LEGISLATIVE COUNCIL

Tuesday 20 August 1985

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

PETITION: HOMOSEXUALITY

A petition signed by 20 residents of South Australia praying that the Council amend the Equal Opportunity Act to give all children protection from homosexual influence in curricula, personnel, literature, sexual humanism and sex education in all South Australian schools was presented by the Hon. K.T. Griffin.

Petition received.

PAPERS TABLED

The following papers were laid on the table:

By the Minister of Health on behalf of the Attorney-General (Hon. C.J. Sumner):

Pursuant to Statute—

Rules of Court—Supreme Court—Bail Act, 1985—Bail Reviews.

Classification of Publications Act, 1974—Regulations—Agricultural Video Information Digest.

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

Pursuant to Statute—

Unleaded Petrol Act, 1985—Regulations—Dispensing Equipment.

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

Pursuant to Statute—

Food and Drugs Act, 1908—Regulations—Residues in Food.

By the Minister of Labour (Hon. Frank Blevins):

Pursuant to Statute—

Workers Compensation Act, 1971—Amendment to the First Schedule of the Workers Compensation (Silicosis) Scheme—Silicosis Scheme Subscription Rates.

By the Minister of Fisheries (Hon. Frank Blevins):

Pursuant to Statute—

Fisheries Act, 1982—Regulations—
West Coast Experimental Prawn Fishery.
Investigator Strait Experimental Prawn Fishery.
Scheme of Management, Tuna Fishery.

By the Minister of Tourism (Hon. Barbara Wiese):

Pursuant to Statute—

River Murray Commission—Report, 1984.

By the Minister of Local Government (Hon. Barbara Wiese):

Pursuant to Statute—

Local Government Act, 1934—Memorandum of Lease—Jolley's Boat House Bistro Pty Ltd.

MINISTERIAL STATEMENT: ADELAIDE CHILDREN'S HOSPITAL

The Hon. J.R. CORNWALL (Minister of Health): I seek leave to make a statement.

Leave granted.

The Hon. J.R. CORNWALL: It is with very great pleasure that I advise honourable members that the Government is proceeding with a redevelopment project for the Adelaide Children's Hospital at a final cost of some $27 million. The Adelaide Children's Hospital is, of course, one of the finest such institutions in Australia, providing high quality services which are much appreciated by a grateful community. It has been able to maintain its splendid traditions with the strong support of successive Governments and through the ongoing generosity of the South Australian people. The proposal, the first stage of which has now been approved for reference to the Public Works Standing Committee, confirms the exciting future for the hospital.

Members will recall that the Adelaide Children's Hospital became an incorporated body under the South Australian Health Commission Act on 26 September 1984. At that time I paid tribute to the constructive role played by the outgoing Board of Management in the process of incorporation. The hospital became incorporated with a constitution devised to reflect the partnership between the hospital, the Government and the South Australian Health Commission. At the same time a new Board of Management and a new Administrator were appointed. I am very happy to report that the spirit of partnership and constructive cooperation has continued under the leadership of the new Chairman of the Hospital Board, Mrs Beverly Perrett.

Shortly after the changeover, the board sought to review the redesign proposal which had been put forward as the final stage in a four-stage rebuilding plan formulated in 1974. The main aims of that review were to produce a more efficient use of the hospital's resources and fund raising potential, to preserve the Clarence Rieger Building and to make better use of the accommodation space available to the hospital. The reappraisal was conducted with my approval and the redevelopment now proposed by the board is supported by the Health Commission and the Government. As well as achieving the aims I have outlined, the project will enable the board to proceed with plans for research facilities, car parking, a new pharmacy and vastly improved stores and kitchen facilities.

For the information of honourable members I will briefly list the main features of the new development:

- The Rieger Building will be totally refurbished, including the removal of asbestos and the respraying of beams for fire insulation for the entire building;
- the Good Friday Building will be slightly altered on level 3 and part of levels 4, 5 and 6;
- the Ernest Williamson and Gilbert Buildings will be demolished; and
- a 107-space car park will be constructed, including a new stores and supply department on level 2.

At the completion of all the redevelopment the Adelaide Children's Hospital will have a total of 224 beds. The Good Friday Building will have 197 beds in 10 wards, together with nine beds in a new adolescent, psychiatric inpatient unit to be established at the hospital. An intensive care and high dependency unit located in the Rieger Building will have 18 beds. As a result, all medical and clinical facilities will have been concentrated in the Rieger, Good Friday and Rogerson Buildings and non-medical facilities relocated to the buildings on the northern side of the site, including the Samuel Way and Florence Knight Buildings.

One of the big advantages of the new design report, which has been adopted, will be the preservation of the Rieger Building which is only 20 years old. Since it will have new services, new partitions and fittings on all floors, the building will be given a new lease of life for the next 25 to 30 years. The project will be financed by the State Government on a $2 for $1 basis with the hospital. At April 1985 costs the total project is estimated to cost $21.7 million, of which $14.2 million will be borne by the South Australian Health Commission. Allowing for escalation, the estimated final cost is $27 million, of which the Health Commission's share will be $18 million.

The first and major part of the project, costing about $17 million at April 1985 prices, has now been approved for reference to the Public Works Standing Committee. Provided

that Committee's approval is obtained before Christmas 1985, design development and documentation can begin next January and the entire project should be completed in January 1990.

QUESTIONS

WORKERS COMPENSATION

The Hon. M.B. CAMERON: I seek leave to make a statement before asking the Minister of Labour a question in relation to workers compensation.

Leave granted.

The Hon. M.B. CAMERON: The Government has announced that it will introduce and debate a new Bill governing workers compensation. However, there have been some suggestions that its introduction may be delayed because Caucus and the union movement are divided on some key elements of the scheme announced on Sunday. Eighteen months ago, the Opposition announced the principles on which it believed that this reform should proceed in view of the rapidly escalating premiums that employers have been forced to pay and the effect that this has had on job creation.

In view of the importance of this legislation to the State economy, guarantees must be given that Parliament will have an opportunity to consider and vote on this measure before the election. A taxpayer-funded Government advertisement in this morning's *Advertiser* states that business and unions agree on the proposed new scheme. However, that statement is highly misleading because on the same page as the advertisement is a report that the Australian Workers Union, the State's biggest union, has condemned key elements of the scheme.

Yesterday, the Secretary of the Trades and Labor Council, Mr Lesses, said that the proposals did not yet have the full support of some sections of the trade union movement, and it has been reported to me that another major union, the Metal Workers, is also strongly opposed to some vital aspects of the scheme. In these circumstances, the Government's advertising appears to be a blatant attempt to pre-empt union consideration of the scheme.

The June convention of the ALP voted to retain the right of the workers to sue for pain and suffering. The Opposition's policy also proposes the retention of an element of common law to allow individual workers to sue for pain and suffering, but the proposals announced by the Government will completely eliminate that right. Whilst the Premier has said that he is confident that the plan will get the backing of business and unions, there appears to be no guarantee that it will have the full support of all Government members in the Parliament. There is also some doubt about the scheme's cost.

There is continuing dispute over workers compensation reforms introduced in Victoria earlier this year. Actuarial assessments indicate that the new single insurer scheme in Victoria will have unfunded liabilities of $230 million after one year's operation. It is becoming increasingly apparent that the Victorian Government's original costing of its scheme was completely inaccurate. To prevent a similar occurrence in South Australia, it is vital that the Premier table relevant documentary evidence so that the Government's costing be subjected to independent analysis. My questions are:

Will the Minister of Labour give a guarantee that both Houses of Parliament will be given sufficient time to debate and vote on legislation to reform workers compensation before the State election?

Can he guarantee that all members of the State Parliamentary Caucus of the ALP will support the Government's workers compensation reform proposal?

Will he immediately arrange to have tabled in the House documentary evidence to justify the Government's costing of its workers compensation reform proposals?

The Hon. FRANK BLEVINS: The position with workers compensation is as was outlined on Sunday at the launching of the Government's proposal in conjunction with the employers and employees. Over the past couple of years (and I will not go back through all the fine detail: I am sure that we will have all that later) a committee comprising employers and employees has been working to draw up a new workers compensation scheme. The Government has assisted that committee where it has been able to.

The proposal that that committee came up with is as outlined, and the Government has now asked various elements of that committee to go back to their organisations that they were representing and get the endorsement or otherwise of their organisations. So, the representatives on the negotiating committee have come up with this proposal. I have no reason to believe that the negotiating committee on either side—employers or employees—did not know what it was doing or was not fully aware of all the issues. The people involved are highly skilled in the area dealing with workers compensation from the points of view of the two parties that are principally involved—the employers and the employees.

It is now up to the negotiators to put the proposition before the various organisations and then inform the Government of their response. The Hon. Mr Cameron's question contained a lot of comment and I do not intend to go into it all. The Hon. Mr Cameron asserts that there are some problems with some unfunded liabilities in Victoria; that may or may not be the case. However, I can tell the Council, as was outlined at the launch of the proposal, that it is intended to fund this scheme.

I stated that the committee consists of employer and employee representatives and that they are the two principal parties involved. There are other parties who play a support role: for example, insurance companies and the legal profession play a very important role in the present system. The only problem is that their services are very expensive, and they are not the principal parties involved. It has been expressed to me—and I agree with the way it has been put—that only two parties in workers compensation have rights, that is, the employers and the employees. However, there are other parties that have interests but they do not have rights. Of course, the interests of the legal profession and the interests of the insurance companies are not necessarily the interests of the two principal parties.

The Hon. L.H. Davis: What does Terry Groom think about that?

The Hon. FRANK BLEVINS: The honourable member will have to ask Terry Groom. If the two principal parties concerned want to arrange workers compensation in a way which suits them and which in the main excludes insurance companies and the legal profession, I think that is up to them. I do not think that employers and employees in this State owe insurance companies or the legal profession a living.

The Hon. R.J. Ritson: But you are removing justice. You are removing the common law right. No matter how much negligence, you cut him down.

The PRESIDENT: Order!

The Hon. FRANK BLEVINS: The Hon. Dr Ritson interjects, quite out of order, and wants to open up debate on the main issue. I did not think that was the Hon. Mr Cameron's question. I was trying to stick strictly to the Hon. Mr Cameron's question, and I was also trying not to

respond at too much length to the comment that it contained. In response to the first question, it is certainly the Government's intention, as was expressed in the Governor's speech, to introduce legislation in this session of Parliament dealing with workers compensation.

The Hon. M.B. Cameron: And have it passed.

The Hon. FRANK BLEVINS: The intention of the Government when introducing legislation into Parliament, as I assume is the case with all other Governments, is to have it passed. We do not do it for the exercise, to waste time or merely to give us something to talk about. I cannot really speak about the Liberal Party when in government; perhaps it introduces legislation for some other reason. The present Government is pretty single-minded on that: when we introduce legislation it is with the intention of having it passed. The answer to the second question, is, 'Yes'. (I have forgotten the question, but I wrote down the answer.)

The Hon. M.B. Cameron: Do other Labor members support the matter?

The Hon. FRANK BLEVINS: Yes, there is no question about that. In relation to the third question, the costings that have been done have not been done entirely by the Government. They have been done by a Dr Mules from the Adelaide University.

The Hon. M.B. Cameron: Will they be tabled?

The Hon. FRANK BLEVINS: If the Hon. Mr Cameron waits—

The Hon. M.B. Cameron: You have a problem remembering the questions.

The Hon. FRANK BLEVINS: No, I do not. I have the answers. Certainly, I will find out whether the costings are in a form that can be given to members opposite. They have certainly been given to the employers, so I cannot see any problem with that. I will check it out for the Hon. Mr Cameron and, if they are in a form that can be used by the Opposition, I will be happy to supply them.

Our intention in this matter is very clear: it is not to con employers or employees, but to achieve sensible workers compensation arrangements in this State to benefit employers and employees. If that is to the disadvantage of the cash flow of insurance companies, then so be it, but I do not see that it is the role of industry in this State to provide cash flow for insurance companies (that is not their principal role) or the legal profession. I have been somewhat amused—

The Hon. R.J. Ritson: Amazing how people change!

The Hon. FRANK BLEVINS: I will be happy to deal with that later.

The Hon. M.B. Cameron interjecting:

The PRESIDENT: Order!

The Hon. FRANK BLEVINS: I was interested to read and hear this morning some of the concerns expressed about this proposal by the Law Society, the insurance brokers and now, by interjection, the Hon. Dr Ritson. I would have thought that workers viewed with some scepticism the expression of concern about workers from the insurance industry, the legal profession and Dr Ritson (whose status I have elevated probably more than it warrants by putting him in that company).

In my experience as a worker and representing workers, I have never found that the first champions of workers were insurance companies and the legal profession—quite the contrary. I do concede that those professions have made very good profits from sick and injured workers, but not one case has been brought to my attention in 20 years where an insurance company has been benevolent. Not one! Now, all of a sudden, they are expressing concern about workers. However, they have to protect their profits and cash flows. So, if once in 20 years they express concern for injured workers, I suppose that that is really a sign of desperation. I cannot believe that any worker in South Australia would be the least bit impressed by these expressions of concern by the legal profession and the insurance companies—and even Dr Ritson.

PRIVATISATION

The Hon. J.C. BURDETT: I seek leave to make a brief explanation before asking the Minister of Health a question about the privatisation of Health Commission properties.

Leave granted.

The Hon. J.C. BURDETT: Last week I asked a question about the sale of the century, the flogging off of $20 million worth of so-called health mansions to the private sector. I was concerned last week about what the Minister would do with the profits from his privatisation program. Estcourt House, on the premises of which the Rua Rua Nursing Home for severely retarded people is conducted, was to be flogged off. The Greenhill Road frontage of the Glenside mental hospital and six other mansions were referred to. Recently, I was speaking to the Superintendent of one of these eight mansions. He told me that it would have been nice had he been consulted but that the first that he had heard about this plan in respect of the premises of which he was Superintendent was when he read about it in the *News* of 13 August.

The Hon. C.M. Hill: This is supposed to be a Government of consultation.

The Hon. J.C. BURDETT: Exactly.

The Hon. J.R. Cornwall interjecting:

The Hon. J.C. BURDETT: All right. I do not know whether six months earlier the Superintendent mentioned in the *Sunday Mail* being consulted, either. My questions are:

1. What consultation was held with the boards of management of each of these mansions, their Superintendents and senior staff?

2. When were these consultations held, and what was their outcome? I particularly ask my questions with regard to the two prime properties mentioned, namely, Estcourt House and the Greenhill Road frontage of Glenside Hospital.

The Hon. J.R. CORNWALL: I can understand that the Hon. Mr Burdett and his colleagues do not like me stealing their clothes, particularly when I take their best suit. However, I am afraid that they will have to put up with that as long as we are into the levels of good management that we are in the South Australian Health Commission. The fact is that various institutions have for many decades been sitting on very valuable parcels of real estate. I made the point quite clearly in my Cabinet submission, and in my subsequent accurate report to the *News*, that that was not cost effective and that it most certainly was not good business management.

I also made the point that as each of these parcels of land became available it would be the subject of a separate Cabinet submission and would have to be set against capital expenditure in either the area of health or one of the other community services areas. The time for that specific consultation to occur is when those packages are being put together. On one case which comes readily to mind and which I hope to take to Cabinet in the reasonably near future a great deal of consultation is taking place. However, the principle is what has been approved by Cabinet, and I now intend vigorously to pursue that property portfolio, because, by so doing, I am enabled to make the sort of announcement that I made earlier today concerning the final $27 million redevelopment of the Adelaide Children's Hospital.

I am not about to apologise for the sort of good management that enables us to bring these sorts of major capital

works programs forward. I remind the Hon. Mr Burdett, and any of his colleagues who choose to listen, that in 1982-83, the last financial year in which we had to endure a Tonkin Budget, the total capital works program for the health industry in this State amounted to $11.7 million—not for one project, but the total capital works program! This was because the Hon. John Burdett and his mates were busy raiding the mortgage money to buy the groceries. We had a terrible period during which the capital works program was devastated in order to meet the recurrent deficit. It was, of course, said that that Government was reducing costs. It was reducing costs all right; it was theft by deception in terms of what it did to the capital works account!

The Hon. J.C. BURDETT: The Minister has said that there will be separate Cabinet submissions regarding each of the eight properties referred to in the *News*. Do I understand correctly from what the Minister has said, and from what appeared in the *News* report, that it is an established Cabinet policy that at some stage all eight of these properties will be sold?

The Hon. J.R. CORNWALL: That has certainly been approved in principle. If I can find any other properties that are lying fallow and not being put to any worthwhile purpose, I will certainly recommend to my Cabinet colleagues that we sell them too—to either the private or public sector, whoever has sufficient money to buy them.

WORKERS COMPENSATION

The Hon. K.T. GRIFFIN: Can the Minister of Labour say whether, in the light of disputes within trade union ranks and opposition from some community groups to the workers compensation proposals announced by the Premier on Sunday, and if those major unions and significant community groups continue to oppose key elements of the scheme, it is the Government's intention to proceed regardless with legislation reflecting the key elements of that proposal, as released on Sunday?

The Hon. FRANK BLEVINS: I am not sure why the Hon. Mr Griffin finds it so difficult to say 'legal profession'. We now have a new euphemism for the legal profession and the insurance industry—'community groups'. What is wrong with plain English?

The Hon. K.T. Griffin: There are lots of others.

The Hon. FRANK BLEVINS: What is wrong with plain English? The insurance industry and some sections—not all, in fairness to some lawyers—of the legal profession—

The Hon. K.T. Griffin: What about major unions?

The Hon. FRANK BLEVINS: I will get to that in a minute. The Hon. Mr Griffin did not include unions in 'community groups'. I thought that strange. If he had said 'community groups' and did not specify unions, I would not have commented on it; but that the Hon. Mr Griffin, who is a member of the legal profession, could not bring himself to say the legal profession and the insurance industry. Therefore, I wonder whether the Hon. Mr Griffin has any vested interest in this.

The Hon. K.T. Griffin: No, I don't. I have never done a workers compensation case, and I never want to.

The Hon. FRANK BLEVINS: You are one of the few. So the Hon. Mr Griffin will support strongly the legal profession's being virtually excluded from this policy—

Members interjecting:

The PRESIDENT: Order!

The Hon. FRANK BLEVINS: We can talk about justice.

The Hon. K.T. Griffin interjecting:

The Hon. FRANK BLEVINS: I want to talk about justice, and I want to talk about it strongly. I am not sure that Question Time is the appropriate place, but I will tell the Council all about justice and justice to injured workers under the present scheme at the appropriate time.

I pointed out in the answer I gave to the Leader of the Opposition in this place (Hon. Martin Cameron) that what has occurred so far is that representatives of the unions and of the employers have negotiated a particular scheme which they feel serves their needs.

It is now up to those people to go back to their various bodies, to explain the scheme and to bring back to the Government the views of those bodies. It may well be that some individual unions do not support the new proposal. It may well be that some individual employers may not support the proposal—

The Hon. K.T. Griffin: What is going to happen then?

The Hon. FRANK BLEVINS: Then obviously the Government will have to look at the proposal. It is at that time when we get the feedback (that is the most modern word) from the various bodies—

The Hon. K.T. Griffin: Community responses.

The Hon. FRANK BLEVINS: Community responses from community groups! When we get the feedback from these organisations the Government will obviously take account of that information and formulate its policies accordingly.

TOURIST PROMOTION

The Hon. ANNE LEVY: I seek leave to make a brief statement before asking the Minister of Tourism a question about tourist promotion.

Leave granted.

The Hon. ANNE LEVY: I am sure that many honourable members would have received with their *Advertiser* yesterday some postcards which were part of a tourist promotion for South Australia, with the suggestion that the postcards be sent to friends and relatives elsewhere. I have had quite a number of comments regarding these postcards that have as background to the individuals centre stage a series of sporting activities in South Australia, but the postcards show only males involved in sport, thereby giving the impression that women do not take part in sport in South Australia, or perhaps, for interstate people, giving the impression that South Australia provides sporting facilities only for men. Will the Minister comment on this piece of tourist promotion and say whether steps can be taken to avoid such inaccuracies occurring in the future?

The Hon. L.H. Davis: Is this a dorothy dixer?

The Hon. BARBARA WIESE: No, it is not. I thank the honourable member for her question. I am aware of criticism which has been expressed by members of the community about the postcards that appeared in yesterday's newspapers. I share the concern that has been expressed by those people about the importance of advertising and the impact that it has on the development of community attitudes towards women. Therefore, I take the point that has been made by those people that the postcards inserted in both the *Advertiser* and the *News* yesterday have given a rather misleading impression of the sort of sporting events available in South Australia and those who participate in them.

The Hon. Frank Blevins: It's less than full.

The Hon. BARBARA WIESE: Yes. In regard to the question of the Department of Tourism's promotional material in general, as far as things that have happened in the past are concerned, I could not have had much control over those things as this current campaign was well into the pipeline before I became Minister.

I want to make two points about advertising in the department in general. First, I do not see it as my role as Minister of Tourism to become involved in the detail of advertising

promotional material that is put out by the Department of Tourism. We must take the advice of experts—advertising and marketing people—about the kinds of things that we need to do to sell the products that we are trying to sell. However, I do see it as my role, as Minister, to set a framework and some guidelines within which the department should work. I believe that the department should be taking into account the fact that we should not be using sexist material or portraying women in a less favourable way than men, in stereo-typical roles or, indeed, leaving women out of our promotional material altogether.

It is my intention to have discussions with officers of my department about developing a policy in this area for the production of future advertising material, and I hope that the advertisements that will appear in future will not include the same mistakes as those in the postcards that have been published this week.

Having said that, I also hope that those people who have expressed concern about the postcards will not let this matter detract from the intention of the publicity campaign that we have put together. Our intention with the postcards, the brochure that appeared in the *Sunday Mail*, and the television and radio advertisements that went out over the weekend, was to draw the attention of South Australians to the very exciting events that will be taking place in South Australia during the next 18 months, beginning with the Grand Prix week, followed by the opening of the casino and the Jubilee 150 celebrations during 1986.

We would very much like South Australians to feel excited about the celebrations that are coming up and to notify their friends and relatives interstate and overseas about these events and invite them to come to South Australia so that they can join us in celebrating them. I hope that the criticism we have received on one aspect of this campaign will not draw attention away from the main point of the campaign. I will take up with the department the matters raised by the honourable member.

COMPUTER SERVICES

The Hon. I. GILFILLAN: I seek leave to make a brief statement before asking the Minister of Labour, representing the Minister of Mines and Energy, a question about computer services in the Department of Mines and Energy.

Leave granted.

The Hon. I. GILFILLAN: I am becoming increasingly concerned about what appears to be quite unacceptable arrangements within the Department of Mines and Energy relating to the selection of a computer software package known as Pandora. I have received information that, far from there being consent and approval within the department, there have been serious misgivings about the motives perhaps, and certainly the benefits, that may accrue to certain people who are involved in the selection of the software.

I understand that an internal decision was made in the department to recommend the purchase of a software package (Pandora), that the recommendation is now with the Data Processing Board and that a decision will be made very soon. The Pandora package will cost the department $300 000, for something that is little more than an index of oil and gas wells in South Australia. I believe that a similar index, which is now out of date, was prepared internally in the department a number of years ago and could be again at approximately one-tenth of the cost of Pandora.

Pandora is a package which relates to North Sea oil wells and will not have great relevance to South Australia. I believe that more suitable, up-to-date programs at a fraction of the cost are available in the market place. This package was recommended by Mr Ian Northcott and Mr Orest Polatayko, who investigated software packages overseas, although I understand they did not see the Pandora package while overseas. I understand that Mr Northcott, who is employed as a technical consultant to the Department of Mines and Energy at considerable cost, and Mr Polatayko, who is employed as Manager of Computer Services in the department, have little computing experience.

I have reason to believe that Mr Northcott is the agent for the company selling the Pandora package. A telex dated 28 May this year stipulates that Mr Northcott is involved in continued software support and maintenance. This telex indicates that one of the persons who recommended that the department accept the package stands to gain substantially from its acceptance. Further, it appears that in internal discussions about the decision to choose Pandora, as compared to other software, there was substantial criticism of that package. The minutes of a meeting dated 9 May, in part, state:

> Pandora—a number of the committee had attended a demonstration of Pandora at DEC's offices. Several comments on the package were made, most highlighting deficiencies. Mr J. Haigh tabled a memorandum to the Chairman which queried the basis on how Pandora was selected and asked a series of questions. A lively debate followed.

I can well believe that a lively debate followed, because Mr Haigh's memorandum carried some very trenchant criticisms and questions relating not only to the appropriateness of the package but to the qualifications and involvement of the people who made the recommendation.

It is with that concern in mind that I ask these questions. I have questions on notice on the same matter, but I have waited too long for a reply and cannot wait any longer.

1. What computer programming expertise do Mr Ian Northcott and Mr Orest Polatayko have?

2. Is it true that Mr Northcott and Mr Polatayko did not see the Pandora package while overseas to investigate software packages, and that they recommended the package before seeing it?

3. What investigation has been made by the Department of Mines and Energy to compare the costs and capability of other packages available, including the option of internal preparation of the package?

4. If the Pandora package is selected, which Australian company will provide the software support?

5. Does Mr Northcott have any connection with this company?

The Hon. FRANK BLEVINS: I will refer the honourable member's questions to my colleague in another place and bring back a reply.

MINISTERIAL BEHAVIOUR

The Hon. R.I. LUCAS: I seek leave to make a brief explanation before asking the Minister of Health a question about his misleading the Council.

Leave granted.

The Hon. R.I. LUCAS: Last Wednesday I raised some serious allegations about the Minister's petty, personal vendetta against a former director of the Health Promotion Unit, Mr Jim Cowley. The Minister did not answer the question and refused to give an undertaking to stop seeking to prevent Mr Cowley from retaining employment away from the Health Commission. During the Minister's answer he made a most serious allegation against the management of Techsearch (which is the commercial arm of the South Australian Institute of Technology) and inferred that the appointment of Mr Cowley to a position at Techsearch had been irregular. On that occasion the Minister said:

I learnt, to my absolute amazement, that he had been appointed to a position in Techsearch by one of the consultants with whom he had a very cosy arrangement when he was the Director of the Health Promotion Unit. I will say no more. I will not name the consultant at this time, but it was, in my belief, an irregular arrangement, to put it mildly.

The Minister, in making that grave allegation, has not only smeared the fine management reputation of Techsearch, but has also misled the Council. The Minister's allegation is a complete fabrication and is obviously the result of a fertile and malicious imagination. I have spoken with the Manager of Techsearch (Mr Bob Taylor), and he has assured me that the standard appointment procedures were followed by Techsearch in the appointment of Mr Cowley.

The position was first publicly advertised and the job attracted a large number of applicants. An interviewing panel of four or five persons was established, comprising staff and others with business expertise, and that panel chose Mr Cowley as the successful applicant. Mr Taylor assures me that at no stage was this unnamed consultant involved in the appointment. I might add that his name is known by all involved—the Minister, myself and the Manager of Techsearch. It is just that that person's name has not been made public in the Council.

One wonders to what depths the Minister will stoop in this personal vendetta against Mr Cowley. Will the Minister admit that he misled the Council last Wednesday with respect to Mr Cowley's appointment? Will he apologise to Mr Cowley, the management of Techsearch and also the unnamed consultant?

The Hon. J.R. CORNWALL: I did not take a point of order, but many of the matters covered by the Hon. Mr Lucas in that tirade of abuse are covered by a question on notice (No. 1), which I will answer adequately at approximately 3.25 p.m.

ABALONE FISHING

The Hon. PETER DUNN: I seek leave to make a brief explanation before asking the Minister of Fisheries a question about the abalone decline in St Vincent Gulf.

Leave granted.

The Hon. PETER DUNN: There have been complaints for a number of years that the decline in the abalone stocks in St Vincent Gulf has received very scant attention. It has been said that the fishing beds that are on the western side of St Vincent Gulf are all but fished out and that there are several reasons for it. I ask the Minister:

1. In view of the fact that the huge tracts of once productive abalone beds have died on the western side of St Vincent Gulf, and in view of the fact that the department was warned six years ago of the imminent ecological disaster that has now occurred, will he immediately send a research team into this area to assess the damage?

2. Are the living and fishing resources of St Vincent Gulf under threat from the Bolivar sewage works pouring effluent into the gulf?

3. Why were steps not taken by the Government when it was repeatedly warned to study the cause and effects of this ecologicai disaster?

The Hon. FRANK BLEVINS: It is obvious that the questioner knows absolutely nothing about it: someone has obviously given him a question to ask and he stumbled around the question rather poorly, making some charges that he really ought to back up. I would expect a person of the Hon. Mr Dunn's integrity to have checked that the points that he made in the preface to his questions were established facts. The Hon. Mr Dunn would give me no such assurance because in this case I do not think that he would tell the Council an outrageous lie. However, I will get a report from the Department of Fisheries on the state of the abalone industry in St Vincent Gulf. Fisheries, by and large, are very seasonal.

The Hon. Peter Dunn: Six years seasonal?

The Hon. FRANK BLEVINS: Very seasonal, indeed. The level and pressure of fishing obviously have some effect on the fish. The Department of Fisheries in this State is better, and admitted to be better, than any other Department of Fisheries in Australia, with the possible exception of Western Australia, which is perhaps almost on a par with us. Our fisheries management in this State is the most comprehensive and the tightest of any State in Australia, and a leader in the world. So, if there is a problem with abalone or any other species in St Vincent Gulf or anywhere else in the waters of this State, I assure the Council and the honourable member that the Department of Fisheries will be aware of it and will take steps to control the problem.

Those steps include closures and quotas, which are possibilities. Quotas have been recently introduced in the abalone industry. Obviously, if the fishery was under very serious threat the closures could be for a considerable period, which would obviously eliminate the income of fishermen. If that were the case, those are the steps that we do take and would take to ensure the sound management of fisheries in this State.

I will read the specific questions of the Hon. Mr Dunn to try to make sense out of them if that is possible, because the Hon. Mr Dunn, when he read them out, obviously did not know what they meant. I will have them examined by the Department of Fisheries and bring back a report for him.

The Hon. Peter Dunn: You were warned six years ago.

The Hon. FRANK BLEVINS: The Hon. Mr Dunn says that we were warned six years ago. I have been in Australia for 20 years, and every year fishermen of one variety or another, including me (until I became a member of Parliament and had no time), have bemoaned the fact that 'this season is worse than the last one was'. However, the figures that I now have as Minister do not bear that out. Perhaps I was not such a good fisherman after all, and I decided to turn to other things. I assure the Hon. Mr Dunn that a very full, detailed and expert report on this problem will be prepared for him.

GRAND PRIX PROMOTION

The Hon. DIANA LAIDLAW: I seek leave to make a brief explanation before asking the Minister of Tourism a question about the promotion of the Grand Prix.

Leave granted.

The Hon. DIANA LAIDLAW: I am told that the media in other States have given very little publicity to the forthcoming Grand Prix and that, as a result, many sporting enthusiasts who may be expected to come to Adelaide from Sydney and Melbourne, in particular, for the first weekend in November have made no plans to purchase passes or obtain accommodation. A constituent who shares this concern, while on a visit to Sydney recently, went deliberately to the South Australian tourist office to collect information on the Grand Prix. To his astonishment, the streetfront window contained only some very old and tired photographs of the Flinders Ranges and Kangaroo Island, and no reference at all to the Grand Prix—either within the streetfront window or at the counters inside the office.

Nearby, by contrast, the Western Australian tourist office was filled with photographs of 12-metre yachts, highlighting the trials leading up to the America's Cup races in 1987, some years away. Does the Minister agree that the Grand Prix is a unique opportunity to bring more visitors from

interstate to this city? If so, does she agree that our tourist offices in other States should be used to promote the Grand Prix and that adequate resources should be provided for this purpose, especially as these venues are relatively cheap but are certainly very effective means of doing so if they are utilised properly?

The Hon. BARBARA WIESE: There are several points to be made about this question. First, the major responsibility for the promotion of the Grand Prix itself rests with the Grand Prix Board, which has been given a budget for that purpose and which has taken a number of steps to do that. Promotional videos, pamphlets and all sorts of things have been developed by the publicity people within the Grand Prix Board to promote the activity of the Grand Prix week, both interstate and overseas.

The responsibility of the Department of Tourism with respect to this event is to take the opportunity that it presents to promote South Australia as a destination and activities to pursue in South Australia while people are here for the Grand Prix week. I agree with the honourable member that the Grand Prix gives us a unique opportunity to sell South Australia as an interesting place for a holiday and to visit.

Within its budget constraints the Department of Tourism is using the event in its own promotional activities. Recently, a promotional video was produced by the department to highlight the events coming up in South Australia over the next 18 months, beginning with the Grand Prix and the Jubilee 150 celebrations. It is being used throughout South Australia and Australia. The measures that have been taken by the Department of Tourism are being promoted in other States through our offices in Sydney and Melbourne and also through the Australian Tourism Commission office in Los Angeles, where we have an officer on secondment. The things mentioned by the honourable member are being done. However, as I said earlier, the Grand Prix Board is primarily responsible for promoting the Grand Prix itself. The Grand Prix Board is under the control of the Premier of South Australia and, for a further report on the promotional activities of the board, I will refer the honourable member's question to him.

Members interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE: It seems that members opposite do not wish to hear the answers to questions: they want to give the answers themselves. I do not know why they bother to ask questions.

The Hon. Diana Laidlaw interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE: In relation to the window displays at the Travel Centre, if the honourable member had bothered to notice, they change very regularly. We do not promote only one event or venue within South Australia as a suitable destination; we try to let people know about the range of activities that are available in this State. The Grand Prix is one and no doubt there will be more (as there already has been) promotional material displayed in the window of the Travel Centre. I would not have thought that that was the most important place for us to be advertising the event. If we want tourists to come to South Australia, we should be advertising interstate and overseas, and that is certainly where a good part of our promotional budget is being spent.

HISTORIC STABLE

The Hon. L.H. DAVIS: My question is directed to the Minister of Correctional Services. When did the Minister become aware of the proposed demolition of the historic stable at Yatala Labour Prison, and did he approve that demolition?

The Hon. FRANK BLEVINS: I have been aware of the problem with the stable since I became Minister about 18 months ago. I am not quite sure, but I think the problem was around before that. I understand that the Public Works Standing Committee, on at least two occasions, has commented on the stable to the extent that it should be removed. The reason was very clear—

The Hon. M.B. Cameron interjecting:

The Hon. FRANK BLEVINS: We will see. The State was making a huge investment to protect the citizens of South Australia by securing the Yatala Labour Prison. I forget offhand the cost of the additional safety measures that were being put in place, but from memory I think it was something close to $2 million. This included a new, very secure fence with certain security devices between the wall and the fence. That area creates a sterile zone.

The Hon. Peter Dunn interjecting:

The Hon. FRANK BLEVINS: The Hon. Mr Dunn says that we should fill it with Claymore mines. That is an extreme view and one that I have no doubt has the concurrence of some of his colleagues. However, the Government does not believe that it is necessary to lay mines.

The Hon. M.B. Cameron: At one stage you were going to shoot them.

The Hon. FRANK BLEVINS: We did, and we got one. This Government believes that, due to new technology, security devices can be placed within the sterile zone to prevent escapes and subsequent danger to the community and to the prisoners if they try to escape. The new security fence at Yatala, as the Hon. Mr Hill would know, was approved by the Public Works Standing Committee. The stable was right in the middle of the sterile zone, and there could not be maximum security at Yatala Labour Prison while the stable was there. In the interests of safety for the community the stable had to go. I think the Public Works Standing Committee, with Liberal Party members, agreed that it had to go. That was done in the interests of security. I point out that it is always regretted when historic buildings must be demolished. However, when dealing with the security of the people of the State, that kind of decision must be taken. I point out that it was done very carefully and sensitively: it was photographed and marked. It has all been stored for future use.

The Hon. Diana Laidlaw: It's all been knocked down.

The Hon. FRANK BLEVINS: It was dismantled rather than knocked down. This is a very serious question. If the South Australian community and future generations are to appreciate our heritage, obviously we must retain as much of it as is practicable. I am pleased in my area of correctional services that we will leave a legacy for the State in relation to historic prisons such as will probably not be the case in any other State.

The Hon. L.H. Davis: The stable has gone. That's a tremendous example!

The PRESIDENT: Order!

The Hon. FRANK BLEVINS: I cite Adelaide Gaol, which is our oldest gaol and will be preserved for future generations. I think the Gladstone Gaol is still of significance—

The Hon. C.M. Hill: Did you apply to the Public Works Standing Committee to demolish the building?

The Hon. FRANK BLEVINS: The building has been dismantled.

The Hon. C.M. Hill: Did you apply for permission?

The PRESIDENT: Order!

The Hon. FRANK BLEVINS: I am not aware of any requirement to apply to the Public Works Standing Committee to have the building dismantled. However, I am assured by the Minister of Housing and Construction that

the Public Works Standing Committee commented on more than one occasion on the absolute necessity of dismantling the newer stable. The Hon. Mr Hill is a member of that Committee, and that is my information.

The Hon. C.M. Hill interjecting:

The PRESIDENT: Order!

The Hon. FRANK BLEVINS: On more than one occasion the Hon. Mr Hill concurred in the proposition that the newer stable should go.

The Hon. C.M. Hill interjecting:

The PRESIDENT: Order!

The Hon. FRANK BLEVINS: The honourable member finally pursuaded me.

QUESTION ON NOTICE

HEALTH PROMOTION UNIT

The Hon. R.I. LUCAS (on notice) asked the Minister of Health:

1. The name, position and salary of each staff member of the Health Promotion Unit?

2. Has the Health Promotion Unit been given new guidelines for its operations and, if so, what are they?

3. Has the Minister of Health addressed the staff of the unit about its future operations and, if so, when?

4. In relation to the answer given by the Minister on 21 February 1985—

(a) Has the Internal Audit Branch completed its investigations of the Health Promotion Unit?

(b) What further action has been taken against Mr T. Ralph as a result of these investigations and, if no action, why has there been no further action?

The Hon. J.R. CORNWALL: The position title, classification and salary of each staff member is provided in tabular form, and I seek leave to have it inserted in *Hansard* without my reading it.

Leave granted.

1. S.A. Health Commission—Health Promotion Service

Occupied Positions

Classification	Position	Salary $
HO-4	Senior Health Promotion Officer	37 605
HO-4	Media Manager	37 605
HO-3	Health Promotion Officer	32 310
HO-3	Marketing Program Manager	32 310
HO-2	Health Promotion Coordinator	25 948
HO-2	Health Promotion Officer	25 948
CO-5	Senior Administrative Officer	24 661
HO-2	Training Officer	34 234
HO-1	Health Promotion Officer	23 379
AV-1	Artist	24 017
HO-1	Health Promotion Officer	22 958
CO-4	Administrative Assistant	22 958
HO-2	Health Promotion Officer	28 821
CO-5	Research Officer	22 345
HO-3	Senior Health Promotion Officer	33 118
HO-4 (.5 FTE)	Senior Health Promotion Officer	37 605
CO-2	Clerical Officer	19 029
CO-1	Clerical Officer	15 505
HO-2 (.5 FTE)	Health Promotion Officer	25 948
CO-1	Clerical Officer	14 252
CO-1 (.75 FTE)	Clerk	15 728
CO-1	Clerical Officer	13 362
CO-1 (.75 FTE)	Clerical Officer	15 728
CO-1	Clerk	14 743
HO-0	Clerical Officer	18 000
DI-1 (.7 FTE)	Dietitian	26 736

Vacant Positions

Classification	Position
HO-1	Health Promotion Officer
HO-2	Journalist
HO-4	Health Promotion Officer
EO-1	Director
CO-1	Clerical Officer
HO-2	Editor

The Hon. J.R. CORNWALL: I make the point very strongly that it is inappropriate to provide the name of each officer in each position. The replies to the remaining questions are as follows:

2. The Health Promotion Services has been provided with revised administrative guidelines and the service now operates as a branch of the Public Health Service within the administrative and accounting guidelines of the South Australian Health Commission's central office. The Health Commission's Health Promotion's Policy Committee is currently undertaking a detailed review of the commission's health promotion strategies and related projects and programs, and will provide the commission with a report in September 1985.

3. Yes, on Wednesday 31 July 1985.

4. *(a)* Yes.

(b) After considering preliminary audit reports, the South Australian Health Commission determined there were grounds for restitution of some of the funds paid to Mr Ralph. At the request of the Chairman of the Health Commission, the Crown Solicitor undertook negotiations with Mr Ralph's legal representative. On 18 July the Crown Solicitor provided that representative with a detailed list of items which constituted—

(a) amounts claimed by Mr Ralph but disputed by the commission; and

(b) certain sums already paid to Mr Ralph which the commission claimed it was entitled to be repaid.

These disputed amounts totalled $31 652.35. They included claims for production costs and charges, some of which were unsupported by documentary evidence, other charges regarded as excessive, and an amount of $16 200 for a report on marketing strategy for the Healthy State Shop, which purported to be based on extensive investigation and research but was, in the words of a senior Health Commission officer, 'of little or no value as a planning document'.

The report had been personally commissioned by the former Director of Health Promotion Services, Mr James Cowley, although the project had never been discussed by the planning team within the Health Promotion Unit. In addition, although the report was not in line with the objective stated in the brief and was clearly of little or no value as a planning document, Mr Cowley personally authorised the payment of $16 200 to Mr Ralph in accordance with his claim.

For some months now the Crown Solicitor has been negotiating with Mr Ralph's solicitor with a view to finally settling this matter. I am anxious to avoid making any comment which may prejudice those negotiations. The Crown Solicitor has advised against the making of any such comment. It is the Crown Solicitor's advice that the fact that such payments as have been made were authorised by Mr Cowley has not strengthened the Government's negotiating position.

The Health Commission's Internal Audit Unit report on goods and services expenditure in the Health Promotion Services during Mr Cowley's term as Director contains evidence of disturbing irregularities and failure to observe administrative guidelines. Although items above $3 000 in value should not be purchased without seeking written quo-

tations from known possible suppliers, large amounts of money were expended without seeking competitive quotations.

There were other examples of questionable practices. For example, a sum of $5 987 was paid to Mr Ralph for production of a television commercial which the planning team found unacceptable. The Internal Audit Unit established that Mr Ralph's invoice was personally approved by Mr Cowley against the advice of the planning team. Under the circumstances, it is not possible to sustain any case for restitution. Following a report by a Crown Law investigator into various matters concerning Health Promotion Services, the Crown Solicitor has advised the Chairman of the Health Commission that:

> Given the fact that the Director of the unit has resigned, no evidence has been discovered which would justify taking internal disciplinary action against members of the staff of the Health Promotion Unit.

The Health Commission's Audit Committee has considered the report of the Internal Audit Unit and has recommended the report be finalised and no further action taken. The Crown Solicitor has advised that she agrees with the resolution of the committee that the commission is unlikely to benefit from further investigations into Health Promotion Services.

The Hon. R.I. LUCAS: I rise on a point of order. It is clear that the Minister lied to this Council earlier this afternoon when he said that he would be replying to my question asked earlier this afternoon. It is quite clear that there is nothing in this document that justifies what the Minister said in this Council earlier: it is clear that the Minister has lied to this Council.

The PRESIDENT: Order! The honourable member must resume his seat or I will take action. I ask the honourable member to withdraw the word 'lied' and apologise.

The Hon. R.I. LUCAS: I happily withdraw the word 'lied' and say that the Minister concocted a complete fabrication to this Council.

The Hon. Frank Blevins: That is not satisfactory, Mr President.

The Hon. R.I. LUCAS: Too bad! It is the truth. There is nothing in the reply with respect to the question that I put to the Council this afternoon. The Minister cannot mislead the Council like that: it is outrageous!

The PRESIDENT: The other thing that cannot happen is for the Hon. Mr Lucas to defy the Chair. If he wants to put other questions on notice to correct the position, he may do so. I ask whether the honourable member has made his point of order. I note that he has withdrawn the word 'lied'.

The Hon. FRANK BLEVINS: I rise on a point of order. The Hon. Mr Lucas—

The Hon. R.I. Lucas: What Standing Order?

The Hon. FRANK BLEVINS: Standing Order 208.

The PRESIDENT: Order!

The Hon. FRANK BLEVINS: The Hon. Mr Lucas was asked by you, Mr President, to withdraw and apologise, but he refused to do so.

The Hon. R.I. Lucas: That is not true—I did.

The Hon. FRANK BLEVINS: The honourable member is also quite out of order by interjecting. He has not apologised. He made a qualified withdrawal (and I believe that that is unacceptable in every Parliament under the Westminster system) and he did not apologise. If the Chair is to mean anything, and the Chair asked the honourable member to withdraw and apologise, that is what the honourable member should do. He should not continue to make statements and to defy the Chair by not apologising.

The PRESIDENT: What is the Minister's point of order?

The Hon. FRANK BLEVINS: As the Hon. Mr Lucas used objectionable words and has not withdrawn them, I ask that you, Mr President, give him a further opportunity to make an unqualified withdrawal and apologise.

The PRESIDENT: The Hon. Mr Lucas did withdraw his reference to the Minister's being a liar. I make the point that that is one of the very strongly worded instructions to this Council: members must not be called liars. The honourable member withdrew that word but did not apologise. I would have thought that the Minister concerned would take up the point if he wanted an apology. I would have thought that as the honourable member withdrew that word there was very little to apologise about. If the Minister of Health is satisfied, I believe that the matter is concluded.

The Hon. J.R. CORNWALL: In view of all the circumstances and the Hon. Mr Lucas's normal standard of conduct in this place, I believe that I have to be satisfied.

The Hon. FRANK BLEVINS: I do not wish to prolong the debate, but am I now to understand that—

The Hon. M.B. Cameron interjecting:

The Hon. FRANK BLEVINS: That is fine. Am I now to understand that when you, Mr President, ask a member to withdraw and apologise, the standard is that the honourable member can give a very heavily qualified withdrawal and not apologise and that that is acceptable to you as President? If that is the precedent, I just want to understand the rules.

The PRESIDENT: I am not too sure what the Minister understands and I impress on him not to get carried away with any interpretation that he might put on a ruling I have given. That might not be exactly what the Minister wants. However, if he is insisting, that is all right with me. I ask the Hon. Mr Lucas to apologise in order to end this problem.

The Hon. R.I. LUCAS: No, Mr President, the Minister of Health has accepted what has occurred—I withdrew my statement and had to substitute another, which was not qualified. I withdrew my statement, as you, Sir, asked me to. I complied with your ruling and the offended party (Hon. Mr Cornwall) has not pursued the matter having indicated that he does not wish to do so and is satisfied. I am therefore happy to leave the matter at that.

The PRESIDENT: I think that it is foolish of the honourable member not to apologise, because that was the request put to him by the Chair—that he withdraw his remark and apologise. The honourable member is stepping around the matter, I think quite foolishly. It would be better if he did apologise.

The Hon. M.B. CAMERON: I rise on a point of order, Mr President. I have on innumerable occasions heard the Minister of Health use in this Chamber expressions about Opposition members and then withdraw them without apologising for using them.

The PRESIDENT: The honourable member's remark has no relevance to the present situation.

The Hon. M.B. CAMERON: It may not, but plenty of irrelevant things have been said by members on the other side of this Chamber, and many of the standards that we are seeing now were set by the Minister of Health during earlier sessions.

The PRESIDENT: I think that the Hon. Mr Lucas would be well advised to conclude this debate by apologising.

Members interjecting:

The Hon. M.B. Cameron: This includes everybody, including the honourable member.

The PRESIDENT: Order!

The Hon. Frank Blevins: If the President asks for a member to do something and that member refuses—

The PRESIDENT: Order! On this occasion I have done that, and have asked again. Therefore, if the Hon. Mr Lucas does not withdraw his remark, as requested by the Chair, I will name him.

The Hon. R.I. LUCAS: I have withdrawn my remark.

The PRESIDENT: I have asked the honourable member to apologise, which is a simple matter.

The Hon. R.I. LUCAS: I apologise profusely for using the word 'lied' to the Hon. Mr Cornwall. I hope that the precedent that has now been established will be followed in future.

ADDRESS IN REPLY

Adjourned debate on motion for adoption.
(Continued from 15 August. Page 326.)

The Hon. C.M. HILL: I support the motion and congratulate His Excellency the Governor on the manner in which the Parliament was opened on 1 August. I extend my sympathy to the families of the two late members of this Parliament to whom His Excellency referred in his speech. I did not know the late Mr Hunkin when he was a member of Parliament because I was not born when he was elected to it. I met him on only one occasion when, as a 17 year old youth, I stood before him applying for a position in the Public Service. He was then Public Service Commissioner. In those days the few applicants accepted annually into the Public Service had to appear before the Commissioner to be interviewed before final acceptance was given.

The Hon. R.I. Ritson: Did you get the job?

The Hon. C.M. HILL: Yes, and entered the Lands Department as a temporary acting clerk. I was not there for long.

The Hon. Diana Laidlaw: Promoted quickly.

The Hon. C.M. HILL: No, I was given another position. I learnt certain things in the few weeks of my service. The first was when I was advised that, whenever I left the office and walked through the corridors of the Treasury building (or any other Government building), I should carry a docket in my hand because that was evidence that one was busy. Years later, when I became a Minister and saw young men and women staff members walking through the corridors with dockets in their hands, I thought to myself, 'Well, the tradition has not changed.'

The late Mr Hunkin was held in very high repute as a public administrator both for his parliamentary service and because of the high office that he held in the Public Service.

The late John Clark was a member of this Parliament for 21 years. It was my privilege to serve with him as a parliamentarian. I always recognised the conscientious manner in which Mr Clark applied himself to his parliamentary duties.

I will now make some comments about the Government's intentions as I interpret them from the Governor's speech. I will also bring to the Government's notice some concerns that have been expressed to me by constituents during the parliamentary recess. I am disappointed that there was no mention in the Governor's speech of any local government revision Bill being introduced into the Parliament during this session. It is an important matter and I hope that the new Minister of Local Government agrees with me when I say that the reforms that we have been instituting to the Local Government Act over the years should continue.

Honourable members will recall that from 1967 to 1970 a major review was carried out by the Local Government Act Revision Committee into ways and means of updating the Local Government Act. During the term of the Labor Government from 1970 to 1979 not much was done about changing and improving that Act.

During the term of the 1979 to 1982 Government, work proceeded and the first of a series of proposed Bills was almost ready to be introduced when the Government changed in 1982. That Bill was finally introduced into the Parliament, I think in 1984, and was passed. That started the process of change. It was the first of this package of Bills that must be passed so that, when the final Bill is approved, the whole lot will automatically become the new Local Government Act.

Having dealt with the first of these Bills, it is essential that work continues on the second Bill. Otherwise many years will transpire before the completed reforms are on the Statute Book. It is insulting to local government to have to work in its administrative structure under the quite antique legislation that applies at present. So I make the point that it is disappointing to me that it appears that nothing is going to be done during this term of our sitting, but I certainly hope it will not be long in the new year before we see the second local government measure.

I now bring to the Government's notice the worry and concern of members of migrant communities as a result of the policies of the Australian Labor Party. Since 1949 large numbers of migrants have come to Australia. They have come without any money, they have worked hard, acquired their own homes, saved and, in most cases, built up capital. Now they fear the future because of the assets test, the prospect of capital gains taxation, a tax equivalent to a death duty, and other taxation measures that have been forecast. Of course, because of the high taxation with which they have been confronted by the State Government they fear that their hard earned savings will be eroded—in some cases even lost—and that, in effect, they will be back where they started.

The feeling amongst these people, as I gauge it, is very serious and strong. They would like to hear the Premier speak out against these proposed matters—the matters mooted from Canberra—and they would like to hear more of concessions in regard to high taxation from the Premier of this State. I assure the Government that this feeling is very real and results, of course, in strong criticism of the Australian Labor Party at both federal and State levels.

I notice from the Governor's speech, in paragraph 28, that the Government takes some pride in what it claims it has achieved. Based on television publicity and the Premier's remarks in public, this pride relates to such matters as the establishment of the casino, the new hotel complex, the Grand Prix's coming to Adelaide and the fact that Roxby Downs appears at last to be under way.

If an analysis of these achievements is taken, the picture emerges that the present Government cannot claim to be building up a strong economic base for future long-term employment or development. There is a great contrast between such projects and those commenced during the term of the former Government—for example, Technology Park and the O-Bahn bus system for public transport. The history of Roxby Downs leaves nothing for which the present Government can take credit. Indeed, that history shows the present Government as being hypocritical in the extreme.

Many of us in this Council remember how the Labor Party fought tooth and nail against the Roxby Downs Indenture Bill, which was passed only when one of its members—the Hon. Norm Foster—crossed the floor because he genuinely had at heart the interests of the working people at Roxby, Whyalla, Port Augusta and other northern regions. For this display of political courage the Hon. Norm Foster was kicked out of his Party and, therefore, lost his seat in this Council. It was one of the most shameful incidents in the history of this Chamber.

Then, in government, the Labor Party did a somersault and embraced and supported Roxby Downs. So suspicious are the prospective buyers of products from Roxby Downs that the Premier had to sneak off to Japan recently to give assurances as best he could. However, the people know all

these facts, as well as the decisions of the present Government to close down the comparable developments at Beverley and Honeymoon and the completely inconsistent decision to proceed at Roxby Downs. The people, including many members of the ALP, do not agree that Roxby Downs should be claimed as an achievement by this present Labor Government.

In the Governor's speech the Government claims that a new mood of confidence is evident in the community. I challenge this claim on the basis of what is happening within the arts community here in South Australia. A few weeks ago I highlighted considerable criticism at the performances of the State Theatre Company. There were letters to the press supporting this criticism, and I received much support by phone calls and correspondence. I will not pursue that subject now, but I must say that there has not been any real improvement, in my opinion, at the State Theatre Company. However, I hope that performances in time will improve and that patrons will in due course be provided with entertainment of a standard that they deserve.

I bring to the notice of the Minister for the Arts that many South Australians are upset that famous art exhibitions and stage performances that come to Australia from overseas cannot be seen in South Australia but remain interstate. We claim to be the Festival State, and some people go so far as to say that we are the arts centre of Australia. Yet we have the unique situation where a production like *Cats*—the production in Sydney in which the Adelaide Festival Centre Trust is involved—is not coming to Adelaide. South Australians must go to Sydney to see *Cats*.

I am told that the forthcoming visit of the Bolshoi Ballet to Australia is not coming to Adelaide. In the visual arts our Minister for the Arts appears not to be interested in the famous exhibitions from overseas—those by Turner and Monet and others—coming to Adelaide. Again, South Australians must travel interstate to see those works. The Minister for the Arts does not know what is going on in regard to this question.

For example, at the Art Gallery Exhibition Committee meeting on 15 December 1983 it was decided not to accept the Turner exhibition. I quote from the Art Gallery records, as follows:

> The curatorial staff are adamant that they wish to reduce the exhibition program and, despite the attractions of the Turner show, they have decided reluctantly not to proceed.

When I asked a question on this matter a few months later in Parliament, the Minister, in his answer of 2 May, said:

> The Exhibition Committee of the Gallery decided not to recommend the proposed Turner water colour exhibition to the Art Gallery Board because the gallery was subject to an extensive review at the time the offer was made, November 1983.

The only other point I make under the general heading of the arts concerns car parking for patrons at the Adelaide Festival Centre, both now and in the future. I asked a question about this matter on 1 August this year and I have not yet received a reply. Of course, I know that that will come in due course. I pointed out:

> The present car park under the plaza holds about 300 cars and the new car parking facility that is being constructed west of the Festival Centre will hold about 1 200 cars—1 000 of those in the building that is under construction now and 200 under the new proposed Government building in that complex.

When one recognises that these new facilities for 1 200 cars must service the new convention centre, the casino, the new hotel and the proposed office tower, as well as help with the vast overflow of cars that occurs when the theatres in the existing Festival Centre are in use, one can see that the new facilities will not in any way be able to cope with the demand. Many people, both patrons and some administrators in the arts, are expressing very serious concern about what will happen in the future.

Previously the overflow from the existing plaza car park has been able to get down to the lower ground level west of the theatres. Of course, that temporary car parking arrangement has been most unacceptable. The area is quite muddy and slushy. The parking was not organised well, and was almost impossible to organise well. Now, of course, one sees people still trying to get down along this temporary roadway when they cannot park in the plaza car park.

The huge demand for space, which will be occasioned in the complex that will comprise the casino, the new hotel, the convention centre and the new Government building just west of Parliament House, will not be satisfied in the facilities now under construction. In my view, it is up to the Government to come forward with some planning and express some view as to what the future will hold. There has been much talk of proposed car parking arrangements on the other side of King William Road in the Parade Ground car park, and also some talk from time to time of another underground parking station on the other side of King William Road across from the Festival Centre.

In my view, it either means the planning of some such facilities or a rather imaginative plan of bussing people from other established car parks in the city and taking them back, perhaps in smaller vehicles, after the performances are over. Of course, some of those car parking stations are not fully occupied at night. Unless the patrons of the theatres are provided with adequate parking, many will not attend functions. This presents the Government with a serious problem in relation to the funding of the centre. Presently the administration costs of running the Adelaide Festival Centre exceed $2 million annually. On top of that, in excess of $2 million is required for recurrent interest charges on the money that was borrowed to build the centre. The Government has an interest in optimising the amount of revenue that should come from those performances, but that revenue will drop off unless something serious is done about car parking facilities.

Criticism has emerged throughout the State in relation to the Government's taxation measures. I believe that this criticism is the strongest condemnation that one could expect in regard to any State Government's economic and taxation measures. This Government came to office in 1979 with solemn promises not to increase taxation or introduce any new taxes. Although the Government was re-elected in November 1982, in June 1982 State taxation per capita was the lowest of any State in Australia. Australian Bureau of Statistics figures since June 1982 show that taxation has risen by 50.2 per cent. That increase in taxation is the highest of any State and the highest in South Australia's history. That taxation was, in some respects, necessary because of the huge spending policies of the present Government during its term of office and of its failure to control waste and inefficiencies.

A classic example in recent times—small though it might be compared with the total expenditure of the State—is the North Adelaide swimming centre. A proposal was put forward, agreed to and approved at a cost of $4.2 million, but then it got completely out of hand. Recently it was stated that the estimate had reached $7.2 million. Only a week or two ago the figure of $7.8 million, and possibly $8 million, was announced by the Government as the final cost. One cannot expect anything but the most severe criticism from the public when examples such as that become evident.

When one looks at the amount of extra money that the Government has collected in tax over the two years, the figures are quite amazing. The Government has collected an extra $375 million—$114 million more in 1983-84 and $261 million more in 1984-85. The Government says—and

the Minister of Health mentions it from time to time in the Council—that it had to increase taxation and introduce new taxes to cover the inherited consolidated $60 million deficit.

However, when one looks at the extra tax collected one sees that the Government has collected more than six times that $60 million in the two budgets since it came to office. These brief but very important figures highlight the fact that the Government, because of its greatly increased and extremely high taxation, is deserving of severe criticism. In an effort to overcome this criticism, the Government, only a few weeks ago, answered by reducing the tax bill on South Australians by $40 million.

The $40 million compares, for example, with the $375 million extra tax—and I stress the words 'extra tax'—that the Government has collected over the past two years. If we narrow the question down to one simple example of this $40 million gimmick—because that is what it is interpreted as publicly—we have the question of the relief that ETSA is being given. The people have found that the increases in their electricity charges over these past two years have been astronomical, and they condemn the Government for those vast increases, but the Government has said, 'We will relieve ETSA from $11 million of the tax that we have been collecting from it and that in turn will allow ETSA to charge the consumers less.' That will, the Government says, allow ETSA to reduce the accounts to the consumers in this State.

When we look closely at this $11 million, we first must consider this tax that the Government imposes on ETSA. It was introduced by an early Dunstan Labor Government and is now running at 5 per cent. Last year, the amount of that tax that the Government collected from ETSA was $27 million. Incidentally, the largest annual amount collected by the previous Liberal Government under this heading was $14.8 million. In the past two budgets, the present Government has collected approximately $50 million under this heading.

Taking one year alone, the Government has taken $27 million in this tax and then it comes forward a few weeks ago and says, 'We will reduce that by $11 million and that is our answer to the much needed relief for the consumer.' I understand that the consumers' accounts will go down by about 2 per cent: it works out at about 20 cents a week relief for an average householder. It is an infinitesimal amount and is simply a matter of giving back money that the Government has already taken.

But that is not all: there is this question of the South Australian Financing Authority, which the present Government set up and the purpose of which was to rationalise loans through the Treasury to various departments and institutions throughout the State. ETSA was excluded from that authority's control. The interesting point is that, soon after this authority was set up, with the blessing of the Government it said that ETSA must pay higher rates for the Treasury loans that then existed. It said that ETSA had to pay a fee of .5 per cent because the loans were guaranteed by the Government, and the aggregate of these two unexpected charges, which ETSA had to find to go into the coffers of this authority, was $13.1 million extra.

Here we have a situation where ETSA certainly did not want to support any South Australian Financing Authority and where ETSA is not even under its control, but somehow or other the authority, with the blessing of the Government, had to increase its revenues and out of the blue slugged ETSA an extra $13.1 million. No wonder the electricity consumers of this State found vast increases in their charges! I come back now to the $11 million reduction, which was hailed as being a great concession by the Government within this $40 million tax concession package. We find that that $11 million does not even add up to the $13.1 million that was charged by the authority against ETSA.

Further, the Government now says that this $11 million concession is not a continuing annual concession, but is simply a one-off. What will happen next year, the electricity consumers are saying, heaven knows. If we take this $40 million that the Government has put forward as its tax concession package and if we remember its increased taxation over those past two years, despite a Government promise that there would not be any taxation increases or any new tax, and if we break up that $40 million and take only one part of it (namely, that $11 million electricity concession) and analyse that as I have done, we see how shallow the whole picture becomes. The people of this State are not hoodwinked by this concession at all and they know these facts as I have described them. It is not surprising to me to hear speaker after speaker, talking on this motion, refer to these taxation measures because these criticisms are being brought to the notice of members very strongly out in the community.

Therefore, in summary, the major reason for the Government's failure over these past 2½ years is that it did not apply proper business principles of reducing outgoings in difficult times, but increased taxation enormously. It broke a major promise, and that proved that it was not a Government of integrity and that it could not be trusted.

Its record on Roxby Downs is hypocritical. Its belated endeavour to win favour by the $40 million package of tax cuts is seen by the people as being a sweetener now that the election is almost on us. Its support for the federal Government's policies on the assets test and capital gains taxes and a tax equivalent to a death duty is causing the migrant communities, in particular, to lose confidence in the federal and South Australian Governments because they know that members of both Governments are all members of the one Australian Labor Party. Those people, whom I have a great deal to do with, fear their future. I also refer to the fact that the major arts exhibitions and performances from overseas are not coming to Adelaide, and this is being criticised by the South Australian patrons.

Therefore, it is little wonder that we have a rather gloomy picture from each of the speakers on this side of the Council in regard to the motion. However, I think there is every justification for this criticism, because the Government has certainly brought it on its own head. I support the motion.

The Hon. M.S. FELEPPA: From the outset I state that I am pleased and honoured to be able once again to respond to the speech of His Excellency the Governor, this time in a mood which is the most optimistic I have experienced since I have been a member of this Council. The Governor has quite rightly pointed out in his speech a number of general and specific areas of success for the Government. Some of these areas are of common concern and common interest to me and to the rest of the community, while others are perhaps of special interest to me. In all areas progress is clearly visible. The Government, without any reservation, deserves due recognition and praise.

I will briefly mention some of the areas of success, and I will comment at greater length on those areas which I consider will soon become important to any Government in power in this State. I begin by congratulating the Government, and in particular the Premier, on the skilful and balanced way in which the economy has been guided through the past few difficult years. It is no longer a matter of political rhetoric to compare our record with that of the financial and economic condition of our State at the end of the three years of the previous Liberal Government.

The juvenile experiment in the dismantling of Government services proved not only impossible to achieve but

ultimately detrimental to the very goal of the then Government, that is, to encourage more active participation by the private sector, a reduction in Government expenditure and as a consequence a more healthy balance in the State Treasury. As we all remember, none of these goals were successfully achieved. In political terms, one can sympathise with the Opposition for wishing that the opportunity to govern had never been presented to it in 1979. The ghost of the failure over the three years of Liberal Government still haunts not only the Opposition perhaps but all the citizens of this State.

In a spirit of bipartisanship and fairness, but without in any way detracting from the careful management of the Government, I point out that a number of positive factors also contributed to this turnaround. Among these we can count the breaking of the drought, a change of government in Canberra, and a more stable world economic situation. The Government should be congratulated on recognising those signs and using them to benefit our State. I also commend the Government for its progressive energy development policies.

South Australia is an energy rich State, but it is only in the past few years that Governments have recognised the vital role of energy resources in our industrial society and the absolute need to plan for their use, allowing for long leases for their development. The vexed question of the mining, processing, exporting, and finally the use of uranium will remain as a difficult and painful problem, in my humble view. The careful process chosen by the Government has none of the brashness of the Opposition, whose glib reliance on the ability to control this element seems to have little regard for the historically proven fact of the unreliability of human beings. Simply drafting treatises of conditions of use is no guarantee of safety. Giving this blind assent to the commitments of others seems to be beyond what most Christians are expected to accord in faith to their God.

In the light of these successes it was perhaps timely that the Government considered it opportune to alter the level of duties payable to the Treasury in order to reduce the burden on the people of South Australia. However, members should not think that my speech this afternoon will be no more than a tired reiteration of well deserved praise for the Government of South Australia. I wish to make more explicit and extensive mention of some areas which, although in some part already addressed by the Government, can be subject to further development.

One area of particular concern to me is the plight of many growers in the Riverland. As is well known by the Government and members of the Opposition, the Riverland has been the subject of much concern, study and direct funding for many years. The fruit industry, which was so successfully established so many years ago, has in the past decade in particular been subject to intense stress and economic pressure. The causes are not easily identifiable.

There are certainly quite a few, and some of them are completely outside the sphere of Government action; others pertain to Government responsibility; others fall within the responsibility of the industry itself; and in several instances the problems have been made more severe by individuals. Migrants in the Riverland, along with the rest of the farming community, have suffered the consequences. However, their plight has generally been more acute because of lack of knowledge of the industry, the lack of suitable contacts within the industry, inadequate understanding of the financial and marketing system, ignorance of legislation and the regulations governing the industry, lack of suitable advocates and advisers to provide expert advice and support, lack of resources to pursue their own rights, and even lack of resources and time to establish effective lobbying organisations.

As I said, the situation is not easy; indeed, it is very complex. As we all know, the Government has already contributed many millions of dollars to the Riverland to keep the industry afloat and to keep people in employment. It seems that in at least one area—the stone fruit area—the efforts of the Government are meeting with great success.

The cannery, one of the major local industries, seems poised to provide a welcome return to the participating growers and the Government. One important and commendable initiative must surely be the establishment of the Riverland Development Commission. I know that it is still early days for this body, but the very idea of an organisation charged with the responsibility of studying, planning and advising on development in the Riverland must be of encouragement to all those who for many years have been battling against so many odds.

It is hoped that the Riverland Development Commission will consider not only those primary economic factors that account for the material processed, the growing and marketing of the fruit, but also all the accompanying elements—human and sociological—as well as the infrastructure which ultimately can make or break an initiative in which human beings are involved.

This is of particular concern to me as a member who has tried to represent in this Council the needs of migrants. Their plight is coloured not only by economic factors but also by elements which other long time residents of this State have perhaps failed to notice or have taken for granted. In the Riverland about 95 per cent of migrants work or live on properties from which they derive their moderate income. It should be said that in the ups and downs of the Riverland they have been affected generally in a more negative way than has the rest of the population. Unfortunately, it is not a matter of an opinion formed on slight evidence but the fact that those with less power and those who have less success are also those most neglected in a free enterprise industry.

What must be realised is that laws and the provisions that were intended for our normal situation as defined by the mainstream of the population are not necessarily applied to the situation of migrants. From every point of view, the situation of migrants is never normal in this sense. Therefore, it is axiomatic that these provisions may not be adequate in relation to the needs of migrants. I refer to the provisions and regulations laid down by Government departments and legislation governing the various transactions which take place in the process of producing and selling the fruit. Some provisions that were intended to apply to the majority might be inadequate and ultimately unjust in regard to minorities. We all know that one of the rules of democracy is not only that it involves the rule of the majority but also that we must care for minorities.

Recent developments in the Riverland have forced me to become a little more specific on these issues. I have much contact with the farmers in the Riverland, and I have learnt that the position of many of them has now reached the critical stage. They feel that they are the victims of all those causes to which I have referred—and I emphasise that they feel that they are the victims. Whatever else we may say of the migrants in this country, we must recognise that they have come here with the good intentions of working and making an honourable living for themselves and their families so that they can look to the future confidently. In return, they expect a reasonable income for their labour. In recent years the returns have failed them with sad monotony and, as I have said, they feel that they are the victims.

Most of the ills that they have suffered are not all of their making. Caught in a spiral of lack of return, increasing

expenses and a lack of lobbying power, they go from one devastating blow to another. In these situations, whether the current protective and legislative measures are manifestly inadequate, it is absolutely necessary and legitimate to undertake specific actions. I suggest that this action can take the form of a review of the current laws, for example, those governing corporate transactions, or it can take the form of a review of those criteria which govern the allocation of relief measures, such as those already undertaken by the Department of Agriculture, the E & WS Department and ETSA.

It is now a well-known fact that a series of successive failures by a winery has left scores of families at the edge of penury and insolvency. It is also known that the principals of these concerns have got away unscathed by the failure of their companies. Growers who supply grapes to the companies and who subsequently fail to meet payments are astonished to think that in this country and in this State there are no laws that are capable of collaring the directors who in the event lose nothing and often possibly make profits.

To think that the law is what it is and that we cannot amend it to protect in a better manner individuals and minorities does not acknowledge either the problem or the frightening reality of the potential consequences. After all, where recurrent justice is fanned by failure to acknowledge and failure to take remedial action, society leaves itself open to having its laws perhaps disregarded. In this case, the growers are incensed that the winery can receive the grapes, promise payment, crush the grapes, go into receivership and still be held unaccountable to those who worked so hard to produce the grapes.

From my contact with the growers, I have heard a lot of complaints, and it has been suggested that one remedy for the situation would be to legislate so that the grapes, the juice or the wine remains the grower's property until it is sold. This would obviate the common occurrence of a winery going into liquidation before the wine is sold but subsequently using the wine to pay secured creditors, thus leaving the growers without a bargaining card. Instead, if the wine remained the grower's property until it was sold, in the case of liquidation of a company the grower would at least have the wine to bargain with.

Finally on this subject, the situation of many growers, especially migrant growers, is particularly pessimistic; and a fresh look at ways of meeting their needs is highly desirable.

I turn now to some of the initiatives alluded to by His Excellency in his speech in relation to the fields of health, education and welfare. It must be acknowledged that over the past 12 months South Australia has witnessed an unprecedented number of initiatives on behalf of the ethnic community. This move started with the review of the Ethnic Affairs Commission Act, which gave the commission more extensive powers. New positions were created within the commission and new part-time commissioners were appointed. I believe that due credit for such initiatives must be given to many people, including the Premier for his support, the Government for its commitment and the community for its willingness to accept the proposed policy.

One must also acknowledge the leading role played by my parliamentary colleague, the Hon. Mr Sumner, as Minister responsible for ethnic affairs. In a series of directives, speeches and interventions, the Minister set the directions and patterns of expectations. The three departments that responded in the first instance were the South Australian Health Commission, the Education Department and the Department for Community Welfare. It is my understanding that each of these departments is advanced in its plans to introduce measures that take into account the Government's multiculturalism policy and its practical implementation for mainstreaming.

I would like in particular to pay a tribute to the Minister of Community Welfare who, in the past, as you, Sir, and honourable members will recall has been subjected to my criticism and urging. The feedback now coming to me from various ethnic communities and officers of the department is certainly one of gratification for what has been done and what is planned. I believe that departmental staff deserve praise for the commitment with which they accepted the challenge and the ease with which they grasped the concepts and the courage with which they confronted the inevitable areas of conflict.

My words of praise are, in particular, directed to the new Director-General of the department, Ms Sue Vardon. Even to an outsider, it has now become clearly obvious that a new wave of initiatives, enthusiasm and energy has been injected into the department. Ms Vardon's understanding of and commitment to the principles and practice of multiculturalism make us truly fortunate to have her in our State. As I understand, plans for the implementation of multicultural welfare are well advanced. The department is spoken of among migrant circles nowadays as a model for that type of initiative.

I believe that the Health Commission and the Education Department are pursuing similar programs with equal energy. I am also aware, of course, that this is only a beginning and that time is an essential part of the process. I understand that changes in the initial stages must affect the most glaring deficiencies such as the ones that prevent migrants having access to some current services. In the feverish activity and enthusiasm of implementing this new program, one would be forgiven for maintaining a realistic perspective of what needs to be done and what can be done. However, it must also be kept in mind that the ultimate goal of the delivery of welfare in a multicultural society goes beyond ensuring access to current services. It includes achieving a balanced staff participation that comprises migrants in a proportion that is roughly equal to their presence in the community.

I know that the concept of targets and quotas has been, and is, highly devoted everywhere in the English speaking world—at least in the light of the equal employment opportunities programs. When all philosophising and talking is done, the question boils down to one of the sharing of power and an ability to influence the systems that govern us. If any program of equal employment opportunity exists that does not explicitly include participation at some proportionate level and at all levels of the organisation by minority groups it is limited, faulty and, at the best, in my humble opinion, a form of paternalism. However, there is another and more convincing reason for the argument of minority participation in Government departments and, in particular, for migrant participation: it is the need to rethink and review some of the basic concepts and philosophies underlying the services provided.

This is particularly relevant in the case of the Department for Community Welfare. The obvious historical reality is that the department is the product of an Anglo-Australian society and, as has often been stated, many migrants come from countries where welfare, as known by us, does not exist. Welfare and social needs are taken care of by other formal or informal structures. It is reasonable, then, to assume that the Department for Community Welfare does not reflect, either, the need of services delivered to ethnic communities. A large participation by migrants as members of the department will have the effect of challenging the policies and practices of that department.

I have said before that one should no longer be anxious about the timing of this process—it is overdue. The genuineness of the current commitment is sufficient proof that

in due time this aspect of multiculturalism will find an official voice in our community. In my opinion, the demand for a review of the ethos, the philosophy, the principles and the objectives of the Department for Community Welfare is an essential aspect of what we call mainstreaming. Any other definition excluding this aspect would run the risk of reducing mainstreaming to a very tricky and subtle form of assimilation—that is, reducing everybody to the same common denominator.

One does not have difficulty in identifying areas of discrepancy between migrant perception of welfare issues and the current perception of the department. In the past, honourable members will remember that I have outlined some of these differences even in this Chamber. These differences are now more widely acknowledged but, as yet, they are not resolved completely. Perhaps a topical example is the current publication by the department 'When can I . . .? Children, Young People and the Law in South Australia'. Under the age of 16 the question is put, 'What does the law say about leaving home?', and the following statement is made:

> There is no actual written law. The decision to leave home is a big step and obviously it is best if you can discuss this with your parents. Can you support yourself, have you got somewhere to live, can you manage your money?
>
> At 16 you can probably leave home without your parents' or guardians' consent, although in law you are in the custody, care and control of a parent or guardian until you are 18 (unless you are in care, a ward of the court or married).
>
> It is unlikely that the Children's Court will force you home against your wishes. However, the Minister of Community Welfare could take you into care if there is concern about your welfare and your ability to look after and maintain yourself.
>
> If you are having some problems at home, try to talk them out with the help of someone—for example at your nearest Department of Community Welfare office, see telephone book—'State Government'—or the Service to Youth Council, telephone 211 8466.

That pamphlet is expertly and neatly produced. The authors must surely be commended. Yet the answers to many of the questions could be subject to criticism by many of our ethnic communities. These people come from cultures where traditions and the law are vastly different. They support a vastly different approach to the nurturing of their children. Unless we wish to be guilty of believing that one cultural group—in this case, Anglo-Australians—is in possession of the final truth in this matter, we must then admit that this matter can be legitimately challenged.

There is no evidence that members of the Italian, Greek or Cambodian communities ill-treat their children any more than do members of the Anglo-Australian community. As a matter of fact, the truth is probably that there are fewer instances of child abuse in these communities. However, it is not the purpose of this speech to establish such a comparison, but I simply wish to make that point. I raise that point in order to sustain the thesis that these communities have the right to challenge the current manner of dealing with children, with child rearing and with the right to contribute to the development of a policy, practice and legislation that form the basis of the pamphlet to which I have just referred.

My final comment is in line with this trend of thought but tackles a matter which is and will become a matter of greater public discussion in the future—the question of law. The Governor in his speech alluded to the Criminal Law Consolidation Act and the crime of rape. Once more, I welcome the Government's intervention in a matter of such importance, but I wish to direct my comments to the more general question about legislating for a society with so many cultural and legal traditions. The issue has been canvassed previously by several writers, including eminent jurists, such as the Hon. Justice Michael Kirby of the New South Wales Court of Appeal and Justice Sir James Gobbo of the Victorian Supreme Court.

It has also been canvassed in many publications by private writers as well as by Government departments. The issue was canvassed at some length in the publication 'Multiculturalism for all Australians . . . Our developing nationhood, May 1982'. The writers opted for a forum where certain basic structures of society had to be accepted by all, irrespective of ethnic origin, and amongst these basic structures a common system of law was deemed necessary.

One must praise the brave efforts of these writers for tackling what must have appeared to be an insoluble problem and conflict. They must have sensed the difficulty of achieving satisfactory answers, since in the same pages they pointed out that, while their proposals could find implementation for the majority of ethnic communities, it seemed nonetheless to defy the needs of the Aboriginal community.

At this stage I would like to quote one or two paragraphs at pages 15 and 16 of that publication, as follows:

> Multiculturalism must be based on support for a common core of institutions, rights and obligations if group differences are to be reconciled. Except for adaptations of tribal law that may be applicable to some groups of Aboriginals, a socially cohesive Australia requires a legal framework that has one set of provisions applying equally to all members of society, regardless of their origin. The strength of Australia's central institutions is the foundation necessary for a superstructure of diverse ethnic groups. Thus every Australian must face the fact that there is an established basis to society, which provides its dominant features and is critical to its functioning. Much of this basis has been derived from England; our language, judicial system and parliamentary institutions are English in form, though now with a strong Australian flavour.

That paper was published in May 1982 and was subsequent to every paper in this country and the conferences in the different States. Important among these writings is the contribution by the Australian Law Reform Commission, which pointed out that migrants suffered discrimination not only on the basis of a personal bias by the administrators of justice but because of the very nature of the structure of the laws and the justice system.

In other words, the finger was pointed at the structured administration—a phenomenon which is not only unfortunately in Australia but in most countries of the world. I would now like to quote from pages 3 and 5 of that report, as follows:

> . . . one submission presented to the New South Wales Law Reform Commission entitled 'The Legal Basis of a Multicultural Society', argued that 'Australia's present legal system does not allow for a multicultural society and that no real progress towards it can be made until the legal system is adapted for such a society.'

The paper continues:

> . . . some immigrants, especially those new to Australia, may behave in ways which, while traditionally acceptable in the country of origin, are less acceptable, either socially or legally, in Australia.

Fortunately, the solution does not seem to be as desperately beyond our grasp as it may appear. Indeed, I find it fascinating that the first changes in the areas of substantive law took place long before any discussion was made universal in Australia. The Fifth Report of the Commissioner for Community Relations (1980 report) points to how the concept of the 'ordinary man' as traditionally understood was successfully challenged in Melbourne in 1976. Page 38 of the report states:

> A recent test of the concept of the 'ordinary man' occurred . . . where the test of what was an Anglo-Saxon 'ordinary man' was applied in the case of . . . and his conduct in relation to a homicide. Amongst other things the Australian wife referred to her husband as a 'black bastard'. By what standard was the reaction to this epithet to be tested—by that of the native-born Anglo-Australian or that of a Northern . . . or a Southern . . . or by any of these when allied to marriage with an Anglo-Australian woman?
>
> In this case the 'reasonable' or 'ordinary man' test was criticised by Mr Justice Lionel Murphy of the High Court of Australia. In a strong dissenting judgment, he pointed out that the adoption

of the single 'ordinary man' concept for a society of 140 different backgrounds was not satisfactory. His comment was as follows:

> The objective test is not suitable even for a superficially homogeneous society, and the more heterogeneous our society becomes, the more inappropriate the test is. Behaviour is influenced by age, sex, ethnic origin, climatic and other living conditions . . . education, occupation and, above all, individual differences. It is impossible to construct a model of a reasonable or ordinary South Australian for the purpose of assessing emotional flashpoint loss of self-control and capacity to kill under particular circumstances.

The new understanding of the concept of the 'ordinary man' has now become almost universal practice in law courts in Australia. One may also point to some of the most unlikely sources of support for a 'continentalisation' of our law and a movement away from the traditional common law procedures. In an address to a symposium on 'Policing in the 80s' held in Melbourne in 1980, the Chief Commissioner of the Victorian Police Department (Mr S.I. Miller) stated:

> The criminal justice system in Victoria is not very efficient. If an accused person elects to stand trial, he has about a 50/50 chance of being convicted or acquitted. A trial system, incorporating checks and controls, which results in this ratio of convictions and acquittals, demands to be examined critically.
>
> The present system of trial by jury is little more than a charade in which the ritual seems to be more important than the result. Majority verdicts should be introduced, as is the case in England, South Australia, Western Australia, Tasmania and elsewhere, in the hope of reducing the likelihood of 'hung' juries and reducing the backlog of trials. As an alternative to the jury system, consideration should be given to aspects of the continental inquisitorial system. The criminal justice system should be involved in a search for truth, rather than a search for the proof.

It is refreshing to find a Commissioner of Police recommending that legislators, jurists and people involved in the law should seek further afield than the traditional sources of our comparisons. I suspect that one reason for the backward state of discussion of the role of law in a multicultural society is the relative ignorance by these people of the legal systems of other countries. However, those who have had the good fortune to study law in other countries of origin possibly can discuss knowledgeably and sensibly any comparative approaches.

The recommendation to the Government is not that it sets out on a major review of the law in the light of other systems of law but, instead, that it becomes more aware of the absolute necessity to consider this issue. I believe that at some time in the future this question will be thrust upon us, as legislators, with a great deal of force.

At the beginning of my speech I referred to the consequences of the policy of multiculturalism in regard to the philosophy underlying welfare. The same argument can be mounted for the whole principle of justice and its structures. Ultimately, a multicultural society is defined by two main principles: first, the principle which assures equal participation of all groups, including minority communities; secondly, that the formal structures of society must take into account the traditions and desires of all groups. Practical ways in which the Government could further assist this process of rethinking our social structure would be by extending study scholarships and the exchange of personnel with countries of origins of our migrants. The task may seem impossible. In actual fact, as already shown in some examples quoted, this process is in part already in train.

Perhaps one must guard from the need to pre-empt the natural progress of development of a society like the one in this country. Indeed, the real problem with the law faced by Australia is not so much the need to accommodate the cultures of the non-Anglo-Australian migrants, but the strident need to accommodate the cultural needs of the Aborigines. As I said, the task may be difficult, but it is not impossible.

One is perhaps reminded of the famous knot of ancient Greek mythology—the leader who was able to undo it was promised the rule of the world. Many aspiring leaders tried their wits at it, but all failed to undo it. When it was the turn of Alexander, son of Philip of Macedonia, with one quick feat of courage he took his sword and cut right through the knot. History, ever since, has called him 'the Great'.

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

AUSTRALIAN FORMULA ONE GRAND PRIX ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 14 August. Page 251.)

The Hon. K.T. GRIFFIN: The Opposition has made it clear on a number of occasions that it supports the holding of the Grand Prix in Adelaide and has not at any stage criticised the holding of that Grand Prix: in fact, it has given every encouragement to the Government and to the Australian Formula One Grand Prix Board to ensure that it is a success for all South Australians.

We have on occasions raised questions about the way in which the Government has entered into transactions relating to the Grand Prix on the basis that we are anxious to establish what has been agreed between the Government, (either itself or through its board) and entrepreneurs, and what has not, and the terms and conditions on which those agreements have been reached. In respect of sponsorship, for example, last week I received an answer to a question on notice that indicated that the agreement with Mitsubishi for major sponsorship had not yet been concluded and that a number of matters were still subject to negotiation, notwithstanding that about a month ago the conclusion of an agreement had been announced by the Premier in Tokyo.

There are some criticisms of the Bill before us, and I will identify those. However, we support the second reading of this Bill. The attitude of the Opposition in Committee and to the third reading of the Bill will depend very much on the Government's response to the real issues that I raise—issues of principle affected by this Bill.

Last week, prior to the Attorney-General leaving for overseas, I had some brief discussions with him, as a result of which he indicated that I was at liberty to talk with an officer of his department in the Crown Solicitor's Office, to put particular points of view. In the hope that there can be a clearer identification of the problems with this Bill, I have had some discussions with an officer of the Crown Solicitor's Office on the basis that that officer was not able to bind the Government and that I, too, was not to be bound by any discussions that had occurred, but that we were genuinely endeavouring to explore the areas of difficulty with a view to resolving them when they were aired in the Council during the Committee stage.

It is important to recognise that the Australian Formula One Grand Prix Act 1984 was in the Parliament at the end of last year and was the subject of extensive debate, particularly in relation to the representation on the board, especially from the Kensington and Norwood council, but more particularly in relation to the area that was to be declared for the purposes of the Act as the motor racing circuit and the period for which that area was to be declared. This was particularly in reference to the extent to which citizens in the areas adjoining the Grand Prix circuit would be inconvenienced by road closures, and in relation to the suspension of the operation of particular Statutes: the Road Traffic Act, the Motor Vehicles Act, the Noise Control Act, the Places of Public Entertainment Act and any regulations or

by-laws made under the Local Government Act. Also, the provisions of the Planning Act and the City of Adelaide Development Control Act were stated not to apply. We explored in detail some of the implications of the powers that the Government was proposing to exercise in accordance with that Act.

One of the areas referred to in the legislation is specifically the powers and functions of the Australian Formula One Grand Prix Board. Section 10 (2) *(h)* prescribes that in the course of performing its functions the board may:

restrict, control and make charges for the use of the official title and official symbol for any Australian Formula One Grand Prix promoted by the board.

This Act in that respect differs markedly from the South Australia Jubilee 150 Board Act, which specifically identifies the logo in the schedule to the Act and in relation to a graphic standards manual.

The South Australia Jubilee 150 Board Act makes the official logo or symbol of the Jubilee 150 Board clear to all the community and provides protections for that symbol: the Australian Formula One Grand Prix Act 1984 does not do that, but merely refers to the power of the board to restrict, control and make charges for the use of the official title and official symbol for any Australian Formula One Grand Prix promoted by the board.

It does not indicate what that official title and symbol will be. It is left very much to the determination of the board, and there is no requirement for that to be published in the *Government Gazette* or in other way publicised. So, the public is not officially aware of what that official title and symbol may be. We know, however, that the board has developed a logo and I have no doubt that it has copyright in that logo and that it is likely to be protected under the federal Trade Marks Act.

The other difficulty with the principal Act is that the board is entitled to grant certain licences and to make certain restrictions, but there is no published list of applications for licences, licences that have been granted, to whom they have been granted and on what terms and conditions. If there were some public notification, the community at large would rest more easily and be more comfortable with the licensing requirements of the board, but there is no established mechanism publicly available for making applications for licences. In fact, as I understand it, licence applications are made to Sydney and a Sydney company makes the decision as to what will or will not be granted.

As I have indicated, there is no form publicly available and no public notice available as to the terms and conditions of licences and to whom they have been granted. I ask the Minister, at some time during the course of the debate, to indicate to me what licences have been granted, in respect of what products, and the terms and conditions of those licences.

There is a problem because a number of businesses after taking advice have been informed that they are able to use a number of symbols—not the official logo—in a variety of words to refer to the Grand Prix to be held in Adelaide in November. As a result of that advice, they have printed T-shirts, windcheaters and a variety of other souvenirs which they have now delivered to many retail outlets around the metropolitan area of Adelaide. All of those products are presently legally available. The difficulty is that the Grand Prix Board, through the Crown Solicitor, has been threatening the retailers to the extent that the retailers have raised questions with the manufacturers. The manufacturers' businesses have been severely prejudiced as a result of this activity.

There has even been a report to me, which I am still checking, that a member of Parliament on Saturday morning entered a small shop in the Colonnades at Noarlunga and, seeing products on the shelves with various symbols relating to the Grand Prix (not the official symbol), ordered the shopkeeper to remove the items from the shelves because they were contrary to the legislation before Parliament. The Crown Solicitor, on behalf of the board and the Government, has been writing to retail outlets along the same lines. I refer to a letter forwarded to various retail outlets and dated 15 August 1985, as follows:

Re: Unauthorised Products Misrepresenting Association with the Australian Formula One Grand Prix

I act for the Australian Formula One Grand Prix Board, the promoter of the Australian Formula One Grand Prix which is to be held at Adelaide on 3 November 1985.

The board, pursuant to certain international agreements, and in conjunction with the Federation of International Auto Sports, the Federation Internationale Du Sport Automobile, Formula One Constructors Association and the Confederation of Australian Motor Sport, is the duly authorised promoter of the Adelaide event, which is one of a series of Formula One Grand Prix motor races also known as 'Grand Prix' conducted throughout the world which constitute the Federation Internationale Du Automobile Formula One World Championship.

'Grand Prix' motor races have been staged throughout the world for many years and the name and reputation of such events are well known to the Australian public. The reputation in the name 'Grand Prix' and 'Formula One' and the events associated with it in the public mind reside in the board and the international and national sporting organisations mentioned above. These organisations have assigned their rights in respect of the goodwill in the name 'Grand Prix' and 'Australian Formula One Grand Prix' to the board.

Apart from the common law reputation mentioned above, the board is the applicant for the registration of a number of trade marks for the above words. In addition, the board is the copyright owner of the logo for the Australian Formula One Grand Prix, the chequered flag device.

The board has issued licences authorising manufacturers to reproduce the name and logo of the Grand Prix and related names and events on a large range of goods. Merchandise made in accordance with such licences has been sold extensively in South Australia and throughout Australia.

The attention of the board has recently been drawn to the sale by you of products using one or more of these words or logo without the authorisation of the board.

Your unauthorised conduct constitutes the tort of passing off and is in breach of sections 52 and 53 of the Trade Practices Act in that it is misleading and deceptive conduct and is a false representation.

The board has exercised strict quality control over products made under licence and has ensured that any unauthorised use of the words or logo has been restrained so as to protect its rights in respect of staging the event and, in particular, the revenue which may be obtained by the board from the licences referred to above and thus enable the event to be staged on a sound financial basis for the benefit of the people of South Australia.

The board assumes that your organisation was unaware of these matters and has acted in good faith. However, having drawn these matters to your attention, I have been instructed to seek from you a written undertaking that your organisation, its servants and agents will forthwith refrain from manufacturing, selling or distributing any products which carry with them, or use, or refer to the words and/or logo described herein, or in any manner whatsoever, either directly or by implication refer to the event.

The board requires you to furnish this written undertaking to me no later than 14 days from the date herein. Should you fail to supply the undertaking within the time specified, or having failed to honour it, I have been instructed to institute proceedings in the Federal Court of Australia seeking injunctions restraining you from continuing with the unauthorised conduct, damages and/or an accounting of profits.

I take the opportunity to point out that a Bill to amend the Australian Formula One Grand Prix Act 1984 is presently before Parliament. When passed, this amendment will make the sale of items such as those referred to above an offence, carrying with it a maximum fine of $15 000.

I also have a report that last week an officer from the office of the Australian Formula One Grand Prix attended at a retail outlet within the city and threatened a storekeeper. He said that if certain products were not removed from the shelves there would be a prosecution resulting in a maximum fine of $15 000. That action pre-empts Parliament.

It is a matter of some concern to me that that sort of action is being taken against people who have used their

own initiative, have acted within the law and are being threatened with dire consequences if they seek to exercise their legal rights. In the letter to which I have just referred there is reference to action under sections 52 and 53 of the Trade Practices Act in respect of conduct alleged to be misleading and deceptive and which is a false representation. I suggest that that is nonsense. There is no basis under the Trade Practices Act whereby the Government or the Australian Formula One Grand Prix Board can establish a right of action under sections 52 and 53 in relation to names such as 'Grand Prix' and 'Formula One'.

The Minister's second reading explanation refers to application having been made by the board for registration, presumably as trade marks, of the words 'Australian Formula One Grand Prix', 'Grand Prix' and the board's logo, the chequered flag device, as trade marks. The second reading explanation states:

> There is considerable doubt as to the success of these applications and, even if eventually successful, registration will not be granted for many months—perhaps years.

There is no difficulty at all with the board's logo. It would have copyright in it and if anyone sought to use it without consent certain action could be taken.

I suggest most strongly that the board has no proprietary rights in the words 'Grand Prix' or for that matter in 'Australian Formula One Grand Prix' (although that is more doubtful), and no rights in respect of the chequered flag. The chequered flag has been in use at motor races alone for many years. The words 'Grand Prix' are words of common usage. The fact is that under the Trade Marks Act there is no way that either the chequered flag device or the words 'Grand Prix' could be the subject of a successful application for registration. The Trade Marks Act will only allow registration of a name or description which is original and which is not something in common use. I suggest that to use the threat of sections 52 and 53 of the Trade Practices Act in relation to the use of the words 'Grand Prix' and the chequered flag is quite irresponsible.

The other problem in regard to the words 'Grand Prix' is that they attach to a variety of products that have been on the market for many years, such as Dinky toys, sandshoes, jogging shoes, tennis racquets, bicycles, sweat shirts, and a variety of other products described by the words 'Grand Prix'. I think that honourable members will recognise that the words 'Grand Prix' have been used not only in relation to motor car races but also to motorcycle races, bicycle races, tennis tournaments and a variety of activities over the past decade. In fact, if members cast their minds back to only last week, they will recall that in the *News* of 14 August 1985, under the heading 'Supercross coming for Expo', an article stated:

> Adelaide has never seen anything like it. Twenty-four top motorcycle riders battling for $30 000 prize money in a floodlit motorised steeplechase. This is Supercross—and it's coming to town as part of the *News*-sponsored Grand Prix Down Under Expo.

The *Australian* of 13 August, by coincidence, carried an article under the headline 'Builder raps fragile ocean racing designs'. A Stephen Ward who built the winning America's Cup yacht *Australia 2* is reported to have said that all the Grand Prix ocean racing yachts being designed to the IRO rule were too light and fragile to withstand a storm. So, the words 'Grand Prix are being used in relation to ocean racing yachts. Those words are in common usage and, if the Government intends to protect the words 'Grand Prix', I suggest that that protection is misconceived and would have an impact far outweighing the disadvantage that comes from not seeking to secure the words by legislation. In fact, the legislation would be going further than any other piece of trademark, trade practice, or business names legislation presently allows.

An article in the *Sunday Mail* of 18 August headed 'Prix logo pirates risk legal action' outlines essentially the sorts of things referred to in the second reading explanation. It was stated that it was unfair for other companies to use the logo without paying the required fees. Certainly, the Opposition is not suggesting that there should not be protection for the logo, and it is unfair and in fact a breach of the law if people in the community use that logo without the consent of the Australian Grand Prix Board. The article referred to Dr Hemmerling, the Director of the Grand Prix office, and stated:

> Dr Hemmerling said the companies that had come to an official arrangement were looking for protection from pirate products already flooding the market. 'Every day someone turns up some product or other bearing the name of the race or some derivation of the logo, or even just a chequered flag in conjunction with the name,' he said. As often as not, we find the manufacturer isn't licensed.
>
> Dr Hemmerling said legislative amendments to empower police to take action were currently before State Parliament. Dr Hemmerling said he understood South Australian businesses wanting to enjoy a share of the benefits of the Formula One Grand Prix coming to Adelaide, but he stressed this must be done through the established channels of licensing agreement . . . Dr Hemmerling said a list was being kept at the Australian Grand Prix Office of unlicensed manufacturers, and these firms would be subjected to the processes of the law if they still had unlicensed goods on the market after the amendments were passed through Parliament.

Manufacturers have been in touch with me objecting to the description 'pirate products', because they are not pirating anything. The official logo of the Grand Prix is not being used. They are printing T-shirts that refer to the Grand Prix, but they are not pirating products. It is perfectly legal.

The other thing to which retailers and manufacturers have objected is the threat that their names are being kept and that they will be prosecuted if they have unlicensed goods on the market after these amendments are passed by Parliament. I suggest that it is quite presumptuous to assume that the Bill will be passed in the form in which it was introduced. It is a gross contempt of Parliament to threaten action on a basis of what has not even been passed by the Parliament. That may be a misquote. I know Dr Hemmerling and he is quite a competent and pleasant officer but, if what is reported is correct, I would take considerable exception to it.

It also indicates that what is presently legal will become illegal when the Bill passes, and those who have on hand for sale goods that are presently legally manufactured and available for sale will be prevented from selling them. Even if they are not prevented from selling them to the extent that consent is given so that they can be sold, what sort of licence fees will be required? That is retrospective legislation in effect, and I would be most concerned if this Council decided that it would pass this Bill without giving detailed consideration to the way in which those manufacturers and retailers can be protected, at least in respect of the goods which they presently have and which have been prepared quite legally.

The consequences of proscribing the words 'Grand Prix' are quite horrendous. Even if, for example, the *Advertiser* on the day of the Grand Prix published a special Grand Prix edition, if it did not have the consent of the board, that would be illegal. If a service club such as the Rotary Club held a Rotary Grand Prix barbecue, even that would be proscribed and consent would have to be obtained.

The Hon. M.B. Cameron: They will be very busy.

The Hon. K.T. GRIFFIN: Of course, it will generate a considerable amount of work and will require a large bureaucracy. The point I seek to establish is that no-one should have the property rights in words such as 'Grand Prix'. If there is to be control in that regard, we are taking to ridiculous proportions the extent to which the Government is seeking to control all the activities associated with this Grand Prix.

I refer briefly to several other aspects. First, in a press release of 26 May 1985 the then Minister of Labour, announcing trading hours for Grand Prix week, said:

> We want to ensure that they—
>
> that is, the shopkeepers, restaurateurs and others—
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> have adequate access to all retail outlets—
>
> that is, the people who are coming—
> and, of course, we want to make sure that the State reaps as much commercial benefit from the estimated influx of visitors as possible.

That is just what the entrepreneurs are doing at present quite legally. They have taken up an opportunity, and they are printing T-shirts, sweat shirts, and so on, quite legally without infringing copyright or official logos or titles, and they have these things ready to sell. Now we find that, without consultation with the retail industry or any other groups, there is an attempt to proscribe words in common usage.

The Bill defines the official Grand Prix insignia as the 'Australian Formula One Grand Prix'. I do not suppose that anyone can really quarrel with that name being the property of the board—the logo adopted by the board as its official logo. We do not know what that logo is, legally. If there is to be an official logo it ought to be mentioned in the Act in much the same way as the Jubilee 150 Act deals with the Jubilee 150 logo.

It then goes on to include any symbol, emblem or expression being a symbol, emblem or expression that could reasonably be taken to refer to the Australian Formula One Grand Prix declared by regulation to be official Grand Prix insignia for the purposes of this Act. The correspondence to which I have referred suggests that it is the words 'Formula One Grand Prix', 'Formula One' and 'Grand Prix'. However, there is nothing in the second reading explanation that clearly identifies what sorts of expression are to be dealt with by regulation.

We all know that the only way for Parliament to be involved in any decision on that matter is to move to disallow a regulation, if the Parliament is sitting. However, it is possible that when these regulations come in the Parliament will not be sitting. It may be that such regulations are also part of other regulations that are important. One cannot disallow part: one can only disallow the whole, which makes it very difficult when one is seeking to focus upon a particular aspect of the regulations. If there are to be expressions other than those specifically referred to, they ought to be included in the Bill.

There is a provision in clause 3 for consent to be given by the board for the use of the official Grand Prix insignia: it can be subject to or without conditions. The curious aspect of the clause is that that consent can be revoked by notice in the *Government Gazette*. It does not matter whether or not the conditions have been complied with: there is power to revoke that consent. My view is that there ought not be a revocation of consent unless there is a breach of the conditions attaching to that consent.

That clause also refers to a right of the Supreme Court or a local court of full jurisdiction to grant an injunction to restrain a breach of the section. I do not support the idea of a local court of full jurisdiction having that right.

The granting of an injunction can have a quite dramatic impact upon the subject of an injunction. It can cause tens of thousands, even hundreds of thousands, of dollars worth of damage if wrongly granted. I believe that the right ought to remain with the Supreme Court, which has traditionally been the only court with the power to grant an injunction.

There is also a power for the Police Force to seize certain goods to which the official insignia is attached. If there is no prosecution within three months, or if there is a prosecution and the defendant is not convicted, the goods can be returned.

I believe that there ought to be an additional deterrent to wrongful seizure—that is, that the court ought to be able to grant compensation to a retailer or manufacturer for the wrongful seizure of goods. Otherwise, the whole business activity of a particular entrepreneur can be wrecked by the seizure of all his product with that person having no recourse except to defend a prosecution. I believe strongly, as a matter of principle, that there ought to be a power in a court to grant compensation.

I make two other observations: one relates to the Federal Constitution. I do not raise this matter as a basis upon which any particular action ought to be taken at present. However, there is a very reasonable argument that, because the Commonwealth has acted to cover the field in respect of trademarks, this legislation, which in fact seeks to do the same sort of thing, might be ruled to be unconstitutional. I only raise this point because I think that it is a matter that the Crown Solicitor might wish to consider. I do not place any great emphasis on that point.

The other problem is that, if licences are not granted for even the official logo, there will be a move by manufacturers or retailers to have these goods made in States other than South Australia. That would be a great pity for the South Australian business community. Those goods could then be brought into South Australia.

There is an argument about whether or not they could be sold, but I believe that, under section 92 of the Australian Constitution, these goods having been manufactured outside South Australia and brought into this State, this Bill would be ruled to be unconstitutional if any attempt were made to prevent the sale of those goods. So, it is a real problem.

We must try to get the matter right and we must be reasonable in the sorts of descriptions that we seek to proscribe as a Parliament, recognising that the whole community wants to be part of the Grand Prix and that reasonable promotion of the Grand Prix and reasonable use of the words relating to it other than the official logo and the official title ought to be available to any member of the community. Licences ought to be fairly freely granted for the official logo and the official name and title of the Australian Formula One Grand Prix.

We do not want to limit the granting of licences to one per product. That is not competition—that is a fairly cosy in-house arrangement. We do not want just one T-shirt manufacturer to have the rights in relation to the printing of T-shirts. If there are a couple of manufacturers why not have a bit of competition? The same applies to a variety of products.

The Hon. Peter Dunn: That will be the effect.

The Hon. K.T. GRIFFIN: That will be the effect, if the way in which it is now proposed to amend the legislation is the proposition that passes the Parliament.

Matters of considerable principle are involved here. The Opposition supports the second reading of the Bill for the purpose of getting it into Committee so that we can ascertain what sorts of proposition the Government seeks to proscribe and so that we can then give further consideration to our attitude to the legislation. As the legislation is drawn at present it is indefinite, does not give adequate information to the Parliament and effectively acts retrospectively, which will have quite disastrous effects to the extent of hundreds of thousands of dollars upon small businesses in South Australia that are presently acting legally. That is what I emphasise—they are presently acting legally. For those reasons, I support the second reading.

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

ADJOURNMENT

At 5.43 p.m. the Council adjourned until Wednesday 21 August at 2.15 p.m.