it is pleasing to see that they corrected their error.

Amendment carried.

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

Page 1, line 31—Insert after 'Chairman' the passage '(who shall be the Deputy Chief Executive Officer of the Commission)'.

Line 31 deals with the position of the Deputy Chairman. Just as we believe that the Chief Executive Officer of the Commission should be the Chairman of the Commission, we also at this point in time believe that the Deputy Chairman should be the Deputy Chief Executive Officer of the Commission. There has been a suggestion that the Deputy Chairman of the Commission should be one of the part-time Commissioners and that, no doubt, would be one solution, but I believe that if we appoint the Deputy Chairman, which is provided for in this Bill, and appoint a full-time person for that position, which is the Government's intention at present, the Deputy Chairman should be given in the legislation the status of the Deputy Chief Executive Officer of the Commission.

Should another arrangement be contemplated at some future time, that can be dealt with at that time, but the Government believes that it is important and has decided to go ahead with the Deputy Chairman's position, and has decided that that person be given status under the Chairman, not only as Deputy Chairman but also as Deputy Chief Executive Officer who would act in place of the Chairman and Chief Executive Officer, if the Chairman was absent.

The Hon. C.M. HILL: This proposed amendment by the Government reflects an afterthought by the Government. Obviously, when the Government prepared the measure it followed the recommendation in respect to this matter from the inquiry, because on page 143 of the inquiry report the proposed staff structure is set out. In that proposed staff structure the Deputy Chairman and Deputy Chief Executive Officer is in a position below the Chairman and the Chief Executive Officer, but between the two is an off-shoot running down into the Policy and Research Branch under the management of the Principal Project Officer.

As the Government followed the report in this respect in its Bill, I cannot help question the sudden change of mind of the Minister, because he is now placing the Principal Project Officer and his Policy and Research Branch beneath the position of the Deputy Chairman and the Deputy Chief Executive Officer. In these matters, I must admit that the Government has the right to plan as it sees best, but certainly there has been a change of mind by the Minister between

the time when he first prepared this Bill and a day or two ago when he introduced this amendment. I hope that the change that he is suggesting is a change in the best interests of the Commission—only time will tell—but he has moved away from the recommendation of an independent and highly qualified investigation group, which drew up the report, and he is saying in effect to Parliament now, 'I know better in regard to this matter than those gentlemen on that inquiry.'

Members interjecting:

The Hon. C.M. HILL: I think that he has taken some new advice since he got Dr Totaro and Don Faulkner established as the review committee. Obviously, he has changed his mind. I take the view in general terms that he has to take responsibility for these things and take his chances, but I am concerned for the future welfare of the Commission on the one hand and the great ethnic community out there on the other because we want to see the best possible service provided to these people in the various migrant communities by this Government instrumentality.

I suppose that a lot will depend on the Minister's choice of a person to fill this office, but certainly we have to be clear at this point in time as to what the amendment does. It means that the new appointee will be number two to the Chairman and Chief Executive Officer completely—not only when sitting on the Board but in the general management of the office. This new appointee will be the senior staff person under the Chief Executive Officer, who also is Chairman.

I hope that with the passing of time the judgement of the Minister in bringing in this late alteration to his measure will not have adverse effects or disruptive consequences among the Commission staff. That is as far as I can take it. I do not know whether the Minister would like to give any other reason for his late change of mind on this matter, but it is my duty to point out that there are some dangers in this proposal.

The Hon. C.J. SUMNER: In response to the honourable member's concerns, I accept what he says: namely, that a lot of the success or otherwise of the restructuring that has been recommended by the Totaro Report and its basic acceptance by the Government will depend on the capacity and capabilities of the individuals appointed and, in particular, of the person appointed as Deputy Chairman.

I do not believe that the amendment that I have now moved represents such a dramatic departure from the Totaro Report or the original Bill. Certainly, it represents some change in emphasis, but the Government considered that the Deputy Chairman could be an effective person and that it was important for him to have status in the legislation and thus have status in the Commission. It may be that the Commission, under the Chairman or the Government or all three in consultation, may determine as a matter of day-to-day administration that the Deputy Chairman should act as outlined in the Totaro Report and that the Chairman would have the day-to-day responsibility for the operation of the Policy Branch. That decision is not precluded by placing the Deputy Chairman in this position. It will be a matter for discussion between the people concerned. Perhaps the Deputy Chairman will take responsibility under the Chairman for the operation of the whole organisation. That, too, is not precluded.

As the Committee knows, when such a report is presented it represents the views of individuals who have undertaken extensive inquiries. Although the Government has accepted their propositions in general terms, it does not mean that in practical implementation there cannot be room for some flexibility. I agree with the Hon. Mr Hill that the amendment introduced places a slightly different emphasis on the position of the Deputy Chairman, giving him a slightly higher status and authority, but that decision has been deliberately taken because the Government believes that the Deputy Chairman is someone who can carry out the job effectively, be of assistance to the Chairman and have the sort of management authority that we think is necessary, and that is the sort of status that should be accorded to him. It is not unique. In Victoria, the Chairman and two Deputies are all members of the Commission. In New South Wales, the Deputy Chairman is a member of the Commission.

The Hon. L.H. Davis: Do they have a vote?

The Hon. C.J. SUMNER: Yes. They are executive members of the Commission and participate on a basis of equality. It is not a radical departure from the report's recommendations, although there is a change in emphasis which the Government believes is justified. It will be up to the people concerned to work out the precise administrative arrangements. I cannot deny that the arrangements suggested by the Hon. Mr Hill may end up being the final administrative arrangements.

Amendment carried.

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

Page 2—

Lines 1 and 2—Leave out all the words in these lines and substitute the following paragraphs:

(c) an officer of the Commission proposed for nomination as a member of the Commission by the officers of the Commission;

(d) a person proposed for nomination as a member of the Commission by the United Trades and Labor Council; and

(e) not more than seven other members.

Lines 3 to 9—Leave out subsection (2) and insert the following subsection:

(2) At least two members of the Commission shall be women and at least two shall be men.

Page 3, after line 16—Insert subsection as follows:

(1a) The Deputy Chairman of the Commission shall be entitled to receive such salary (if any), allowances and expenses as the Governor may from time to time determine.

The Hon. Diana Laidlaw: That's where you need an assistant—a change from nine to seven members.

The Hon. C.J. SUMNER: I think the honourable member has misunderstood. It is a matter of doing the same thing by a different method. Although Parliamentary Draftsmen are a curious breed—

The Hon. C.M. Hill: Do not blame them.

The Hon. C.J. SUMNER: I do not. They are a curious breed and there are different styles in drafting Bills.

The Hon. R.I. Lucas: We will defend them.

The Hon. C.J. SUMNER: I am defending them. They are good and efficient. They do a good job for the Government and for Opposition members in drafting private members' matters. There is no criticism whatever of Parliamentary Counsel, but there are certain styles and patterns. The change in this area really reflects that situation. The Bill as introduced provided that at least one would be an officer of the Commission. The Government's policy is that one of the Commission members should be a Commission employee who is not the Chairman or Deputy Chairman and the amendment makes it clear that the person who is nominated is an officer of the Commission who is not the Chairman or Deputy Chairman and is nominated by officers of the Commission themselves. As it was originally drafted there was no specific method set out for the election or nomination of a Commission employee. Apart from the question of nine members or seven members referred to by the Hon. Miss Laidlaw, the amendment establishes that an officer of the Commission proposed by officers of the Commission is to be a member; also, there will be a member nominated by the United Trades and Labor Council and not more than seven other members. Added to that is the Chairman and Deputy Chairman, making a total of 11.

The Hon. C.M. HILL: I oppose the amendment. I do not oppose the principle that, on boards of this nature and in such organisations, if staff indicate of their own free will that they seek representation on the board, such a principle of employee involvement should apply. I am opposed to Governments which lay down in the law that this system must be imposed on staff and that they must accept it. There are some groups of staff who believe that the conflict of interest suffered by such an appointee between his loyalty to his board colleagues and his loyalty to staff colleagues, who nominated him, can bring much concern to the people involved. Matters of considerable confidence from time to time are discussed at board level and it is not always prudent for staff members to have that knowledge at that time. Such conflicts still arise.

I would like to see this provision deleted, although I point out that the Government could still do what it seeks anyway, because there is nothing in the Bill to say that a staff member must not serve on the board. Why complicate legislation for this crazy socialist idea of seeing to it within the law that some staff member must go on the board?

Has the Government referred the matter to the staff and is it the view of the staff that this is desirable? Could the Minister answer those questions? I am not alone in my view on this subject, as the Minister knows: other people who are deeply involved in the subject of administration of ethnic affairs share my view. I make it perfectly clear that I am not stipulating that a staff member should not be on the Board but, if he is, he should be on the Board in the proper way.

That is not my total argument. We come to the next point. When are all these people that the report recommends should be on the Board—this wider representation of ethnic groups in the community—to be involved? How will that provision be effected by the Government when it is putting tags on the extra seats that are being added around the board table? The Government is increasing the membership of the Board from eight to 11, it is true, but one of these 11 members is the Chairman (he was one of the eight members under the existing arrangement); the Government has already stipulated that a Deputy Chairman will take a place on the Board, so that accounts for one of the extra seats; and now the Government is saying that a staff member should be on the Board, so that would take up another seat. There is no real support for the committee's recommendation that a wider representation of ethnic communities should be on the Board.

The Hon. Diana Laidlaw: In fact, it has been ignored.

The Hon. C.M. HILL: It has been ignored, because the Government has to carry out the crazy policy that it carries around on its banner of worker participation. That is a policy that members opposite just do not think through in the planning stage. It should not have been included in the planning stage in this case. However, in due course, the Government should move when, by evolution, staff come to it and request representation. In my view this would be better legislation if the clause was omitted.

The Hon. K.L. MILNE: There is a lot in what the Hon. Mr Hill says. I do not say that I am trying to have two bob each way.

The Hon. R.I. Lucas: Perhaps 20 cents.

The Hon. K.L. MILNE: It is more like 10c each way. Members would know that it is the policy of the Australian Democrats to encourage industrial democracy or worker participation, but not in every case. One noted the mistake that was made when such a scheme was introduced in a hurry, and forcibly, in the Public Service. People did not like it: it did not work. That was the wrong way to sell such a concept, in my view. I was on the committee that was responsible for that matter. We were in favour of industrial democracy, and I wish that it was still going.

This is a very personal and delicate kind of Commission: it may have a lot of rather nasty jobs and a lot of decisions to make, and perhaps I could suggest a compromise. I will vote against this clause, because I believe that to have an appointee from a small staff of this kind in a delicate situation would be wrong. I do not believe it would be helpful, and the fears that the Hon. Mr Hill has expressed would come to pass. There may be a great number of very confidential discussions at which perhaps staff other than the Chairman and the Deputy Chairman should not be present and would not want to be present. This kind of situation would ordinarily conflict with the views of the union or association to which the staff belonged.

Therefore, perhaps a member of the staff should be present as an observer, and it could be explained to the staff that in their interests it would appear that it would not be appropriate, certainly at this time, to have a member of the staff on the Board. However, if that proves to be warranted, and if the staff want it, I do not believe that anyone would necessarily oppose it. It is unwise to force the issue and enshrine such a provision in legislation in these circumstances. The staff should be encouraged to have an observer present who could be asked to leave the room when delicate debate took place without any offence to him or to her or to the rest of the staff.

The Committee divided on the amendment:

Ayes (7)—The Hons G.L. Bruce, B.A. Chatterton, C.W. Creedon, M.S. Feleppa, Anne Levy, C.J. Sumner (teller), and Barbara Wiese.

Noes (10)—The Hons J.C. Burdett, M.B. Cameron, L.H. Davis, R.C. DeGaris, I. Gilfillan, C.M. Hill (teller), Diana Laidlaw, R.I. Lucas, K.L. Milne, and R.J. Ritson.

Pairs—Ayes—The Hons Frank Blevins and J.R. Cornwall. Noes—The Hons H.P.K. Dunn and K.T. Griffin.

Majority of 3 for the Noes.

Amendment thus negatived.

The Hon. C.J. SUMNER: As my next amendment is consequential on the one that has just been lost, there is no point in my pursuing it.

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

Page 2, lines 3 to 9—Leave out subsection (2).

The Hon. R.C. DeGARIS: I support the Hon. Mr Hill's amendment. I have no objection to the United Trades and Labor Council's having a person on the Commission, but I see no need for it to be included in the Bill. I have no objection to there being two women, five women, all women or all men on the Board. The best people should be chosen for the jobs. If the Government wants women, they can put women on the Board. However, I see no reason to include it in legislation. If there was an amendment to appoint someone from the Chamber of Commerce, I would still oppose it. I am sure the Government will appoint someone from the Trades and Labor Council and someone from the Chamber of Commerce. I support the Hon. Mr Hill in his opposition to subclause (2).

The Hon. C.J. SUMNER: I believe the first part of the amendment should be dealt with separately so that I can be given the opportunity to move my amendment to insert a new subsection. We have debated the question of the T.L.C. and staff representatives and accept that the Government has lost that amendment. However, we have not debated the question whether two members should be men and two should be women.

The Government opposes the deletion of this clause, although I envisage that the amendment will be carried in the light of the result of the last amendment. When it is removed I will then seek to reinsert part of the provision.

Amendment carried.

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

Page 2, lines 3 to 9—Insert the following subsection:

'(2) At least two members of the Commission shall be women and at least two shall be men.'

The previous division determined the question of the Trades and Labor Council representation and employee representation on the Commission and went against the Government's proposition. That proposition has now been removed from the Bill. We now wish to salvage some part and stipulate that at least two members of the Commission shall be women and two shall be men. I believe the reasons for that are compelling.

The Hon. J.C. Burdett: It will happen, anyhow.

The Hon. C.J. SUMNER: Whether or not that is so is neither here nor there. It is important that we have this prescription in the legislation. If we are to have any affirmative action or provide for women to have positions on various boards, it is a reasonable proposition to have a certain balance written into the legislation rather than a discriminatory balance. We do not have policies of affirmative action in the sense that there are certain reserved positions generally, but I think in this case that it is important that there be a requirement that women be appointed.

The Hon. C.M. HILL: I oppose the insertion of this subclause, which states that at least two members of the Commission shall be women and at least two shall be men. I do not oppose it on the grounds that women should not have fair and just representation on the Board. I totally support that principle, and that concept. Why is there a need to put such a requirement in the legislation if the Government proposes to act in good faith regarding its choice of members of this Board, and proposes also to give equality and equal consideration to women? It seems to me to smack of some insult to womanhood for a Government to put this requirement in its own legislation. It is only inserted to ensure that at least two women shall be on the Board.

The Hon. Anne Levy: And at least two men.

The Hon. C.M. HILL: It is not really in the Bill to ensure that there are at least two men on the Board; it is just included as a sop. The motive behind it is to ensure that at least two women should be on the Board.

The Hon. Barbara Wiese: What's wrong with that?

The Hon. C.M. HILL: There is nothing wrong with that and it should happen. But why do all these rules and conditions have to be put into legislation? This was not written into previous legislation, yet there were two women on the first Board of eight members. The Liberal Government appointed more women to the Art Gallery Board than there had ever been before in the history of that Board. We also appointed more women to other boards, such as the Adelaide Festival Centre Board—and I could go on. There is no need for women to come forward, thump the table and insist upon the law ensuring that at least two—

The Hon. R.C. DeGaris: It should be 50/50. Five and a half of each.

The Hon. C.M. HILL: If the Government wants to put a figure in this legislation, it may as well stipulate four or five women. So, why do women not support that? There is no need to put these conditions into the legislation when any fair-minded Government would see to it that such a situation applies, anyway. I thought that in this modern world we were moving away from this kind of written discrimination.

The Hon. J.C. Burdett: It is discrimination!

The Hon. C.M. HILL: Yes, it can enter into the field of discrimination. An argument could be based on that principle alone. But apparently we are not making much progress in the area of equality between the sexes. If we admitted that we were making progress, there would certainly be no need for this measure. I ask the Committee to vote against this subclause purely on the basis that there is no need for it. I hope that, eventually, there will be three or four women members on the Board of 11. In fact, I hope that the Deputy Chairman's position, which has now been written into legislation, will provide an opportunity for women to apply for, and come under serious consideration for, such a position.

The Hon. Anne Levy: Why not yet?

The Hon. L.H. Davis: The Chairman is appointed for five years.

The Hon. C.M. HILL: When the Chairman's position becomes vacant, and if he is not reappointed, I hope that a woman will be considered for that position. I point out to the Hon. Ms Levy that there is surely no need in today's world for a Government to place such a requirement in its legislation. For the reasons I have just given, I oppose the amendment.

The Hon. ANNE LEVY: I support the amendment in the strongest possible terms. I have no quarrel whatsoever regarding the way in which the Hon. Mr Hill appointed many women to Boards to which he had the power to appoint them to during his period as Minister. Indeed, he set a good example, to Ministers both in his Government and in other Governments. The Hon. Mr Hill has nothing to be ashamed of in that respect. However, not all Ministers have the sensitivity in this area that the Hon. Mr Hill displayed when he was Minister. There were other Ministers, both in his Government and in other Governments, who did not appoint women to Boards. The Hon. Mr Hill says that in this day and age it is not necessary to write this requirement into legislation. I maintain that it is because, first, not all Ministers are as sensitive as the Hon. Mr Hill was when he was Minister and, secondly, it is an indication to the community at large that the question of the representation of both sexes is being taken seriously.

To say that it is not necessary to write such a requirement into legislation seems to me a facile argument. There are many things put into legislation that are perhaps not necessary. We write into legislation the whole of the functions of the Ethnic Affairs Commission. One might say that that is unnecessary, that the Ethnic Affairs Commission can be set up and told to look after the interests of the ethnic communities in our State and leave it at that. One could say that it is not necessary to write into legislation the full details of what it is supposed to do, that it would do it anyway. If the right people were picked that is true, it would happen, anyway. But legislation is more than just law. It is an expression of community intent and an expression of the values that society upholds. I maintain that in this day and age society does uphold the principle that there should be representation of both sexes on boards and committees.

The Hon. L.H. Davis: Therefore, it should not be necessary to write it into legislation.

The Hon. ANNE LEVY: If the Hon. Mr Davis would listen instead of talking, I have just explained that many things are put into legislation which are perhaps superfluous, and that legislation does more than set rules: it indicates the intentions and the values of a society. In 1983, I maintain that the South Australian community upholds the value that there should be representation of both sexes on boards and commissions and that our expression of this value is to write such a requirement into our legislation. It is by no means the first piece of legislation that has stated a principle like this. Numerous measures have been passed that have stated that both sexes must be represented on boards. The Liberal Government itself—

The Hon. L.H. Davis: How many women are on the Executive of the Federal Labor Party?

The Hon. ANNE LEVY: I fail to see the relevance of such an inane remark. The Liberal Government wrote such provisions into several pieces of its legislation, the Planning Appeal Board and the Parole Board being two examples of where that Government provided that there should be both male and female representatives on boards and committees. I maintain that it is a valid expression of the values of today's community that we write into legislation that both sexes be represented on such boards.

The Hon. K.L. MILNE: I take this resolution seriously and support it, as I want to make absolutely certain—and I want there to be no doubt about this—that there will be at least two men on that Commission.

The Committee divided on the amendment:

Ayes (9)—Hons G.L. Bruce, B.A. Chatterton, C.W. Creedon, M.S. Feleppa, I. Gilfillan, Anne Levy, K.L. Milne, C.J. Sumner (teller), and Barbara Wiese.

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

Pairs—Ayes—The Hons Frank Blevins and J.R. Cornwall. Noes—The Hons K.T. Griffin and R.I. Lucas.

Majority of 1 for the Ayes.

Amendment thus carried.

The Hon. K.L. MILNE: With the forbearance of the Council, I raise the question of the way in which these amendments were taken together. Take, for example, page 1, lines 1 and 2: we were taking paragraphs *(c)*, *(d)* and *(e)* together and they do not really relate. Some people would have supported paragraph *(d)*, but perhaps not paragraph *(c)*, or the other way around. Paragraph *(c)* has gone, but I ask the Minister whether he will recommit what was paragraph *(d)* relating to a person proposed for nomination to the Commission by the United Trades and Labor Council. I suggest that perhaps that person ought to be so nominated but not be a member of the Trades and Labor Council. That was really my intention because of the high percentage of migrants who will be protected by this Commission, people who are workers and who would be members of unions affiliated with the United Trades and Labor Council. The idea is for the representative to be a person who is actually a migrant in a factory.

The CHAIRMAN: Order! The honourable member may wish to move when progress is reported for the recommittal of that clause prior to the third reading stage of the Bill. The amendment was quite clear as it was put on members' files. It showed quite clearly that paragraphs *(c)*, *(d)* and *(e)* were part of that amendment. I wish that the honourable member had raised this matter sooner so that we did not have to recommit the clause.

The Hon. C.J. SUMNER: There is a considerable amount of truth in what the honourable member says about clause 3 because members were directing their attention to the question of worker or employee participation in the Commission when they voted on the first amendment and did not really direct their attention to the matter of United Trades and Labor Council representation. I think that there is a case here for the clause to be recommitted. When one considers the second reading debate, it is interesting to note that the Hon. Diana Laidlaw supported the representation of someone nominated by the United Trades and Labor Council. If that is the case, and in view of what the Hon. Miss Laidlaw, the Hon. Mr Milne and members on this side say, if the Bill leaves this Council without that requirement inserted it will not really reflect the will of the Legislative Council. What the Hon. Mr Milne says has considerable merit, and I support a recommittal by him at the appropriate time.

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

Page 2, line 34—Insert after 'appointment' the passage '(but those conditions must require him to devote himself, on a full-time basis, to the work of the Commission)'.

This amendment inserts the requirement that the position of the Deputy Chairman be established on a full-time basis. The Minister said in his second reading explanation that such a position would be established on a full-time basis,. He wrote into the Bill that the Chairman's work was to be on a full-time basis, but I think forgot to write into it that the Deputy Chairman's work was also to be on a full-time basis. So I have endeavoured to help him by inserting this amendment.

The Hon. C.J. SUMNER: It is certainly the intention of the Government to appoint a full-time Deputy Chairman who will be the Deputy Chief Executive Officer as well. Whether there is a need to insert that requirement in the legislation I do not know.

The Hon. J.C. Burdett: As with the two women, is it necessary to put it in the legislation if you will do it anyway?

The Hon. C.J. SUMNER: It was an important matter of principle to insert this requirement in the legislation.

The Hon. C.M. Hill: Don't forget that this is a Governor's appointment.

The Hon. C.J. SUMNER: Yes, it is; it is a very important one, too. If the words 'on a full-time basis' go in, I suppose that there could be some argument as to how it could be interpreted and whether it gives the right to do anything else.

The Hon. J.C. Burdett: Are you opposing the amendment?

The Hon. C.J. SUMNER: I am considering it and exploring it as an important part of the Committee debate. I do not think that it is necessary, quite frankly.

The Hon. C.M. Hill: But you have it in for the Chairman.

The Hon. C.J. SUMNER: Maybe, but I do not believe that it is necessary here. Certainly it is the intention of the Government to do this.

The Hon. R.J. Ritson: People might worry that the $35 000 a year might be just another instance of some qango collecting.

The Hon. C.J. SUMNER: The honourable member is talking about qango collecting? Does he think that the establishment of the Ethnic Affairs Commission is qango collecting? The honourable member does not believe in the Ethnic Affairs Commission's being established? Is that the position of the Liberal member opposite?

The Hon. R.J. Ritson: The Attorney has not listened to the suggestion carefully enough. We would just like to know that it is full time and that it is not someone doing a lot of other things.

The Hon. C.J. SUMNER: It is the intention of the Government to do that anyway. It restricts flexibility slightly, but I will not get unduly agitated about it. I will leave it to the will of the Council.

Amendment carried.

The Hon. R.I. LUCAS: In the second reading debate I asked the Attorney a question about subsection (6) *(b)* and the conditions he expects to be placing on appointees, and I now seek his response.

The Hon. C.J. SUMNER: This is no different from existing legislation.

The Hon. R.I. Lucas: Yes it is.

The Hon. C.J. SUMNER: No. The amendment merely makes more explicit what already exists. Section 6 (5) of the principal Act refers to part-time commissioners and provides:

> Subject to any condition of appointment to the contrary, upon the expiration of his term of office, a member of the Commission shall be eligible for re-appointment.

It envisages some conditions of appointment that can be made in regard to part-time Commissioners under the exist-

ing legislation. Although it does not spell them out it indicates that there may be certain conditions of appointment. There is nothing sinister about the provision. It could relate to certain expenses beyond the allowance specified. It is a broad formulation but it is not designed to restrict part-time members beyond the strictures presently existing. It is a matter of excessive caution. An additional incentive may be required in regard to some appointments.

The Hon. DIANA LAIDLAW: I wish to ask about the selection of persons for the role of part-time Commissioners. I refer to the advertisement in the *Advertiser* on 19 November by the South Australian Ethnic Affairs Commission seeking people to register their interest to serve on Government boards and committees. The advertisement states:

> The South Australian Government has a policy of ensuring that Government boards and committees include an adequate proportion of female and ethnic representatives. The South Australian Ethnic Affairs Commission maintains a register of ethnic persons who could serve on such bodies.

Does the Minister intend to use this register of persons who have indicated an interest in serving on Government boards and committees as a means of selecting people for the role of part-time Commissioner? If not, how does he intend to appoint part-time Commissioners?

The Hon. C.J. SUMNER: That advertisement was placed in the press in accordance with the Totaro Report. It suggested that there should be a broader process of consultation on the appointment of Commission members. Obviously, it is the Government's prerogative to make such appointments and that is recognised. The Government accepted that there was some merit in attempting to test the field in terms of who would be interested in appointment to the Commission. A number of people have put forward their names and, once this Bill is passed, it will be up to the Government to consider those people and any others it wishes to consider with a view to making the two appointments that will become vacant.

The Hon. DIANA LAIDLAW: I seek to confirm that the Government will not confine its selection of part-time Commissioners to those people who registered an interest.

The Hon. C.J. SUMNER: No. The Government has Executive prerogative to appoint members of the Commission and can choose members from wherever it likes, provided it meets the criteria set out in the Act. The advertisement was designed to gain expresssions of interest from people in the community to see who wanted to serve and whether any organisations would put forward names of people to serve on the Commission. The Government will not necessarily be restricted to those people when making appointments, but it will be a useful means of knowing who is around. To some extent the process is similar to that which the Commission is going through now and through which it has gone in the past. An advertisement appeared in the Commission asking people whether they were interested in putting their names forward to form part of a talent bank for the appointment or potential appointment to advisory positions in the Commission or other Government boards. That list was prepared during the period of the previous Government and that has now proceeded. This is a similar exercise. It does not bind anyone or anything: it merely ensures that the Government considers the interests of the community in any decision.

The Hon. C.M. HILL: Will the Minister say what criteria will be applied in the final choice of new commissioners? For instance, will the Minister consider age, whether people come from ethnic migrant communities, and will he ensure that there are a number of employees as compared with the number of employers on the Commission? What criteria does the Minister have in mind? In other words, will there be a fairly haphazard choice or will the Minister base his choice on some definite foundation so that, if members of the public query these new appointments, they can be informed that there was a definite plan and basis rather than a haphazard choice, which sometimes cannot be defended very easily?

The Hon. C.J. SUMNER: The Government will be guided by the legislation, which lays down the following:

> In selecting nominees for appointment to the Commission the Minister should act with a view to ensuring that the membership of the Commission reflects an appropriate diversity of ethnic and occupational backgrounds and should have regard to—
>
> *(a)* the knowledge;
>
> *(b)* the sensitivity;
>
> *(c)* the enthusiasm and personal commitment; and
>
> *(d)* the experience and involvement with ethnic groups,
>
> of those who come under consideration.

That will be provided in the Act, and that will be the Government's general consideration. The Hon. Mr Hill knows that it is not possible to lay down any hard and fast criteria in this area. It is the prerogative of the Government. Obviously, one would seek to obtain a broad cross-section of people in relation to sex, age or diversity of ethnic background. I move:

> Page 3, after line 16—Insert subsection as follows:
>
> (1a) The Deputy Chairman of the Commission shall be entitled to receive such salary (if any), allowances and expenses as the Governor may from time to time determine.

This amendment is consequential upon the status of the Deputy Chairman. It gives the Deputy Chairman the same rights in terms of salary, allowances and expenses as the Chairman receives, and that is to be determined from time to time by the Governor.

Amendment carried; clause as amended passed.

Clause 4—'Meetings of the Commission, etc.'

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

> Page 3—
>
> Line 22—Leave out 'Subject to this section'.
>
> Line 25—Leave out subsection (3a).

Again, this relates to the status of the Deputy Chairman. The Bill as introduced referred to the Deputy Chairman's participation in the Commission and provided that the Deputy Chairman shall be entitled to vote only in the absence of the Chairman. The Government believes that the Deputy Chairman should have the full status of a member of the Commission, for the reasons I outlined previously, and this amendment effects that.

The Hon. C.M. HILL: As the Minister said, he is altering his own Bill, which previously provided that the Deputy Chairman would not have a vote if the Chairman was present. Now, for some reason, that is to be changed. I think that the Attorney mentioned that the Government had further thoughts about the matter, and he has amended his own legislation. The Bill would provide that the Deputy Chairman would have a vote on the board. It seems to me that the previous concept of the Deputy Chairman not having a vote when the two senior people (the Chairman and the Deputy Chairman) are present has a lot of merit because, if those two people did not vote in the same way at board level, it would certainly appear to the other members of the Commission that there might be some disagreement or dissension at senior staff level. Both of those officers are senior staff members, one being the Chief Executive Officer and the other being the Deputy Chief Executive Officer.

That kind of supposed conflict should be avoided at all costs in ethnic affairs administration. Sensitivities and little problems arise from time to time considering all the different ethnic communities with their different cultures and different points of view being brought together in an endeavour to provide a vehicle to help the whole ethnic community. That is quite understandable and we must live with that situation. Hopefully, it will never develop into anything serious.

Nevertheless, the more unity that can be seen at board level in particular, the better.

If both of those appointees to the board can vote, difficulties may arise. When I first read the Bill and I noted the way in which the Minister had drawn it up, I thought it was very sensible and proper for that procedure to apply to a Bill of this kind, but suddenly the Minister has decided to change the provision and he wants to give the Deputy Chairman a vote at all times. Of course, under the previous arrangements the Deputy Chairman had a vote when acting as Chairman when the Chairman was not present.

I really think that the best law in this regard would be the Minister's original Bill and not the change proposed in the amendment. I am concerned that we should try to forge the best possible legislation in this area. When one considers the two alternative approaches to this question, one sees that a more cautious approach would be to follow the Minister's original idea. For those reasons, I oppose the amendment.

The Hon. L.H. DAVIS: It is rather curious that the Government has backed away from what seems to be a perfectly satisfactory provision. I would have thought that the original procedure was not abnormal and I object very strongly to the amendment.

I would be interested to know why the Government has had a change of heart. What is objectionable about the provision as it now stands? It is quite common these days to have the Chief Executive of a company as a member of the board or certainly present at the board meetings. In my experience it is most uncommon to have the Deputy Chief Executive as a full voting member of the board. He may well be present for part or all of the proceedings. Statutory authorities or other committees formed by Government also do not have a Deputy Chairman with full voting rights at either board or committee meetings.

Can the Attorney-General cite other examples of Government committees, commissions or authorities which provide for the Deputy Chairman to have full voting rights alongside the Chairman? Personally, I find that an inappropriate procedure. It could lead to difficulties, disharmonies or uncertainties in the Commission. One can imagine that an Ethnic Affairs Commission, drawing together as it necessarily does people from varied walks of life, will have more than the usual number of tensions that would normally be associated with a public company, where people are all moving in the same direction. Each board member has a very sensitive and personal role to play.

Therefore, to put the Deputy Chairman on it with full voting rights and, therefore, having him in a position of potential conflict with the Chairman, when they will be voting on important issues, will not be conducive to promoting harmony, goodwill and a sense of purpose amongst board members. I therefore believe that the practice both in the private and public sectors is at odds with this recently failed amendment. I am disappointed that the Attorney-General has chosen to change his view on this, and I would be interested to know why he has done that and whether or not he can give examples of any other Deputy Chairman who has full voting rights alongside his Chairman.

The Hon. C.J. SUMNER: The reason for the change is that the Government considered that it was desirable, in terms of the status of the Deputy Chairman, for him to have a vote and to be a full participating member on the Commission. I explained the reasons earlier when we debated the question of the Deputy Chairman being the Deputy Chief Executive. There is no difficulty with the proposition that the Government now puts forward. I do not believe that there should be a conflict, as we had earlier in this debate. What happens will depend very largely on the person appointed. Unless one gets the right people when establishing any boards or commissions, the whole thing will not work.

If the Chairman and Deputy Chairman decide that they are going to have arguments and not get on, we will have a problem. Therefore, it is important that we get a Deputy Chairman with a capacity to fit in and work with the Chairman, the rest of the committee, the Commission and its employees. I do not believe that his having the right to vote will present any difficulties. In fact, it should enhance the position of Deputy Chairman. That is what the Government believes—he is an important cog in the system of the Ethnic Affairs Commission. In Victoria and New South Wales there are situations where a Chairman and Deputy Chairman participate in the Commission—

The Hon. L.H. Davis: But you are not sure?

The Hon. C.J. SUMNER: I am fairly certain in relation to Victoria, where the body was recently established and where there is an executive arm of the Commission plus three. It could be argued, taking the honourable member's logic, that the Companies and Securities Commission members should not have a vote because they might oppose the Chairman. They vote differently on a number of occasions, I am sure. It really depends on how people get on together. It will give that person status not just within the Commission staff but also as determined in the general community and in the Public Service.

The Hon. L.H. DAVIS: The Attorney-General has had to travel interstate to justify this proposal. He has not come up with a single example of a Government statutory authority committee in South Australia where a Deputy Chairman has equal voting rights alongside the Chairman. I would be interested to hear whether or not he can think of any examples, because I certainly cannot do so. I have no objection to the Deputy Chairman being on the Commission, but to give him a vote is another matter.

The Hon. C.M. HILL: If this clause passes and the Minister appoints a member of the staff to the Commission, there will be three staff members—

The Hon. C.J. Sumner: You have rejected that. I take into consideration what the Parliament decides.

The Hon. C.M. HILL: I am pleased to hear that. But, if the Minister is overridden by his Party and told to appoint a member of staff—

The Hon. C.J. Sumner: I am not saying that I will not appoint a member of staff, but I will give it serious consideration in view of the wishes of the Parliament.

The Hon. C.M. HILL: If, ultimately, a member of staff is appointed, it will mean that there will be three senior staff members on a board of 11. The board's membership will be diverse in background and viewpoint. On many occasions that group of staff members could swing the voting on the board.

The three members could caucus before meetings and, if they voted *en bloc*, it would mean that the whole decision of the board would be very staff oriented. Whether or not that is a good thing is something that honourable members should consider at this point of time. I do not think there would be any need for three staff members on a board of 11.

The Committee divided on the amendment:

Ayes (9)—The Hons G.L. Bruce, B.A. Chatterton, C.W. Creedon, M.S. Feleppa, I. Gilfillan, Anne Levy, K.L. Milne, C.J. Sumner (teller), and Barbara Wiese.

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

Pairs—Ayes—The Hons Frank Blevins and J.R. Cornwall. Noes—The Hons L.H. Davis and K.T. Griffin.

Majority of 1 for the Ayes.

Amendment thus carried; clause as amended passed.

Clause 5—'Objects of the Commission.'

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

Page 3, line 37—Leave out 'ethnic' and insert 'members of ethnic'.

This amendment deals with the point that I raised during the second reading stage concerning the rights of ethnic groups. This part of the clause deals with the 'economic and cultural life of the community and to foster a recognition amongst ethnic groups of their rights to full participation in the social, economic and cultural life of the community'.

I recognise and fully support the rights of individuals within the community and I acknowledge the rights of individuals who belong to ethnic groups. However, I feel that it is not correct to be legislating and making reference to the rights of actual groups as an entity. If the groups were in some way incorporated bodies (and I suppose that one or two of them may well be), there would be a separate entity for the purposes of objection and other litigation. It seems to me to be somewhat dangerous to be writing into law the question of the rights of the actual groups as a collective number of people.

I think that the Committee will agree that individuals have these rights and that these rights should be recognised and supported to try and achieve equality and be fair to people who suffer some disadvantages because they are migrants to South Australia. But, it is rather meaningless when one talks of the rights of ethnic groups, because any number of people, no matter where they come from, no matter what their age or what diverse interests they might have, could simply band together and say, 'We are 10 people and call ourselves a migrant group.' They could then knock on the door of the Commission and demand rights as a group. That, to me, does not seem to have any real basis.

My amendment will, if carried, delete the word 'ethnic' and insert the words 'members of ethnic' so that the sentence, in part, reads, 'in the social, economic and cultural life of the community and to foster a recognition amongst members of ethnic groups of their rights to full participation in the social, economic and cultural life of the community'.

The Hon. C.J. SUMNER: There is nothing sinister in the formulation of the Bill. I do not have any objection to the amendment. I also do not think that there are any dangers in the way the Bill was originally formulated.

Amendment carried; clause as amended passed.

Clause 6 passed.

Clause 7—'Advisory committees.'

The Hon. R.I. LUCAS: Can the Attorney-General say how he intends to seek fair representation on advisory committees? Clearly, he cannot do it when an advisory committee has only half a dozen to no more than 10 members. Does the Attorney-General envisage the continual rotation of members on advisory committees from all ethnic groups?

This is a point that I raised during the second reading debate, as did the Hon. Miss Laidlaw. The point is that ethnic groups that are larger in number can tend to dominate membership of advisory committees and perhaps even the Commission itself. Those ethnic groups that are smaller in number sometimes tend to be forgotten. South Australia comprises many different ethnic groups and communities and not just the few large ones. How does the Attorney intend implementing this very nice sounding clause about fair representation? Does he intend a process of rotation of members on these advisory committees?

The Hon. C.J. SUMNER: The honourable member has asked a good question.

The Hon. C.M. Hill: I hope that he gets a good answer.

The Hon. C.J. SUMNER: He will get a good answer, as always. This clause is introduced into the legislation as an objective for the Commission and the Government to achieve. It could have been placed in another section relating to, for instance, the objects of the Commission, but because section 15 refers to advisory committees being established by the Commission it was considered more appropriate to place it in that section. I fully concede the practical problems of ensuring enforcement of and compliance with that section. It is conceded that it is a general statement: it is in the nature of an aim or objective of the Commission. It is not possible to say with any precision how it would be implemented, but it operates as a guide to the Commission in the establishment of advisory committees.

The Hon. DIANA LAIDLAW: I have two questions of the Minister of Ethnic Affairs: first, as the Minister indicated that this was to be an objective of the Commission and of the Government, has he any criticism of the representation on the present advisory committees, and, if he has, is that the reason for bringing in this amendment? Secondly, while not directly related to this amendment, I would like to ascertain what advisory committees he envisages will be set up in the near future?

The Hon. C.J. SUMNER: I am not specifically criticising any particular advisory committee or the appointments to it. However, the honourable member knows, having acted as an assistant to the former Minister assisting the Premier in Ethnic Affairs, that certain points of view are voiced from time to time about membership of committees. I do not wish to be openly critical of the composition of the advisory committees that have been established previously. I certainly believe that some of them (at least one in particular of which the honourable member is well aware, I am sure—the Ethnic Womens Advisory Committee), has worked very well and very actively. I do not raise any particular criticisms about the advisory committees. All that I can say is that as a wish, as something that we should aim for, and as a guide to the Commission and the Government, a clause such as this does not go astray. I recognise the practical difficulties in enforcement of the principles therein, but there are practical difficulties in the enforcement of the objectives of such a statutory authority. As to the second question, no, I cannot give the honourable member any details of additional advisory committees that may be established. That will depend on discussions that I will have with the Commission once the new members are appointed, and on when the changes to be made are properly in place.

The Hon. C.M. HILL: I believe that the words are inserted in keeping with the thrust of the report, which emphasised the need for objectives and functions to be more deliberative, more prominent and to be seen and known more. On the other hand, I believe that the Government—and, indeed, any Government—would have carried out what is written here anyway in the formation of its committees. I am interested to know, and it is relative to the Hon. Miss Laidlaw's point, whether or not the Government has fully considered all the representations that have been made to it regarding this report. The report was issued to the Government in September; as I recall, the Government made it available to the public in October and requested responses from the public. Like the Minister and the Hon. Mr Feleppa, I see quite a number of these people at various functions. Some mention has been made to me that some responses are being considered and prepared; they are either to be submitted, or have just recently been submitted, to the Government.

I would have thought that the Government would have waited and given full consideration to those responses before it brought down its legislation, which flows from the issue of the original report. Can the Minister assure me, therefore, that to the best of his knowledge all the responses from the public to the report are in? That being so, can he give me

an assurance that he has given those responses full consideration before he prepared this Bill?

The Hon. C.J. SUMNER: No, I cannot, and will not, give those assurances. The legislation does not implement all the recommendations of the report. The report deals with a large number of matters, some of which are amendments to the Act with which we are dealing now, but there are very many other recommendations. People have been invited to make comments on the report and we will take into account those comments. Nevertheless, the Government considered that it was important, as far as legislative change is concerned, to get the legislation into the Parliament as soon as possible. This report has been some time in the making.

I do not believe that a further delay until March next year is justified to get the amendments in place, the appointments made and the whole procedure placed on the footing that the Government would like following the report, including the appointment of the important position of Deputy Chairman. It is not possible to say that all the comments have been fully considered. They will be considered, but the Government believes that it is fundamentally important to proceed with the Bill at this time, given that it implements very important matters of Government policy about which we believe there is general agreement in the community.

Clause passed.

Clause 8—'Obligations of public authorities.'

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

Page 4, line 18—Leave out the passage 'its relationships with' and insert the passage 'the provision of services by that department to'.

My last amendment deals with the approach of requiring Government departments to formulate ethnic affairs policies. New section 22 (1) provides:

Each Government department shall formulate a policy governing its relationships with the various ethnic groups in the community and the members of those groups.

Representations have been made to me that there is doubt about what is really meant by 'policy' and that it would be unfortunate if pressure was brought to bear on Government departments to such a degree that, in effect, many 'Ethnic Affairs Commissions' would be established by policy decisions within departments and thus develop some separation within the departmental structure that might not be good from the point of view of the ethnic people who approach those departments, or of general staff morale.

Also, it has been indicated that some resistance might come from departmental heads to such a requirement by the Commission and, also, that under this Bill the Commission can require departmental heads to get cracking and provide ethnic affairs policies from within their departments. Surely what the Government really intends, and I believe that this is the intention that flows from the report, is that these policies should be relative to the delivery of services. In other words, if a South Australian who is a migrant goes to a Government department and seeks some help or explanation about a notice for rates or the renewal of motor registration or the like, it is proper that that migrant should receive equal treatment at that front counter to that received by a person who has no problems with the language and who makes a similar inquiry. It is proper that departments should have laid down rules as to how such migrants should be treated and helped and about what should be done if, for example, a Vietnamese comes to the department and it does not have a Vietnamese interpreter. The staff should be advised in a written document about where they should turn to find the services of a Vietnamese interpreter. In fact, time limits could be laid down about how soon they should be able to get one and, generally, staff should know how to treat and relate to migrants when they come to Government departments for service. I believe that that is what the Government is trying to achieve. So, if the question of policy is restricted to the provision of services I think that what the Government is trying to achieve is achieved and that members of the public who have raised this matter with me will be satisfied.

I said during the second reading debate on this Bill that local government should have been consulted in its preparation because one of the Government's commitments was that everything affecting local government should be referred to the Local Government Association for consultation.

The Hon. C.J. Sumner: It only requires them to provide information.

The C.M. HILL: Within a stipulated period.

The Hon. C.J. Sumner: That's very important.

The Hon. C.M. HILL: The Minister says that it is very important. Perhaps it is the thin edge of the wedge. It may be that before long we could find that local government will have to find many replies within stipulated times and that, in lieu thereof, approvals and consents may be automatic. Mr Hullick, Secretary-General, was a little surprised.

The Hon. C.J. Sumner: It's in the existing Act.

The Hon. C.M. HILL: It is not.

The Hon. C.J. Sumner: Local authorities, which includes—do not worry.

The Hon. C.M. HILL: The Minister says not to worry, but Mr Hullick indicated that he would like the amendment to mean a 'reasonable time'. I seek an undertaking from the Minister that the Commission will give a reasonable time to local government to provide the information that can be requested under this clause. If the Minister gives such an undertaking I am willing to take him at his word and, hopefully, the issue will not cause any problems for local government in the future.

The Hon. C.J. SUMNER: In regard to the amendment moved by the Hon. Mr Hill, it is hard to conceive of a situation where the relationship with various ethnic groups, as referred to in new section 22 (1), would not relate to the provision of services by Government departments. Certainly, it is not envisaged that the department would be given at large the authority to prepare policies concerning ethnic minority groups. What is envisaged is that the policy governing relationships in the Commission of various ethnic groups would basically be a policy relating to the delivery of services and not to something at large. I do not intend to oppose the amendment. In regard to the second point raised by the honourable member about local government, existing section 22 does rope municipal or local authorities into the requirement that they should provide to the Commission such information and assistance as the Commission may reasonably require.

All new section 22 will do is require the local authority to provide such information as the Commission reasonably requires—as in the existing section 22—and merely adds that, in the request that is made by the Commission to the local authority, a time limit is stipulated. That is a valuable reform. It overcomes the possibility of Government authorities ignoring the Commission.

The Hon. R.C. DeGaris: What if they do ignore them, are you going to fine them?

The Hon. C.J. SUMNER: No. It may well be that some proceeding could be taken to enforce the Act and to force a Government department to provide the information requested. Some prerogative proceedings would probably be available.

It gives the Commission the authority to require the information within a certain time and it ensures that the Commission cannot be ignored. Under current provisions, a request could be made and then ignored. This is a difficult

area. There is sometimes a tendency amongst the bureacracy in Government departments not to give sufficient weight to the very real concerns that are expressed by members of ethnic minority groups and their very real and particular needs in our community.

The Hon. C.M. Hill: But the problem is that in regard to local government the decision often has to be made by the council and not by the Town Clerk. The council meets once a month.

The Hon. C.J. SUMNER: I appreciate that. I do not believe that a reasonable man such as Mr Hullick, the Secretary-General of the Local Government Association, would raise any real objection to the clause as it is. I am certainly happy to give the honourable member the undertaking that the Commission would obviously request information in a reasonable time if the authority was given for the opportunity to provide the information.

The Hon. R.C. DeGARIS: I support the amendment and I oppose the clause in its entirety. New section 22 (1) states:

> Each Government department shall formulate a policy governing its relationship with the various ethnic groups in the community and the members of those groups.

That is a very wide provision.

The Hon. K.T. Griffin: What if there is only one member?

The Hon. R.C. DeGARIS: That might be difficult, because the word 'members' is used. If there is only one person of a certain ethnic background, there can be no representation at all. At one stage there were about 80 Government departments, and I remember when there was an Explosives Department that had a staff of two. That department handled all explosives.

The Hon. K.T. Griffin: There is still an explosives branch, but the Government doesn't know where to put it.

The Hon. R.C. DeGARIS: That is probably right. Imagine two staff members handling ethnic affairs in this State! The Explosives Department provided explosives to other departments and it did not deal with the public at all. The Legislature is branded as a department, along with the Electoral Office, the Parliamentary Standing Committee on Public Works, the Parliamentary Standing Committee on Land Settlement, and others.

The Hon. C.J. Sumner: What are you reading from?

The Hon. R.C. DeGARIS: The Estimates of Payments for the year ended June 1983. The Department of the Premier and Cabinet must formulate policy, and the Public Service Board must formulate policy. What does 'government department' mean? The new section provides that each Government department must formulate a policy governing its relationship with various ethnic groups in the community and the members of those groups. Each Government department must formulate that policy. How far can we go in this stupidity? Are we to reach a situation in which every Government department must formulate policy on women's affairs? Will we pass legislation to provide that each Government department will formulate policy in relation to children? I am being quite serious. We are legislating for stupid things. If a Government department cannot carry out its functions, why should we legislate?

The Hon. C.J. Sumner: Is it stupid for Government departments to formulate policy on ethnic affairs?

The Hon. R.C. DeGARIS: That has nothing to do with it. It is quite foolish to legislate to tell Government departments to formulate policies if they would have to do that in any case. Are we to consider women, children, pastoral leases, or agriculture? Where will we stop in making Government departments formulate policy?

The Hon. L.H. Davis: It may involve tattooed women.

The Hon. R.C. DeGARIS: It may involve anything. I would support the amendment, which improves the position a little, but I will oppose the clause as being rather ridiculous.

The Hon. R.I. LUCAS: In the second reading debate I referred to the matter raised by the Hon. Mr DeGaris. The Hon. Mr Hill has considered the whole range of Government departments which would be affected under new section 22 (1) and which would have to formulate an ethnic affairs policy. The definition of 'government department' refers to a prescribed instrumentality of the Crown. I know that we are told continually that we cannot obtain a definite list of every instrumentality that is likely to be involved.

The Hon. L.H. Davis: The Minister will let us know.

The Hon. R.I. LUCAS: Yes, but is the Minister prepared to outline the guidelines that he will follow? The point I raised in the second reading debate was referred to by the Hon. Mr DeGaris. There are many statutory authorities, and some of them are very small. It would be inappropriate for those statutory authorities to have this clause imposed on them. Will the Minister outline guidelines in that regard? In the second reading stage I asked for a response in relation to the Rimmington Report. I read into *Hansard* a number of recommendations, and I asked the Attorney to respond to one particular recommendation dealing with ethnic liaison officers in Government departments. Is the Attorney aware of that proposal and, if so, does he believe that that proposal could be supported and instituted under new section 22 (1) as proposed or possibly as amended?

The Hon. C.J. SUMNER: I was very interested to hear the Hon. Mr DeGaris's comments and to hear that the Hon. Mr Davis apparently drew an analogy between tattooed women and members of ethnic minority groups. I noticed that the Hon. Mr Hill was decidedly uncomfortable during the discourse and the quite unnecessary and indeed quite derogatory interjections from members opposite while the Hon. Mr DeGaris was speaking. I assert, and I will continue to assert, that such a provision as contained in new section 22 (1) is important and, indeed, essential. While we have gone a considerable way in terms of the integration of members of ethnic minority groups into the community, it cannot be denied that, if we are to have a multicultural society in Australia, which we do have, then within Government departments the delivery of services should reflect the multicultural nature of the society.

Government departments should take account of the problems and difficulties that people from non-English speaking backgrounds encounter in Australia, which is predominantly English speaking and has a background principally of Anglo-Celtic nature. I strongly support the proposition in the Bill. I point out to the Hon. Mr DeGaris that the fact that the Legislative Council was listed under a certain department does not mean that it is part of that department of Government. It is put there for budgetary convenience. The honourable member should look at the definitions in clause 2, where he will see that a Government department means a department of the Public Service of the State. He cannot claim that the Legislative Council comes within that category. So, his argument fails and has no validity.

I cannot give the Hon. Mr Lucas a detailed list of the instrumentalities that may be prescribed, although the Health Commission would be one. Clearly, instrumentalities concerned with the delivery of services to the community will be prescribed.

The Hon. R.C. DeGaris: Doesn't Parliament provide a public service to the community?

The Hon. C.J. SUMNER: If one asks the community about that, one may get opinions that probably would not be flattering.

The Hon. R.I. Lucas: ETSA or the Housing Trust?

The Hon. C.J. SUMNER: I cannot indicate whether ETSA or the Housing Trust will be prescribed.

The Hon. R.C. DeGaris: They will have to be.

The Hon. C.J. SUMNER: I am not sure, in relation to S.G.I.C. or ETSA, that we could require them to develop a policy in relation to the delivery of services to ethnic minority groups. As commercial organisations operating basically in a commercial environment, they ought not to be treated differently from any other commercial organisation. I do not know that there would be any different policy that could be developed by those organisations which would impact directly upon members from ethnic minority groups.

The Hon. R.I. Lucas: ETSA has a consumer affairs section.

The Hon. C.J. SUMNER: The honourable member may be right. Maybe it ought to develop a policy in relation to information emanating from the consumer affairs section, if it has not already done so. I do not deny that that may be the case but there is a grey area at the end of the spectrum in regard to S.G.I.C. and ETSA. Clearly the Health Commission would be prescribed as an instrumentality of the Crown.

The Hon. Mr Lucas asked a question on liaison officers. I have a sense of *deja vu.* Liaison officers in Government departments were appointed, but the impression I get now is that they were not as effective as they should have been.

The Hon. R.I. Lucas: What were they meant to do?

The Hon. C.J. SUMNER: At that time there was no Commission but they were meant to provide some contact between the department and members of ethnic minority groups in those departments and the Ethnic Affairs Branch. When they were established and appointed, a number of seminars were held to indicate the sorts of policies that the Government wanted implemented in this area. They were to take the views of ethnic minorities and the views of the department to the Ethnic Affairs Branch. Some officers worked effectively and others did not. During the period of the previous Government the proposal fell into some disuse and new appointments were not made.

The Hon. R.I. Lucas: Do any of them still exist?

The Hon. C.J. SUMNER: I do not know that they exist. I do not know whether the Commission does anything about maintaining contact with them. I intend to table next week the action plan prepared by the Public Service Board on the Rimmington Report. Honourable members can consider it and make suggestions about it. The Government knows what is outlined in the report but it is a matter of developing some concrete proposals to try to overcome difficulties that the report outlines. I would be interested in honourable members' comments when that action plan is tabled.

The Hon. K.L. MILNE: I oppose the Hon. Mr Hill's amendments. As it is, the wording would be sufficient. I am inclined to agree with the Hon. Mr DeGaris that the whole clause is unnecessary and wish to ask two questions of the Attorney-General. Why has the Government referred to Government departments in this Bill when I would have thought that a Cabinet direction to departments it wanted would be sufficient? Secondly, why is the present section 22 inadequate?

The Hon. C.J. SUMNER: It is inadequate because it merely refers to access by the Commission to information. Secondly, new section 22 requires Government departments to prepare a policy in relation to the delivery of services to ethnic minority groups. It is true that a Government directive can be given for preparation. Cabinet directives have been given and task forces established in relation to three areas since this Government came to office: first, in the health area; secondly, in the community welfare area; and, thirdly in the education area. While Government directives can be given, it was felt that greater authority should be given and that, if it was in the legislation, there would hopefully be more self-starting by Government departments and they would take initiatives for their own accounts because of this statutory obligation.

Amendment carried; clause as amended passed.

Title passed.

Bill recommitted.

Clause 3—'Constitution of the Commission'—reconsidered.

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

Page 2, lines 1 and 2—Leave out all words in these lines and substitute the following paragraphs:

'*(c)* a person proposed for nomination as a member of the Commission by the United Trades and Labor Council; and

(d) not more than eight other members.'

In his second reading speech the Hon. Mr Feleppa made it clear that there is a special case in the instance of ethnic members of the community, where a large section of both men and women who work in factories, and so forth, who do not know the language and who can well do with advice from and access to somebody who has had experience in coming to this country, working in a factory, learning the union rules of what is done and not done. It would be wonderful for such persons to have somebody sympathetic and with actual experience to whom they could turn.

The members of the Commission would most likely know people with that experience. It is important to have someone who has been through the Trades and Labor Council set-up and who knows first-hand the workings of the unions and the rights of people in this country. If such a person was accustomed to meetings, putting a case for somebody and understood people's worries and how to overcome them—it may be a member of the Trades and Labor Council but I would think probably not, maybe even a retired person—

The Hon. C.M. Hill: Why couldn't they appoint a person without any reference to the U.T.L.C.?

The Hon. K.L. MILNE: The Government wants it this way. It has gone through a report—

The Hon. J.C. Burdett: Do you always do what the Government wants?

The Hon. C.M. Hill: You show me in this report where this is recommended?

The CHAIRMAN: Order! All honourable members will have time to ask further questions.

The Hon. K.L. MILNE: Whether it is or not, this is what the Government has requested.

The Hon. C.M. Hill: You don't have to agree with everything that the Government requests.

The Hon. K.L. MILNE: I do not think that I have a reputation for that. When I talk to the Government—

The Hon. C.M. Hill: You have done pretty well since you have been in here.

The Hon. K.L. MILNE: I agreed with a former Government. I forget the name of it, but I was accused then of being too pro-Government. In this case the amendment is worth including. If it does not work this way it can be amended out again. The Government has asked that the amendment be included, and I see no reason to take it out. I know what it means. I believe that migrants would like to know that there will be at least one person from the United Trades and Labor Council on the Commission.

The second part of the amendment concerns not more than eight other members. Having dealt with the question of the staff member, it now has to be eight other members. I am sure that this amendment would protect migrants, who would feel that they have a right to have somebody from the United Trades and Labor Council on the Commission. I see no harm in it, and I urge the Committee to support it.

The Hon. C.M. HILL: I am surprised that the Hon. Mr Milne has gone to this length with his amendment. Of course, we know that, if his Party supports it, the members

of the Labor Party will support it because it was in the original proposal and, therefore, it will be carried in this Chamber. I do not have any objection to a person, as described by the Hon. Mr Milne, being appointed to the Commission.

The Hon. R.C. DeGaris: Nobody has.

The Hon. C.M. HILL: Exactly-nobody has. If this group of migrants (who have greater difficulties than others because of their situation) need a person to sit on the Board of the Commission, then let the Government appoint that person. It is the Government's right and responsibility to make its appointments.

The Hon. M.S. Feleppa: Why shouldn't it be recognised by the legislation?

The Hon. C.M. HILL: Why should it not—

The Hon. M.S. Feleppa: Why do it by the back-door and not put it in the legislation?

The Hon. C.M. HILL: It is not really the back-door. It brings me to the point that the Government is allowing the United Trades and Labor Council to nominate a person as a member of the Commission. I can well imagine—

The Hon. R.C. DeGaris: It is the only organisation.

The Hon. C.M. HILL: Yes. I can well imagine that, if the Liberal Party was in Government and it brought down legislation appointing the Board and including a provision that one person had to be a nominee from the Chamber of Commerce and Industry, the Labor Party opposite would have torn us asunder, and quite rightly so.

The Hon. K.L. Milne: I think that you did that.

The Hon. C.M. HILL: What in?

The Hon. K.L. Milne: In some other legislation. I do not know, but I seem to remember.

The Hon. C.M. HILL: Whenever this kind of stipulation has been inserted, there has been a general code between the two major Parties that one representative would be from the one umbrella union, the U.T.L.C., and one representative from the Chamber of Commerce and Industry. That is the fairest way to do it if one wants to start guidelines and stipulations of this type.

The Hon. K.L. Milne: This is a different sort of case.

The Hon. C.M. HILL: The honourable member says that it is a different sort of case. It is discriminatory towards the kind of people to whom the honourable member refers. It is discriminatory against those migrant people who have set up their own businesses here and who want nothing to do with the United Trades and Labor Council or any trade union, because those people seem to be left out in the cold in this regard by the Government.

Even now they are all coming through the universities and the professions, and I take off my hat to them, but the Government forgets them when it starts to put a tag of representation as it does here. I thought that this was a Government that is dead against discrimination of all kinds; it has been shouting that from the rooftops for years, but it has gone back here and said that one of the people shall be a nominee of the United Trades and Labor Council. That is quite insulting to many migrants.

The Hon. K.L. Milne: Rubbish!

The Hon. C.M. HILL: Why should not the migrant who is a small businessman here in the City of Adelaide take objection to this and say, 'Why should this particular union body have some rights available?' For instance, why do we not take someone from the Italian Chamber of Commerce?

The Hon. K.L. Milne: They might.

The Hon. C.M. HILL: Yes, they might, and they might take someone of this nature, but why put it in this legislation? Because it was there in the first Bill; that is the honourable member's reason. He has given it.

The Hon. C.J. Sumner interjecting:

The Hon. C.M. HILL: The Minister was not even in the Chamber.

The Hon. C.J. Sumner: Don't say it. You are not allowed to say it. I am doing it because the Hon. Miss Laidlaw thinks that it is a good idea.

The Hon. C.M. HILL: The Minister had it before the Hon. Miss Laidlaw spoke in the Council about this matter, and he had it to pander to the radical union groups who are in his organisation and who are his masters. They have made the lead and told him that he has to do this.

The Hon. C.J. Sumner: No.

The Hon. C.M. HILL: Yes, the Minister did.

The Hon. K.L. Milne: Don't let us talk about masters.

The Hon. C.M. HILL: Why not?

The Hon. K.L. Milne: Because we haven't got any.

The Hon. C.M. HILL: It might be a good thing if the honourable member did have. I really cannot understand the Hon. Mr Milne's logic in supporting a clause of this kind. I can appreciate the Labor Party's supporting it because this is the great umbrella movement of all its trade unions and its other affiliated bodies.

I suppose that this could be the thin end of the wedge; we will see more and more of it whereby nominees from this organisation will have legislative power to nomimate. How they will do it we do not know. What if they put forward the name of some prominent trade union secretary who has a reputation of being fairly radical and outspoken— not altogether a good administrator at board level— with 10 other people? Or they might go and find a person who is not even a member of a trade union. Why does the Bill need it?

Nothing in the Bill says anything about the submission of three names to the Minister and/or about giving him the right to choose one. There is nothing governing any restrictions at all on this United Trades and Labor Council in its choice. It does not even say whether or not the Minister has to accept its first nominee, and this is supposed to be good legisation! We are supposed to know how all this will happen, but it is not set out in the Bill.

I do not know whether it is too late to expect the Hon. Mr Milne to take the view that the person whom he describes ought to be on the Commission and to simply ask the Minister whether he is prepared to appoint to the Commission at least one person who is a tradesperson or a person in a factory (I think that 'a factory worker' was the Hon. Mr Milne's description). If he feels that a factory worker should be on the Commission, why does he not put it in his amendment? It certainly would mean that the Minister would be free to make a choice of his own and would not have to go up to this body outside of Parliament which has a great influence over the Minister and his Party—there is no denying that! I am not necessarily saying that it is a bad influence, but it has got influence over him.

To choose a person under this stipulation and for those migrants who are not involved in any way with the United Trades and Labor Council to be forgotten in a measure of this kind is, I still say, quite insulting to them, and accordingly I intend to vote against this amendment.

The Hon. R.I. LUCAS: I rise only briefly—and I will not annoy the Attorney more than I ought—to support very strongly the words of the Hon. Mr Hill. I will not repeat the arguments that I put during the second reading debate; some of those arguments the Hon. Mr Hill has put again in Committee. We looked at the Chamber of Commerce, but why not the Small Business Association or the Mixed Businesses Association? There are many members of the ethnic communities—

The Hon. R.C. DeGaris: No specific organisation should be mentioned.

The Hon. R.I. LUCAS: Of course not; that is right. Many members of ethnic communities are extraordinarily active amongst small business groups and associations in South Australia. I agree very strongly with the Hon. Mr DeGaris when he says that there ought not to be these restrictions. I would oppose supposedly even-handed representation which would give one nominee from the Chamber and one from the United Trades and Labor Council; it is not necessary. If the Government of the day chooses to do so and if the people have the ability, the Minister can nominate the people that he wants. The sole criterion for appointment to these positions should be ability, and not whether one happens to be of the right sex or come from the right organisation or association.

The other point that I wish to make is that the Hon. Mr Milne is being extraordinarily naive if he thinks that by way of his amendment a person proposed for nomination for membership of the Commission from the United Trades and Labor Council would in all likelihood not be a member of the United Trades and Labor Council.

The Hon. L.H. Davis: He will not come from the Chamber of Commerce.

The Hon. R.I. LUCAS: I would think that it is highly unlikely that he or she will come from the Chamber of Commerce. If the Hon. Mr Milne suggests that a person may be retired and would not come from the United Trades and Labor Council he is being a little naive.

The Hon. K.L. Milne: I did not say that; I said that it could be.

The Hon. R.I. LUCAS: I am sure that the honourable member would have to agree that the greatest likelihood is that the nomination will come from a member of the United Trades and Labor Council. Once again, the point that I made in the second reading debate is that many members of our ethnic communities who are employees are not members of a trade union, and the United Trades and Labor Council is not a representative organisation for those employees.

The Hon. M.S. Feleppa: And the working class, too.

The Hon. R.I. LUCAS: The Minister can nominate under the powers of this Act a nominee, if he wants to, of the working class, whether that person be a member of a trade union or not; I would support that wholeheartedly. Whether it was a Labor Ethnic Affairs Minister or a Liberal Ethnic Affairs Minister, I would hope that we would have a working class employee on the Ethnic Affairs Commission.

I do not know whether or not there is such an employee on the Commission at the moment, I have no knowledge of that. If there is not, I would certainly support wholeheartedly that there be a working-class employee on the Commission if there is (and I am sure there can be) a person of sufficient ability available to serve the Commission. That is not the point. The point is that this person ought not be a nominee of the T.L.C. I support strongly the words of the Hon. Mr Hill.

The Hon. C.J. SUMNER: I support the amendment. This matter was dealt with *en bloc* with some other amendments when we considered the Bill earlier and insufficient attention was given to the question of a U.T.L.C. representative. I am pleased that the matter has been brought back for consideration because when the employee representative was thrown out so was the U.T.L.C. representative, despite the fact that it was clear that the clear majority of the Chamber favoured that provision. In her second reading speech the Hon. Ms Laidlaw supported that aspect. It is clear, and it is reasonable. It is just a fact of life that migrants and people from ethnic minority backgrounds, both men and women, are represented in what I might call the industrial work force to a much greater extent than they are in other areas of society at present.

It is a good proposition. It will involve trade unions more intimately and closely in the development of policies and in the welfare of members, which could be a good thing in view of the large number of working people from ethnic minority backgrounds involved. It is well known that migrants who go to another country, say from Italy to Germany, or Turkey to Germany, in search of work tend to end up with the more menial jobs—labouring and manufacturing jobs—and that phenomenon occurred in Australia to the same extent. It always tends to be the last immigrant group in the waves of migration that ends up with employment in those sorts of jobs. The same thing occurred with the immigration from Commonwealth countries, for example, migrants from the United Kingdom. On that basis there is a clear case to have those people represented by such bodies as the U.T.L.C., apart from the other distinct advantage of involving the U.T.L.C. more closely in the development of policies that will enhance the welfare of migrant communities.

Amendment carried; clause as further amended passed.

Bill read a third time and passed.

ADELAIDE FESTIVAL CENTRE TRUST ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 30 November. Page 2119.)

The Hon. C.M. HILL: I support this short Bill which proposes to extend the present arrangements for rating for the Adelaide Festival Centre for a further 10 years. I was involved in deliberating on this subject about 12 months ago and the Government of the day agreed that it should be extended for a further 12 months during which period we proposed to look further into the question. The present Government has looked at the matter and has decided to continue the current arrangement that the Adelaide Festival Centre building should have fixed upon it an annual assessed value of $50 000 and a capital value of $1 million.

Of course, those figures are moderate indeed because one could say that the capital value of the property should be about $20 million or more. However, this highlights the problem of valuation in connection with a development or building of this kind. It is a difficult building for the Auditor-General to value. However, by carrying on the previous arrangement the Trust will be paying a moderate amount in rates to various authorities, including to the Adelaide City Council. The building comes within the boundaries of that council. It is not an easy question to determine because, on the one hand, it can be said that all instrumentalities such as the Trust should be accountable for all normal outgoings and, therefore, should pay normal rates so that its figures at the end of the year show a true position rather than a false one.

Conversely, the question arises as to whether a unique building of this kind should be rated at all. Comparable cultural centres in Melbourne and Sydney are exempt from rating. So, the question that the Council has to consider is whether or not it wants the present arrangements to continue or whether it should exempt the building from all rating. There is the third alternative of trying to have the Auditor-General assess the property on current market value, just as he assesses all other properties that are privately owned; in that case the Trust would be paying a high amount in rates.

However, if the Trust pays more in rates it only means that the Government has to subsidise the Trust by that increased sum. The subsidies by the Government to the Trust are somewhat high at present as already more than

$2 million goes from the Government to the Trust for administration expenses annually. Over $2 million has to be found by the Government to service the debts on the Trust's buildings, because those buildings were erected on borrowed money. In aggregate, more than $4 million is paid by the Government to the Trust by way of subsidies.

If the Trust was forced to pay normal rates, it would simply mean that the Government would, on the one hand, be taking back funds through the Land Tax Division and the E. & W.S. Department while on the other hand giving the Trust an increased subsidy to meet those costs. Weighing up the whole question, I believe that the best course open to the Parliament is to allow the present arrangement to continue, and that is what the Government proposes.

This measure imposes some responsibility upon the Trust and it indicates that out-goings are a necessary evil, yet at the same time it does not present a great burden, one which the Government would have to subsidise. Accordingly, I suggest that the Council support the Bill and the current rating arrangements, which were extended by the previous Government for 12 months and which will then continue for another 10 years. No doubt at the end of that time the Government of the day will have another look at the whole question.

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

SOUTH AUSTRALIAN WASTE MANAGEMENT COMMISSION ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

In view of the lateness of the hour, I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

This Bill makes some minor amendments to the principal Act, the South Australian Waste Management Commission Act, 1979. The number of members of the Commission is increased from seven to nine. One of the additional members is to be a person nominated by the Minister for Environment and Planning. The other is to be a person with experience of environmental management. The purpose of this change is to strengthen the representation upon the Commission of environmental interests. The opportunity has also been taken to amend some references in the principal Act to Ministerial names which have altered since its enactment, and the name of the South Australian Chamber of Commerce and Industry, which is now known as the Chamber of Commerce and Industry S.A. Incorporated.

Clause 1 is formal. Clause 2 amends section 9 of the principal Act, which deals with the membership of the Commission. Subsection (1) is amended to increase the number of members from seven to nine. Paragraph *(e)* of the subsection is struck out and new paragraphs *(e)* and *(f)* inserted, the former providing for three persons (rather than two) to be nominated by the Minister of whom one shall be a person with experience of environmental management, the latter providing for one person to be nominated by the Minister for Environment and Planning. An incidental amendment is to the reference to the Chamber of Commerce and Industry S.A. Incorporated.

Clause 3 amends section 16 of the principal Act, which establishes the technical committee. The amendments concern name changes only: 'South Australian Chamber of Commerce and Industry' becomes 'Chamber of Commerce and Industry S.A. Incorporated', 'Minister for the Environment' becomes 'Minister for Environment and Planning', 'Minister of Works' becomes 'Minister of Water Resources' and 'Minister of Housing' becomes 'Minister of Mines and Energy.' Clause 4 makes a minor drafting amendment to subsection (3) of section 23.

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

LOCAL GOVERNMENT FINANCE AUTHORITY BILL

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

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

That this Bill be now read a second time.

In view of the lateness of the hour, I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

For some time the Local Government Association has been involved in discussions with the Government on its wish to establish a Local Government Finance Authority. In New South Wales and Victoria successful operations exist based on their equivalent to the Local Government Association which invest, on behalf of councils, cash surplus funds in the money market. Both in Victoria and New South Wales negotiations are under way to extend this function to borrowing on behalf of local councils.

In South Australia, through a very high level of co-operation between the Local Government Association and various departments, particularly the Departments of Local Government, Treasury and Premier and Cabinet, this legislation has been prepared to give effect to the desire for local government to be able to use its funds corporately for the benefit of individual councils. Experience in Victoria and New South Wales demonstrates the very immediate benefits that are available and the proper use of the money market, and it is expected that the same benefits will flow from the borrowing activities of this authority.

On 19 August 1983, a special general meeting of the Local Government Association unanimously adopted the proposals and authorised the Local Government Association task force to seek appropriate legislative measures. Following careful consideration by an inter-departmental committee and by Cabinet the Bill that has been introduced meets the wishes of local government. The principal features of the Local Government Finance Authority Bill are as follows:

All councils are automatically members of the Local Government Finance Authority, but they are not required to participate in either the borrowing or investing activities. Consequently, the decision to take part rests entirely with the individual councils and the success of the authority will be measured by its ability to generate better returns and improve terms. The Finance Authority will be governed by a Board of Trustees made up of two persons elected by the annual general meeting of the Local Government Finance Authority, two appointed by the Local Government Association, the Secretary-General of the Local Government Association and the Director of Local Government and the Under Treasurer or their representatives. The majority clearly lies with the local government component and the Chairman

and Deputy Chairman are to be drawn from the local government members.

The borrowings of the authority are to be fully guaranteed by the Treasurer and other liabilities may also receive the Treasurer's guarantee. In return for this guarantee, a fee shall be chargeable by the Treasurer which is in line with normal commercial practice. Members will see from the functions of the authority and the purposes of the Act that the principal task of the Authority is to implement borrowing and investment programmes for the benefit of councils and prescribed local government bodies. In order that the Authority may get off the ground with a reasonable balance sheet, the Treasurer is also able to lodge State funds to the amount of $10 million into the Authority if he considers that of value in ensuring that the Finance Authority is given a good start in the financial world.

Clause 27 of the Bill also provides for the Authority to reorganise the finances of a council if it is requested and agreed by the council and the Authority. It is emphasised that this is purely a voluntary function and is included so that a service of this nature can be made available to individual councils.

In a separate Bill there is a proposal that the Local Government Act be amended to remove loan poll provisions. The Local Government Finance Authority will be borrowing in bulk for lending to councils. The present provisions, which in practice only impact upon small councils, provide a timetable and a risk of exposure to the Local Government Finance Authority which, it is considered, would cause difficulty. However, the reasons for removing the loan poll provisions go deeper than the requirements of this Bill and are presented separately in the Local Government Act Amending Bill.

The establishment of a Local Government Finance Authority is a major step forward in the progress of local government in South Australia. It is indicative of the strength of the Local Government Association and the awareness of local authorities that to operate in the modern economic climate, co-operation and aggregation of effort is needed. I warmly commend this Bill to the House.

Clause 1 is formal. Clause 2 provides that the measure is to come into operation on a day to be fixed by proclamation. Clause 3 sets out definitions of terms used in the measure. Clause 4 provides for the establishment of the Local Government Finance Authority. Under the clause, the Authority is to be a body corporate with perpetual succession, a common seal and the usual capacities of a body corporate.

Clause 5 provides that every council as defined in the Local Government Act is to be a member of the Authority. Clause 6 provides that the Authority is to be managed and administered by a Board of Trustees. Under the clause, an act or decision of the Board of Trustees is to be an act or decision of the Authority. Clause 7 provides for the constitution of the Board. Under the clause, the Board is to be comprised of seven members, of whom two shall be persons elected by an annual general meeting of the Authority, two shall be persons appointed by an annual general meeting of the Authority on the nomination of the Local Government Association, one shall be the person holding or acting in the office of permanent head of the Department of Local Government or any other office of the Department nominated by the permanent head, one shall be the person holding or acting in the office of Under Treasurer or any other office in the Treasury Department nominated by the Under Treasurer, and one shall be the person holding or acting in the office of Secretary-General of the Local Government Association.

The clause provides that, until 31 December next succeeding the first annual general meeting of the Authority, the Board shall comprise the *ex officio* members referred to above and four persons appointed by the Minister upon the nomination of the Local Government Association. Under the clause, a person is not to be eligible for election to the Board unless he is a member or officer of a council. Provision is made for the appointment of deputies of members of the Board.

Clause 8 provides that the members of the Board elected by an annual general meeting or appointed on the nomination of the Local Government Association are to hold office for a term of one year commencing in 1 January following their election or appointment. The clause provides for the removal of such a member by a general meeting of the Authority if the member becomes mentally or physically incapacitated or if he is guilty of neglect of duty or dishonourable conduct. A casual vacancy in the office of such a member is to be filled by an appointment made by the Board.

Clause 9 provides that the Chairman and Deputy Chairman of the Board are to be appointed by the Board from amongst the representative members of the Board (that is, the members elected or appointed by an annual general meeting of the Authority). Clause 10 provides for the procedures of the Board. Clause 11 provides for the validity of acts of the Board and immunity of its members from personal liability.

Clause 12 requires a member of the Board who is directly or indirectly interested in a contract or proposed contract of the Authority to disclose the nature of his interest to the Board and not to take part in any deliberations or decision of the Board with respect to the contract or proposed contract. The clause provides that, where a member of the Board is a member, officer, elector or ratepayer of a council with which the Authority has contracted or proposes to contract, the member is not prevented from taking part in any deliberations or decisions of the Board that have common application to that contract or proposed contract and contracts or proposed contracts with other councils.

Clause 13 provides for the allowances and expenses of members of the Board to be fixed by a general meeting of the Authority. Under the clause, amounts payable by way of allowances to an *ex officio* member are to be paid to the Department or body of which the member is an officer. Clause 14 requires the Board to convene annual general meetings of the Authority and provides for special general meetings to be held upon request by not less than one-quarter of the total number of councils or at the intitiative of the Board.

Clause 15 provides that each council may appoint a person to represent it at a general meeting of the Authority and that each council representative is to have one vote on any motion before a general meeting. Clause 16 provides for the quorum for general meetings of the Authority. Clause 17 regulates the procedure at general meetings. Under the clause, the Chairman of the Board is to preside at a general meeting of the Authority.

Clause 18 provides that the business of a general meeting of the Authority is to receive and consider any report of the Board presented to the meeting, to consider and approve or disapprove any proposals submitted to the meeting by the Board, to consider and pass resolutions with respect to any matter relating to the Authority or its affairs raised at the meeting and, in the case of an annual meeting, to elect and appoint the representative members of the Board.

Clause 19 provides for rules governing the procedure for general meetings. Clause 20 requires the Board, at its next meeting after the passing of a resolution at a general meeting, to give all due consideration to the resolution and to take such action (if any) as it thinks fit in relation to the matters raised by the resolution. Clause 21 sets out the general powers and functions of the Authority. The principal function of the Authority will be to develop and implement borrowing

and investment programmes for the benefit of councils and prescribed local government bodies. The Authority may also engage in such other activities relating to the finances of councils and prescribed local government bodies as are contemplated by the other provisions of the measure or approved by the Minister. Under the clause, the Authority is empowered to borrow moneys within or outside Australia. It may lend moneys to councils and prescribed local government bodies.

It may accept moneys on loan or deposit from a council or prescribed local government body and may invest moneys. The Authority is empowered to issue, buy and sell and otherwise deal in or with securities. It may open and maintain accounts with banks and appoint underwriters, managers, trustees or agents. The Authority may provide guarantees, deal with property, enter into any other arrangements or acquire or incur any other rights or liabilities. Finally, the Authority may, at the request of a council or prescribed local government body, provide advice or assistance to the council or body in relation to the management of its financial affairs.

Clause 22 provides that the Authority is to act in accordance with proper principles of financial management and with a view to avoiding a loss. Under the clause, any surplus of funds remaining after deduction or allowance for the costs of the Authority may be retained and invested by the Authority or distributed to councils and bodies with which it has entered into financial arrangements. Clause 23 provides that the Treasurer may, on behalf of the State, provide funds to the Authority on such terms and conditions as may be agreed by the Treasurer and the Authority. The clause provides for the appropriation of $10 million for application for that purpose.

Clause 24 provides that the liabilities of the Authority in respect of all its borrowings are guaranteed by the Treasurer. Under the clause, the Treasurer may if he thinks fit guarantee any other liabilities of the Authority. The clause requires the approval of the Treasurer (conditional or unconditional) to any borrowing of the Authority (other than by way of acceptance of moneys on deposit or loan from a council or prescribed local government body). Clause 25 provides that an approval of the Treasurer or Minister may be given in general terms and by a person acting with the authority of the Treasurer or Minister.

Clause 26 makes it clear that a council or prescribed local government body may borrow money from the Authority, deposit money with, or lend money to, the Authority, and enter into such other financial transactions or arrangements with the Authority as are contemplated by the measure or approved by the Minister. Clause 27 empowers the Minister, by notice published in the *Gazette*, to transfer to the Authority the liabilities of a council or prescribed local government body in respect of a borrowing and to determine that the moneys remaining payable under the loan are to be regarded as having been borrowed from the Authority on terms and conditions agreed between the Authority and the council or body. This power may, under the clause, be exercised only at the request of the Authority and the council or prescribed local government body.

Clause 28 provides for delegation by the Authority. Clause 29 provides for the staffing of the Authority. Clause 30 requires a council or prescribed local government body, if so required by the Minister, to furnish information to the Authority relating to the financial affairs of the council or prescribed local government body. Clause 31 authorizes the Authority to charge fees for services provided under the measure. Clause 32 provides that the Authority and instruments to which it is a party are to be exempt from State taxes or duties to the extent provided by proclamation.

Clause 33 provides for the accounts and auditing of the accounts of the Authority. Clause 34 requires the Authority to prepare an annual report and provides for the report and the audited statement of accounts of the Authority to be tabled in Parliament and distributed to councils and the Local Government Association. Clause 35 provides that proceedings for offences are to be disposed of summarily. Clause 36 empowers the Governor to make regulations for the purposes of the measure.

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

EDUCATION ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

In view of the lateness of the hour, I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

These amendments to Part V of the Education Act, 1972, which establishes the Non-government Registration Board are designed to strengthen and clarify its powers and vary its membership. Three recommendations have come directly from the Board itself. First, the power to limit period of registration. This amendment will give the Board the power to limit the period of time for which a school is registered, where it is of the opinion that this is an appropriate limitation upon the registration of a school. As the legislation presently exists, the Board must either register a school 'forever' or not at all. This is particularly inappropriate with respect to proposed schools where the Board must rely on the written and verbal assurances from the proposers of a new school that they intend to offer a satisfactory education as prescribed in section 72g of the Education Act. It would be more satisfactory for the Board to be able to register the school initially for, say, a period of 12 months and then, upon the expiration of that period, to make another decision based upon an inspection of the school and its programme.

Secondly, grounds for review of non-government schools. A narrow interpretation of section 72j of the principal Act, means that, if a school has been unconditionally registered, the board is powerless to intervene no matter what paths the school takes in the future. This amendment gives the Board the express power to make orders concerning the registration of a school where the school does not comply with the criteria for registration, namely, that the nature and content of the instruction offered at the school is satisfactory and that the school provides adequately for the safety, health and welfare of its students. Schools will also be able to institute a review where they wish to have their conditions of registration amended. Two schools are at present seeking to have the Board's authority to offer instruction for additional year levels.

Thirdly, the power to vary or impose conditions following a review. At present the Board's only power, following a review, is to cancel the registration of a school. The amended legislation will give the board the power to cancel or vary existing conditions and to impose new conditions, irrespective of whether the school's registration was originally conditional or unconditional. It is also proposed that the Board have the power, following a review to limit the period of time for which a school is registered.

Furthermore, it was decided not to implement the above legislative changes which were suggestions of the Non-government Registration Board itself, without also incorporating some further changes in line with the Government policy of accountability. Similar changes were in fact passed in both houses of Parliament in Act 108 of 1980 but repealed before proclamation on 13 October 1981.

Tied in with the Registration Board's recommendations for it to have the power to limit the period of registration and vary or impose conditions of registration, consideration was given to the period of registration. It is proposed that schools should be given registration on an ongoing basis so that they can continue to make long term plans and borrow etc. However, the registration of schools should not be given unconditionally and forever, and therefore it should be incumbent upon the schools to satisfy the Board on a regular basis that they still satisfy the criteria of registration (the application of the criteria prescribed by the Act will not necessarily stay static from the time of first registration as education norms and requirements develop).

It is therefore proposed that while registration be granted on an ongoing basis, the Board will review each school at least once every five years. The persons to inspect schools will also change. At present members of the Board are included in inspection panels which consist of a majority of people from the non-government sector and although no criticism of the present members is implied, this need not be an impartial system. While the non-government sector has made it clear that it feels it should be self regulating, this sector is not self sufficient in funding and therefore should have some accountability to the community through the Government. Besides, the Minister of Education as the appropriate Government Minister takes overall responsibility for the education of children in the State and thus some impartial regulation seems necessary. It is therefore proposed that officers of the Education Department and persons from the non-government sector (but not members of the Board) should be authorised by the Board to undertake inspection and provide reports for the board's consideration.

The changes incorporated now also increase the composition of the Board from seven to eight members. At present the Chairperson is nominated by the Minister and there are two ministerial nominees as members (one of whom is to be an officer of the Department). The remaining membership of the Board consists of two nominations of the South Australian Commission for Catholic schools and two persons nominated by the South Australian Independent Schools Board Incorporated. It is intended to increase the Ministerial nominations from two to three so that along with nominating the Chairperson, the Minister will now nominate half of the board members. It is also proposed that, as with any other registration, a fee prescribed by regulation should be charged on the registration of a non-government school.

Clauses 1 and 2 are formal. Clause 3 makes an alteration to the heading to Division III of Part V which is a consequence of a change made by a subsequent clause. Clause 4 makes an amendment to section 72 of the principal Act which will increase the size of the Non-Government Schools Registration Board from seven to eight. The additional member will be appointed on the nomination of the Minister. Clause 5 makes a consequential amendment which will increase the quorum required at meetings of the Board from four to five.

Clause 6 amends section 72g of the principal Act. Paragraph *(a)* replaces the substance of subsection (2) with an additional provision that requires the payment of a prescribed fee on an application for registration of a non-government school. The words added to the end of subsection (3) by paragraph *(b)* will enable the Board to register a school for a limited period. New subsection (4a) empowers the Board to vary or revoke a condition attached to the registration of a school. Paragraph *(d)* replaces subsection (5). In addition to repeating the substance of the old provision the new subsection requires the Board to inform an applicant for registration of its reasons for deciding to register the school for a limited period.

Clause 7 makes a consequential amendment to section 72h. Clause 8 amends the heading to Division III of Part V of the principal Act. The other remedies referred to in the new heading are the power of varying conditions or imposing new conditions on registration or of limiting or reducing the period for which a school is registered.

Clause 9 amends section 72j of the principal Act. The amendment changes the terminology used in the provision from a reference to inquiry into the administration of a school to a reference to a review of the registration of a school. In addition, the amendment to subsection (1) will enable a school to request the Board to review its registration. New subsection (1a) requires the Board to review the registration of every non-government school at least once in every five-year period. New subsection (2) enables the Board to take action against a school not only where there has been a breach of a condition attached to the registration (as is the position under the existing subsection) but also where the instruction at the school is unsatisfactory or the safety of the students is at risk. Under this subsection the Board may vary a condition attached to the schools registration, impose new conditions on its registration, limit or reduce the period of registration or cancel the registration. Formerly the only action that the Board could take was to cancel the school's registration.

Clause 10 amends section 72k of the principal Act. This is a consequential amendment required by the change in terminology in section 72j. Clause 11 is a consequential amendment to section 72l. Clause 12 amends section 72p of the principal Act to ensure that inspections of non-government schools must be carried out by an officer of the Education Department and another person who is not a member of the Board. Paragraphs *(b)* and *(c)* make consequential amendments. Clause 13 makes an amendment to section 107 of the principal Act which will allow the prescription of fees for registration of non-government schools.

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

FURTHER EDUCATION ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

In view of the lateness of the hour, I seek to have the explanation of the Bill inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

The purpose of this Bill is to make three sets of changes to the Further Education Act, 1975-80. The first change is concerned with titles and, although the simplest, is perhaps the most significant.

The passage of the Further Education Act in 1976 placed into legislation one of the important reforms initiated by the Report of the Karmel Committee of Inquiry in 1971. At the time of the Karmel Report, the importance of what was to become known as the technical and further education

sector of tertiary education was recognised but a variety of terms were in use to describe it. This terminological confusion arose from an awareness of the fact that the traditional description 'technical education' had become inadequate for the range of skilled vocations catered for by this area of education, quite apart from its involvement in education for migrants, aborigines, the handicapped and adults seeking to remedy gaps in thier earlier educa on.

In the early seventies, it appeared that the British term 'further education' would be adopted for general use in Australia, but in 1974 a committee of inquiry commissioned by the Commonwealth Government (the Kangan Committee) promoted the use of the term 'technical and further education' and the handy acronym TAFE. This terminology is now in widespread use throughout Australia and is incorporated in the titles of the other major independent TAFE authorities—the New South Wales Department of Technical and Further Education and the Victorian TAFE Board.

During the recent Keeves Inquiry the Department of Further Education proposed that its title be changed to 'technical and further educaion'. It did this because of the need to create an informed public awareness of the role of TAFE on a nationwide basis and because many people in the community associated the phrase 'further education' with leisure interest courses—an important aspect of the Department's work, but quite a minor proportion in comparison to its vocational training role in trade, technician, business studies and other work skill areas. The Keeves Inquiry supported this proposal and it ws subsequently accepted by the Government and implemented under provisions of the Public Service Act, in respect of the name of the Department, and by exercise of the Minister's powers in respect of college titles.

It is now proposed to make the necessary legislative changes to formalise the use of the new titles. Four sets of changes will be made: to the name of the Act, to the name of the Department, to the title of the Director-General, and to college nomenclature. As far as college names are concerned, certain colleges have been permitted to use the local title of 'community college' where that has been preferred by the local college council, although the generic title used in the Act is 'colleges of further education'. This amending Bill will change the generic title to 'colleges of technical and further education' but, where local sentiment wishes it, colleges may retain the title 'community college', simply adding the acronym TAFE in parenthesis.

Another important step contained in this legislation is the establishment of a South Australian Council of Technical and Further Education. Probably the most distinctive feature of TAFE compared to the other education sectors is its close links to industry and the labour market and the flexibility it needs to show in responding to e nerging job training needs. The Department of TAFE therefore relies on close links to business and industry and to the wider community. These links are maintained, among other ways, by two important chains of advisory groups: college councils and curriculum committees. College councils are a means of conveying local community needs in respect of individual institutions, while curriculum committees ensure that the relevant industry has representation, usually majority representation, on the committees preparing the training curriculum for occupations within it. Both these community links have proved extremely valuable, but what has seemed to be missing is an apex body to both chains—that is, a body which could advise the Department on employment developments and community needs at the broadest level, encompassing all the State's commu. ity groups and all the State's industries and other avenues of employment.

As a consequence, in March this year the Government established an interim Council of TAFE with three functions: a general advisory role, a liaison responsibility, and an advisory function in relation to accreditation of courses and academic awards. Membership has been accepted by an impressive range of leading figures in industry, commerce, the rural sector, employee bodies, the arts, government and other areas of education. The Interim Council is already in vigorous operation with a network of sub-committees addressing a number of key issues in TAFE.

As I mentioned, the South Australian Council of TAFE will advise the Department of TAFE in relation to accreditation of courses and academic awards as well as having a general advisory and liaison role. It is a primary responsibility of every educational institution to provide some mechanism by which the educational validity and integrity of its courses, and the appropriateness of the academic awards bestowed, can be assessed in an objective and professional manner. To date this has been done by a variety of internal checks within the Department, culminating in the Director-General's approval or disapproval of proposed courses, but the Government considers that such a function can be more effectively performed by a body such as the Council of TAFE, which brings together a wide range of expertise and experience on the part of people who are not employees of the Department.

The new council will not in any way diminish the role of the Industrial and Commercial Training Commission or of the Tertiary Education Authority of South Australia, both of which have statutory responsibilities in respect of the approval or accreditation of certain categories of TAFE courses. Rather the Government takes the view that every tertiary educational body must take responsibility for the educational integrity of its own courses, whatever other forms of scrutiny they may be subjected to. In practical terms, it is hoped that the establishment of a more formal and objective process of accreditation within the Department of TAFE may encourage other bodies, such as the Tertiary Education Authority, to delegate some of their assessment responsibilities to the Department.

The third area to be dealt with by this Bill is the question of fees. Most courses offered by the Department of Technical and Further Education are free and these amendments do not change the situation in respect of activities for which fees may be charged. The fees which may be charged in TAFE are determnined by Federal legislation as a consequence of the fees abolition agreement with the Commonwealth. Under Commonwealth States Grants Acts, fees may only be charged for leisure interest courses, for certain types of short courses in vocational areas, for the provision of materials and for amenities and similar ancillary areas.

The Further Education Act at present contains no specific power in respect of fees, and while I am advised that the fees charged may be justified by the actual provision of services or may be validated through the Fees Regulation Act, the simplest way of resolving any legal doubts on this matter is to add a fee-making power to the list of regulation making powers in the Act.

Clauses 1 and 2 are formal. Clauses 3 and 4 amend the long and short titles of the principal Act respectively.

Clause 5 amends section 3 of the principal Act. Clause 6 amends the definition section of the principal Act to bring definitions used in the Act into line with the new terminology adopted by the Government. Clause 7 and 8 make similar amendments to sections 5 and 6 of the principal Act.

Clause 9 makes a similar amendment to section 9 of the principal Act and by paragraph *(b)* includes in subsection (3) a reference to training as well as to instruction in colleges of technical and further education. The definition of technical and further education in section 4 includes training as well as instruction and it is therefore correct to include a reference to training in this context.

Clause 10 replaces section 10 of the principal Act with two new sections. The first of these sets up a council to assess the needs of the community in relation to technical and further education and to advise on the nature and content of educational programmes to fulfil those needs. The council will also have general advisory function. Section 10a replaces the substance of the existing section 10, except that committees established under the section will advise the Director-General instead of the Minister.

Clauses 11, 12 and 13 amend sections 11 and 28 and the heading to Part V of the principal Act, respectively. Clause 14 amends section 34 of the principal Act. The phrase 'prescribed course of instruction' is used in Part VI of the princial Act and this amendment extends the operation of the definition to that Part. Clause 15 amends section 36 of the principal Act to include references to training in conjunction with the existing references to instruction. Clause 16 amends section 43 of the principal Act. Paragraph *(c)* gives the Governor power to make regulations for the imposition of fees, for instruction, training or material supplied to students. Paragraphs *(b)*, *(d)* and *(e)* insert references to training in various provisions of the section.

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

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 3)

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

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

That this Bill be now read a second time.

In view of the lateness of the hour I seek leave to have the explanation of the Bill inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

This Bill is principally intended to remove those provisions of the Local Government Act (occurring mainly in Part XXI) that allow electors to demand to poll where a council intends entering into certain borrowing arrangements.

It is now considered part of the normal financial management of local councils to undertake borrowing programmes, particularly for capital assets with a long life. The possibility of electors demanding a poll on this single aspect of financial management is increasingly inappropriate. Furthermore, experience has shown that the provisions relating to polls in fact operate in an inequable manner. In metropolitan councils loan polls are unknown, simply because the numbers required to defeat a proposal are so large as to be impossible, while in a small district council it can be relatively easy for a group of persons to obtain the support of 10 per cent of electors for the requisition of a poll and, indeed, to convince 30 per cent to vote against the proposed borrowing. Conversely, it would be most difficult for a group to successfully canvass 10 per cent of the electors of a metropolitan council to demand a poll. The reforms provided by this measure are therefore most appropriate.

Modern financial management requires that a proper blend of rate income, borrowings and other revenues are used to meet the needs of the council. It is quite unreasonable that this process should be subject to uncertain and lengthy approval procedures. In addition, other amendments revamp the procedures that councils must employ when they decide to borrow, but there are no significant changes of substance effected. Councils will still be required to give notice in the *Gazette* of resolutions to borrow under section 430, and Ministerial consent will be necessary before borrowed money may be used to compulsorily acquired land. If a special rate must be declared to repay money that has been borrowed for carrying out specific works or undertakings, the provisions of the Act dealing with electors' consent for the introduction of such a rate will continue to apply.

Clause 1 is the short title. Clause 2 provides for the commencement of the measure. Clause 3 amends section 8 of the principal Act. As this measure is intended principally to remove those provisions that allow local government borrowings to be subject to the requisition of a poll of electors, it is appropriate to remove passages which infer that elsewhere in the Act it may be necessary to obtain the consent of electors before borrowing.

Clause 4 amends section 424 of the Act by removing the requirement that the consent of electors be obtained before the council may borrow in the manner and for the purposes prescribed in that section. Other incidental amendments are also effected. Clause 5 repeals sections 426, 427 and 429 of the principal Act. Section 426 presently provides that a council must give public notice of its intention to borrow money pursuant to section 424. Section 427 provides for a prescribed number of electors to demand a poll as to whether a loan should be incurred. If no demand is made, the consent of electors is deemed to have been given. Section 429 provides that where a council also intends to declare a special or separate rate, the notice under section 426 should state so, and thereupon any consent of electors under section 427 to the borrowing of money shall also be a consent to the declaration of the special or separate rate (as the case may be).

Clause 6 provides for the insertion of a new section 430. It is proposed that the procedure for councils intending to borrow money be that the resolution to borrow be passed by an absolute majority. Ministerial consent must still be obtained when it is intended to use borrowed money to compulsorily acquire property. Notice in the *Gazette* must be given. Clause 7 effects a consequential amendment to section 434.

Clause 8 amends section 449c. The revised section 430 is also to apply to borrowings under this section. Clause 9 amends section 530c to provide further consistency. Clause 10 is a consequential amendment to section 725, which relates to notices in the *Gazette*. Reference to loans being consented to or forbidden at meetings or polls will become superfluous.

Clause 11 is a consequential amendment to section 797. Subsection (1) provides special procedures for polls on the question of a loan, and so may be struck out. The amendment to subsection (2) is consequential. Clause 12 amends section 858, which is in that part of the Act dealing with the City of Adelaide. The section, as amended, will be consistent with the procedures provided in section 430 in relation to resolutions to borrow. Clause 13 provides a consequential amendment to section 871j.

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

ADJOURNMENT

At 11.17 p.m. the Council adjourned until Tuesday 6 December at 2.15 p.m.