HOUSE OF ASSEMBLY

Thursday 27 November 1980

The SPEAKER (Hon. B. C. Eastick) took the Chair at 2 p.m. and read prayers.

PETITIONS: PROSTITUTION

Petitions signed by 244 residents of South Australia praying that the House urge the Government to strengthen existing laws against the prostitution trade, reject any proposal to legalise the trade, and request the Commonwealth Government to sign the United Nations convention on prostitution were presented by the Hons. Jennifer Adamson and E. R. Goldsworthy, and Messrs. Millhouse, Russack, Schmidt, and Trainer.

Petitions received.

PETITIONS: TEACHERS

A petition signed by 27 members and parents of Saint Raphael's School, Parkside, praying that the House urge the Government to take all possible steps to prevent the erosion in numbers of seconded teachers and support services in the Education Department was presented by the Hon. H. Allison.

A petition signed by 51 teacher-librarians praying that the House urge the Government to take all possible steps to prevent the erosion in numbers of seconded teachers and support services in the Education Department was presented by Dr. Billard.

Petitions received.

PETITION: I.M.V.S.

A petition signed by 40 residents of South Australia praying that the House urge the Government to re-establish the Environmental Mutagen Testing Unit, to reinstate Dr. J. Coulter to his previous position, and instigate an inquiry into the administration of the Institute of Medical and Veterinary Science was presented by Mr. Hemmings.

Petition received.

QUESTIONS

The SPEAKER: I direct that the written answer to a question as detailed in the schedule I now table be distributed and printed in *Hansard*.

DINGOES

In reply to **Mr. LEWIS** (23 October).

The Hon. W. E. CHAPMAN: Following a question to Hon. P. B. Arnold, Minister of Lands, representing the Minister of Agriculture, concerning the "Dingoes for Pets Scheme" in Victoria, I am pleased to provide the honourable member with the following response.

The Minister has seen the newspaper report of the Victorian proposal to allow dingoes to be kept as pets, and he subsequently contacted the Victorian Minister of Agriculture, expressing the concern of primary producer organisations and himself, pointing out the move was contrary to a resolution of the Australian Agricultural Council. Further, he asked my colleague, the Minister of Lands, to add his concern by contacting the Victorian Minister of Lands, who administers that State's Vermin and Noxious Weeds Act.

The Minister had also seen a copy of the petition of landholders from the area adjacent to the Ngarket Conservation Park and that it has been addressed to the Minister of Environment. He is being kept informed of the situation by the Vertebrate Pests Control Authority, which provides a member to, and finance for, the Box Flat Dingo Control Committee.

Victorian Government agencies, namely, the National Parks Service and the Vermin and Noxious Weeds Destruction Board, do not accept that dogs in their State adjacent to Ngarket Conservation Park are dingoes, and they are carrying out a vigorous trapping and poisoning programme aimed at eradicating the dogs throughout their wilderness areas.

MINISTERIAL STATEMENT: SHOP TRADING HOURS

The Hon. D. C. BROWN (Minister of Industrial Affairs): I seek leave to make a statement.

Leave granted.

The Hon. D. C. BROWN: In August of this year several regional chambers of commerce representing shopkeepers in country towns which are situated within country shopping districts were asked to nominate in writing the night or nights on which they would prefer to have late night shopping in the week preceding Christmas. The majority nominated Christmas eve whilst two nominated 23 December. These requests have all been approved.

Since those letters were received, the Government has proclaimed Friday 26 December as a public holiday. The effect of this was that shop employees would not work on Thursday 25 December (Christmas Day) and Friday 26 December (proclaimed public holiday) but would have had to return to work on Saturday morning, 27 December. The Retail Traders Association and the Shop Distributive and Allied Employees Association sought to have shops closed on Saturday morning, 27 December so that shopkeepers and shop assistants could have a four-day break over Christmas.

Cabinet considered this and approved of shops other than exempt shops and petrol stations in the central and metropolitan area being closed on Saturday 27 December. As Minister, I am prepared to give a similar concession to shops in country shopping districts if immediate application is made to me. Of course, that would need the approval of Executive Council. To enable me to arrange for the necessary proclamation to be issued, applications should have to reach me by Tuesday 2 December.

In lieu of any applications in regard to proclaimed shopping districts in country areas, all shops in these areas will be able to trade on Saturday 27 December 1980, if they so wish. It may well be that in recognised tourist areas shopkeepers will prefer to remain open on Saturday morning to service holiday-makers in these areas.

MINISTERIAL STATEMENT: MINISTER OF AGRICULTURE

The Hon. D. C. BROWN (Acting Minister of Agriculture): I seek leave to make a statement.

Leave granted.

The Hon. D. C. BROWN: Yesterday, as Acting Minister of Agriculture, I made a Ministerial statement in this House regarding allegations made by the former Minister

of Agriculture, the Hon. Brian Chatterton, in another place against the Minister of Agriculture, who is overseas.

As I said yesterday, these allegations are completely without foundation. However, in making these allegations, the honourable member in another place quoted from a personal hand-written letter and also from a Government minute.

It is of more than passing interest to this House how the honourable member should have obtained copies of these two documents and also copies of other documents which he may have in his possession. The file, which is a personal working file of the Minister, contains both the original letter from which the honourable member quoted and the original minute, and is usually locked in the Minister of Agriculture's office safe.

An honourable member: Ah, the plot thickens.

The Hon. D. C. BROWN: Yes, ah!

Members interjecting:

The SPEAKER: Order!

The Hon. D. C. BROWN: Only four of the Minister's current staff know the combination to this safe, although there may be other people who also know the combination because it was not changed after last year's election. I stress that the file from which material was taken is a personal working file.

Mr. MILLHOUSE: I rise on a point of order, Mr. Speaker. In accordance with the arrangement that we have, I have been supplied with a copy of this statement, and I appreciate that the Minister has on this occasion kept the arrangement. I have read through the statement, and there are very grave implications of dishonesty here. I raise a point of order as to whether it is proper for a Minister in a Ministerial statement in this House so to reflect, even by implication, on a member in another place.

The SPEAKER: I do not uphold the point of order. I make the point to the honourable member that the Minister has not yet concluded the remarks for which he has received leave. It is of quite important moment to this House that any person making a statement, whether by way of Ministerial statement or by way of address in debate, must be prepared to stand by the veracity of the statements that he makes. That has always been the position in respect of matters in this House and I do not intend to prevent the Minister from continuing to make a statement which is not in the possession of all members of the House.

The Hon. D. C. BROWN: Thank you, Mr. Speaker. Continuing my statement, I stress that the file from which material was taken is a personal working file of the honourable Minister of Agriculture, and when not in his possession is locked in this safe in his office.

As honourable members know, the material quoted by the honourable member in another place has not embarrassed the Government nor substantiated the allegations, but the existence of such copies has raised the much more important issue of the security of Ministerial documents, no matter what their content. This morning, therefore, I asked the police to investigate the matter of security in the Minister of Agriculture's offices as a matter of urgency.

BELLS

The SPEAKER: Order! Before calling on questions I advise members of the House that it has been drawn to my attention that some of the bells summoning members to the Chamber are not currently functional. Every endeavour is being made to correct that situation as quickly as possible, but in the interim I would suggest to all members that they keep their ears open for the purpose of answering the call for any quorum or any division.

QUESTION TIME

INVESTMENT PROJECTS

The Hon. J. D. WRIGHT: Has the Premier seen the official September 1980 survey conducted for the Department of Housing and Construction released this week which shows that of 56 billion dollars in national investment projects, this State's share is 3·9 per cent, or half of the 7·8 per cent share of a year ago. Does the Premier agree that the survey's findings further expose Liberal Party propaganda about the South Australian economy, and are added confirmation that economic conditions in this State have deteriorated in 1980 compared with 1979.

The release of the official survey by John Jackson and Associates for the Department of Housing and Construction coincides with a disturbing report of the ANZ Bank on South Australia, which was made available only recently. The Premier has quoted a range of investment figures over the last year or so, starting with the claim that South Australia was getting only 2 per cent of the national investment in 1979. This grossly misleading figure was repeated again as recently as yesterday. In reply to the member for Todd on 5 November the Premier ignored the Australian sourced investment and claimed a 6 800 per cent increase in investment in South Australia. I would appreciate the Premier's explanation to my question.

The Hon. D. O. TONKIN: I would have thought that the Deputy Leader should have explained his own question. I also would have thought that he would have been listening to me when I answered a very similar question based on slightly different figures which was asked by the Leader of the Opposition in this House yesterday. I do not intend to give him the full answer (I was about to say the full treatment) that we gave the Leader of the Opposition yesterday.

Members interjecting:

The Hon. J. D. Wright: Just answer the question.

The Hon. D. O. TONKIN: If I were to answer the question without anything more, I would say, "No, I will not confirm the ridiculous statement that the Deputy Leader has made." However, I shall go further than that and I shall say for the benefit of the Deputy Leader that the Government is well aware of the downturn in our economy. That downturn has been substantiated by a number of reports, including the Department of Housing and Construction report that the Deputy Leader referred to and the ANZ Bank report to which he also referred.

I repeat yet again that we know perfectly well that the South Australian economy has continued to run down since 1977, when the remainder of the nation's economy began to take an upturn. The basic premise of the A.N.Z. report (and this is confirmed by all the others) is that we have reached the bottom and that we may be starting to pull out of the trough. Other reports suggest that we have gone even further.

We will not expect to see a massive boom within the next month; it may not be within the next 12 months. As I have said many times (and the Deputy Leader has heard me say it many times), we at least have some prospects in the offing, and very exciting ones, too. Only this afternoon, I attended the opening of a new showroom for Rocca Brothers, at Para Hills. It was wonderful there, because I was present in the company of the Leader of the

Opposition. It was wonderful to hear the two statements, one of which came from one of the Rocca Brothers who have battled against all odds to rebuild a business that was destroyed by fire and who have done remarkably well by sheer plain determination and hard work under the private enterprise system. It was good to hear the brothers say that, when they thought of rebuilding their business, many people said that they should go interstate, where all the action was. They said, "No, we are South Australians. We are confident of the boom which is coming to South Australia and we are going to be here to take part in it."

The other matter which I found even more reassuring was the statement by the Leader of the Opposition, in the speech that he made after mine. After the Leader said that South Australia's economy was at a low ebb, he said "But, fortunately, there are favourable signs that it is improving." I suggest that the Deputy Leader get together with his Leader and that they get their ideas sorted out.

OIL SPILLAGE

Mr. SCHMIDT: Will the Minister of Environment indicate whether officers of the Department for the Environment monitored the clean-up of the recent oil spill from the *Mobil Acme*, at Port Stanvac? Since the spillage occurred, I have received a letter from the Hallett Cove Progress Association. It states:

> We are writing to express our concern over the pollution of our beach at Hallett Cove. This situation occurs too often, virtually every year. The assurances we receive from the refinery that this will not happen again, is just not enough. We want a detailed explanation of what caused the accident this time, and has this occurred in the past (and are we repeating the same accident)? We are very proud of our beach and reserve—

Mr. HAMILTON: On a point of order, I understand that Question on Notice No. 787, which appears on the Notice Paper from the member for Mitcham, also relates to this matter.

The SPEAKER: Order! I ask the honourable member for Mawson to approach the Chair so that this matter may be discussed.

SCHOOL STAFFING

The Hon. D. J. HOPGOOD: Will the Minister of Education announce the Government's staffing targets of primary and secondary schools for 1982 and 1983? The present concern and unease over education funding in this State arises, in part, as I am led to believe, by people's recollection of the Minister's commitments to additional resources to education, particularly teachers in the primary and junior primary years, when he was the shadow spokesman for education for the Liberal Party. One need only examine the current Budget Papers to see that these commitments are not being fulfilled. Rather, we may be going in the opposite direction, in that the number of teachers being employed is declining. The Minister's publicly expressed response to this criticism is that the Government must be given three years in order to carry out his pre-election commitment and it would, therefore, seem only reasonable to ask the Minister now—

The SPEAKER: Order! I ask the honourable member for Baudin to cease commenting and to use only fact in explaining his question.

The Hon. D. J. HOPGOOD: Yes, Sir. I am seeking to explain my question by outlining the background to it and my reason for asking it, which is that I seek a commitment from the Government as to the rate at which it will implement its pre-election commitments. The concept of the Government's now announcing staffing targets for 1982 and 1983 would be a way in which the Minister could reassure the general public on this point.

The Hon. H. ALLISON: The questioner knows as well as I do that previous Governments have never endeavoured to introduce triennial funding such as is at present evident in some forms of Commonwealth funding. At State level, budgetary decisions are taken year by year, and in that respect this Government is no different from any other.

The Hon. D. J. Hopgood: What about ancillary staffing?

The Hon. H. ALLISON: We are talking about forward planning for next year, and the former Minister will be aware that, when he was in the Education Department, plans were put in train at the beginning of each financial year ready for budgetary decisions to be concluded at about the end of June or early July, and that will be done next year. I remind the honourable member that, while we are talking about cuts in education funding, this has been a dual issue. First, the alleged 3 per cent cuts did not materialise and, secondly, even during the current financial year since the Budget was introduced, we have already provided funding for additional migrant educational staff. By "additional staff", I mean literally people who will be taken on over and above the present number. That means in effect, that the cut is not 306 but 306 less the 22. That figure has already been extended ($200 000 has been made available) into next year, in so far as the $200 000 covers six months' salaries. An additional $200 000 will extend into the second half of next year so that the same people can continue to be employed. I was looking at a newspaper clipping, which stated that action of students was put at risk. A member of the Education Department personnel staff is quoted as having said that the State's ability to support spending on education is not affected by the number of students in schools. That is a questionable statement.

The Hon. D. J. Hopgood interjecting:

The Hon. H. ALLISON: The main issue is how many students will we lose over any period. Does the claimant suggest that, if we continue to lose students at the rate of 5 000 a year, there is no necessity to transfer teachers from A to B or to change the teacher-student ratio? The claim was that a pro rata cut based on State-wide average pupil-teacher ratios would result in a cut-back of services. The implication in that statement in the newspaper is that a pro rata cut has been effected. In fact, as I said, the teacher-student ratio has continued to improve; the cut has not been pro-rata. The reduction in the number of students has been 20 000 over a four-year period (including next year), while the teacher-student ratio over that same period has plateaued out at a little over, or a fraction below, 15 000.

So, to suggest pro rata cuts is obviously not the truth behind the matter. The cuts have not been pro rata. We will not be able to make forward planning statements immediately, as Budgetary deliberations for next year will be in train from January or February in the new year. We certainly will not be making any statements about alleged 3 per cent cuts, as was the case last year. We have increased real spending in education by about 2 per cent.

OIL SPILLAGE

Mr. SCHMIDT: I will restate my question. Will the Minister of Environment indicate whether officers of the Department for the Environment monitored the clean-up

of the recent oil spill from the *Mobil Acme* at Port Stanvac. I have received a letter from the Hallett Cove Beach Progress Association in regard to this matter, which states:

> We are writing to express our concern over the pollution of our beach at Hallett Cove.
>
> This situation occurs too often, virtually every year. The assurances we receive from the refinery that this will not happen again is just not enough. We want a detailed explanation of what caused the accident this time, and has this occurred in the past? We are very proud of our beach and reserve, and have great plans for its future, e.g. gas barbeques, shelters, tree planting, to ensure that this beautiful area will become a focal point for the whole community.

Mr. Keneally: Is Hallett Cove in your electorate?

Mr. SCHMIDT: Yes, it is in my district, if honourable members wish to know. The letter continues:

> We have passed on a detailed concept of what we envisage to the Marion council, and have received favourable response. At the moment the beach and the grass reserve are widely used by the community.

Members interjecting:

Mr. SCHMIDT: For the honourable member—

The SPEAKER: Order! The honourable member will continue with his explanation.

Mr. SCHMIDT: The letter continues:

> We are extremely upset that our efforts in this area can be frustrated by the stinking pollution an accident of this kind produces. We feel that the mopping up operation undertaken by the refinery is simply not enough. After the damage that they have caused we feel that as well as ensuring that this accident does not re-occur, they should contribute towards the rebeautification of this area.

I went down to inspect the area on Monday, and noted that there are still some pockets of oil contaminated seaweed along the shore, and that is why I have asked the question.

The Hon. D. C. WOTTON: The Department for the Environment has been involved in the monitoring process. I am concerned to learn from the honourable member that there are still pockets of problem areas in the vicinity, and I will have departmental officers look at it again. I am informed that the monitoring will continue for some time. There has been a close relationship in working with my colleague, the Minister of Marine, and his department has been very much involved. Honourable members would be aware that, the day after the accident, the Minister of Marine informed the House, by way of a Ministerial statement, what had happened, explaining matters in detail. There has been a good working liaison, and the Department for the Environment has been monitoring the situation.

As has been stated, the accident occurred during strong winds and a very high tide, and the spilt oil, of light to medium Arabian crude, was washed ashore overnight. I am told by my officers that, when they arrived at the scene, much of the oil had come ashore and was being removed from the northern corner of the Hallett Cove beach by a front-end loader.

I am told that the oil was not continuously along the beach and the rocks, but was located in what have been described as discrete pockets of from five square metres to 20 square metres each. The oil had become quite frothed, and, partly because of this, and because of the oil's lighter nature, it was responding well to relatively small quantities of dispersant. The dispersant was being used mainly in the rocky areas to the north and south of the beach. I am informed that emphasis was placed on mechanical clearing in order to minimise the use of dispersant on the beach because, when dispersant is used, it must be used sparingly. I know that that happened in this case. Because of the inaccessible nature of the coast between Hallett Cove and the refinery, the clean-up was undertaken with high pressure jetting, using the fire-fighting plant on two work boats anchored close to shore.

The question relates particularly to the environmental aspect. As it was environmentally desirable to use the minimum possible quantities of detergent, and because of the relatively inaccessible coastline, only oil that might wash off the rocks and come ashore elsewhere was actually treated. The oil adhering to the rocks was not necessarily removed. Thus, I believe that the environmentally damaging aspects of the clean-up were kept to a bare minimum, and we were anxious that that should happen.

I reassure the honourable member that officers of the Department for the Environment have monitored the clean-up operations, that there was good liaison between the Department of Marine and Harbors, the industry and the Department for the Environment. As the member has suggested that there is still a need for a further clean-up in the area, I would be pleased to have my officers look further into this matter. However, I am informed that the monitoring will take place on an on-going basis. I will have the departmental officers look at this as a matter of urgency.

RADIUM HILL MINERS

Mr. ASHENDEN: Will the Minister of Health say whether the South Australian Health Commission intends to continue the study into the Radium Hill miners and, if so, when could information be expected to be available as a result of that study?

Mr. KENEALLY: I rise on a point of order, Mr. Speaker. I should like you to have a look at a question that I asked on Tuesday of this week on exactly the same subject and, I think, in almost the same terms, to see whether or not I am entitled to an answer from the Government.

The SPEAKER: I uphold the point of order, and I ask the honourable member for Todd to approach the Chair with the question.

KANGAROO ISLAND TRANSPORT

Mr. PLUNKETT: Will the Minister of Transport explain why a decision has been made to prevent mainland buses from travelling to Kangaroo Island on the m.v. *Troubridge,* and will he tell the House who made that decision? I have been reliably informed that a decision has been made to prevent buses from travelling on the m.v. *Troubridge* and that this blanket ban is penalising schoolchildren and students from colleges of advanced education, universities and other tertiary institutions.

By way of example, I have been told that the Science Department of the Adelaide College of the Arts and Education was recently refused permission to take its bus and students to Kangaroo Island to undertake and continue monitoring the vegetation and birdlife at Flinders Chase. The Science Department normally makes two such trips each year, and I have been informed that, if they are unable to take their own buses, they will have to restrict their field of study sites to the mainland. I have also been told that, ironically, the Science Department was unable to hire buses on Kangaroo Island because none was available at the time required. If people are so discouraged from travelling to Kangaroo Island—

The SPEAKER: Order! The honourable member is now

commenting and not explaining the question. I will allow the honourable member to continue with the explanation, but not by way of comment.

Mr. PLUNKETT: Thank you, Mr. Speaker. My information comes from the head science teacher, who claims that he contacted the Chairman of the State Transport Authority, Mr. A. J. Flint, and was treated with arrogance. I should like the Minister to explain.

The Hon. M. M. WILSON: It is my understanding that the State Transport Authority Regulation Division decided on this policy of protection for Kangaroo Island residents. The authority regulates private bus operators, and has certain zones of influence. It tries to protect the private bus operators in each zone. I understand that the authority made this decision some two years ago. I will make an announcement soon about the future of the Regulation Division of the State Transport Authority, and I will inform the honourable member what we are going to do about it at that stage.

The matter of the party from the Adelaide College of the Arts and Education was brought to my attention some two or three weeks ago, and I did instruct the authority to reverse the decision. I will check to see that that has been done.

Mr. Plunkett: Another trip is planned for February.

The Hon. M. M. WILSON: I do not know about the trip that has been planned for February. However, I will look at that matter, too. I did instruct the authority to grant permission for the Adelaide College of the Arts and Education party to take its bus across.

RADIUM HILL MINERS

Mr. ASHENDEN: Will the Minister of Health say whether the South Australian Health Commission intends to continue the study into the Radium Hill miners and, if so, when could information be expected to be available as a result of that study?

The Hon. JENNIFER ADAMSON: As members are probably aware, the South Australian Health Commission has already conducted a pilot study of the miners at Radium Hill. Such a study is known in health circles as an epidemiological study, that is, a statistical study of the incidence of disease in a given population. On the basis of the pilot study that has already been conducted, the Health Commission proposed to continue the study over a longer period.

I understand that a report is currently being prepared within the community for submission to me for approval to continue that study, and when I receive that submission I will certainly consider it. I should advise any Opposition members who believe that the outcome of such a study would assist them in their campaign to inhibit the processing of uranium mining in South Australia that any—

Mr. Keneally: You could have given that answer to my question.

The Hon. JENNIFER ADAMSON: Any Opposition member—

The SPEAKER: Order! The honourable Minister will resume her seat. Interjections are out of order. I remind the member for Stuart that in fact he asked a question of the Premier, not of the Minister of Health, and therefore the Minister of Health would not have been in a position to answer the question which the honourable member claims is totally similar to the one that is just being answered. I have ruled that there is a variation in the two questions. There is certainly a difference between the direction of the questions asked. I ask the member for Stuart not to interject further.

The Hon. JENNIFER ADAMSON: Any Opposition member who believes that such a study would provide ammunition for the Opposition in its efforts to stop the proceedings of uranium mining in South Australia is very seriously mistaken, because the whole purpose of an epidemiological study is to provide statistics over a period and, if one is looking for statistics relating to the incidence of cancer in the population, one must bear in mind the long period of time that needs to evolve before the incidence could be expected to be noticed. Therefore, it would be somewhere between five and 10 years before such a study was concluded, and by that time the honourable member who asked the question of the Premier will be well and truly out of this place. I also believe that, by that time, uranium mining in South Australia will be well and truly under way.

Nevertheless, it is important that, whenever the opportunity for a public health study such as this one arises, it should, if it is possible to conduct such a study, be conducted. At this stage I have not even received a submission from the Health Commission. When I do, it will be given proper consideration. I assure honourable members that studies of this nature, which are a normal part of the practice of health authorities, are conducted in a scientific manner, and an attempt should not be made to use them for political reasons, which is obviously the motivation behind the member for Stuart and some of his colleagues seeking this study. I assure the House that, if the study has merit, it will be considered on its merits. It will not be considered in the light of the politically motivated suggestions that have come from the Opposition.

ELECTRICITY LINES

Mr. LEWIS: Will the Minister of Mines and Energy say whether the Electricity Trust of South Australia has yet changed its policy of vegetation management to remove all erect plants and trees from beside and beneath overhead power lines in country areas, where the growth habits of these plants and trees may result in short circuit arcs starting a bush fire of the kind in which Mr. Lutze of Coonalpyn was nearly burned to death last Ash Wednesday in the district in which he lives, and, if not, why not?

The Hon. E. R. GOLDSWORTHY: I will get a report for the honourable member.

OIL SPILLAGE

Mr. PETERSON: My question, which is to the Minister of Environment, is, I suppose, supplementary to a question asked earlier about oil spillage. Will the Minister say whether it is a fact that only minimal oil spillage control and clean-up equipment is held in this State, and whether consideration will be given to having a full range of control equipment provided? To date, we have been fairly lucky in this State with relatively minimal oil spillage damage. My information is that, if a major oil spill does occur, equipment would have to be brought from interstate as part of a national oil spillage control scheme. Obviously, if there is a delay in getting the equipment here, the damage will be compounded and the problem made much worse. Oil spills are now becoming a regular occurrence, and full equipment should be on hand to handle such an emergency when it does occur. I think it is only a matter of time before we get a major spill when we will need full equipment.

The Hon. D. C. WOTTON: I believe that we have extensive equipment to deal with these matters in this State. I am informed by my colleague, the Minister of Marine, that the equipment in South Australia is as good as that in any other State. I am quite happy to consult with my colleague, and I am sure that he will obtain further information from his department for the honourable member as to exactly the type of equipment that we have and its capabilities.

I certainly appreciate the concern that has been expressed by the honourable member, and I know that people have expressed concern about the last spill and that they want to know exactly what the State is doing about it. So, I would be quite happy to provide a report for the member for Semaphore, and through my colleague, provide a list of equipment that we have in South Australia to overcome the problems similar to those that were experienced at Port Stanvac recently.

KISS CONCERT

Mr. MATHWIN: Can the Minister of Environment say whether the Kiss concert was monitored, and whether his department has received any complaints in relation to the noise levels of that event? Last Wednesday evening the Kiss group was playing, and there was a considerable outflow of music emanating from the Adelaide Oval, which appeared to be at a high level in relation to decibels. Therefore, I ask the Minister whether the Kiss concert was monitored.

The Hon. D. C. WOTTON: Yes, the Kiss concert was monitored. As a matter of fact, the Minister nearly finished up there himself. I nearly got caught up with traffic that was heading in that direction, and I found it pretty difficult to get out of the line of traffic flow. I am informed by my department that, surprisingly, no complaints were received by the Noise Control Section at all. As would be appreciated, the units within the department do not work after hours. However, I had the department check the matter with the police (in fact, with the communications sergeant). As I am sure all honourable members will appreciate, that is how noise legislation works.

We checked with the communications sergeant at police headquarters and were informed that the police had not received a single complaint during the performance. The Noise Control Section received a couple of requests prior to the actual performance, asking us to monitor the concert. We did that. One monitor was set up at St. Peters, because it was thought that it would be far enough away to be able to hear any excessive noise, and the other was set up at Montefiore Hill. The measurements indicated that the noise level was not excessive at St. Peters, but certainly it was well in excess of the Act's requirement in parts of North Adelaide.

Mr. Mathwin: What about Gawler?

The Hon. D. C. WOTTON: There were no complaints from Gawler. There are a number of reasons why no complaints were received. First, we would all appreciate the enormous amount of publicity given to the concert.

Mr. Keneally: They thought you were going to the show.

The Hon. D. C. WOTTON: Perhaps so, but I am not a Kiss fan. There was enormous publicity, so I imagine people would have expected that there would be considerable noise. The other point is that the weather conditions were such, I am told, that they were not right for sound to carry, although I must admit that, when sitting in my office in the basement of Parliament House, I was able to hear it fairly clearly.

I need to explain to the member for Glenelg, as I know his concern in this matter, that the Noise Control Act is not really designed for this type of occasion. First, the emission of excessive noise itself is not an offence in the case of non-domestic premises; it is only an offence to continue to allow the emission of excessive noise after a notice has been issued by an inspector.

In the case of one of these pop concerts, measurements would have had to be made indicating that the noise was excessive, and notice would have had to be issued to the occupier of the premises. So, the Noise Control Act is not really designed for this type of activity. I have not seen any letters in the press. We have not received any letters of complaint from Adelaide residents about the loudness of the band, although I understand that a number of people were reportedly injured during the performance. It would appear, therefore, that the noise, although excessive in places, was not offensive to the surrounding residents.

ADVERTISER BOARD

Mr. CRAFTER: Will the Premier now reconsider the comment he made to the *Advertiser* last Thursday, following my question in the House on that day, as to why he had chosen to go to members of the *Advertiser* board, instead of the Editor, when the Government was complaining about that paper's coverage of the land rights controversy? Last Thursday, I asked a question based on a report in the *Herald* newspaper in which the press secretary to the Deputy Premier explained how the Government had gone with a complaint above the editorial level to board level. In reply, the Premier said that, because the *Herald* was the source of the information, he found himself "unable to take great cognizance of the matters raised".

However, he observed that it was "very rarely indeed" that the Government discussed anything with members of the board and thought that that was "probably a wise and desirable thing". Later, the Premier was reported in the *Advertiser* as adding these remarks:

> Outside the House, Mr. Tonkin said he could not recall any contact with members of the *Advertiser* board, other than social conversation recently. When the Government "had a go" at the *Advertiser*, it was done at journalist or editorial level.

Why I am asking the Premier to reconsider his response is that I am now aware that he wrote a letter to that newspaper on April 2 complaining about land rights coverage. That letter was written not only to the Editor, Mr. Don Riddell, but also to the board Chairman, Mr. John Bonython, and the Managing Director, Mr. Peter Owens. In this letter (which I am quite happy to produce), he wrote to say that he protested yet again at what he regarded as a blatant misrepresentation in the *Advertiser* of the previous week. It was not the first time, he wrote, that the *Advertiser* had misrepresented the Government on the land rights issue, but he sincerely hoped it was the last.

The SPEAKER: Order! The honourable member for Norwood is now commenting in ascribing the fact that it was not the first time that the Premier had written. I point out to all honourable members that the clear requirement is that an honourable member, in giving an explanation of a question, deals in fact.

Mr. CRAFTER: The fact to which I am referring is contained in the letter to which I referred, and in that letter the Premier stated:

> My first reaction on reading last Thursday's report was to take the matter to the Press Council in an attempt to flush out the truth. However, I am hopeful that this letter to you will make that unnecessary.

In the light of the contents and the destination of that letter, I ask the Premier whether he wishes to amend his reply, his memory having been jogged.

The Hon. D. O. TONKIN: I find quite extraordinary the way in which members opposite seem to be coming into possession of all sorts of documents that are not their property, but, again, it is not for me in any way to comment about any member opposite. I know what I think about it, but that is another thing, and I know what the people of South Australia are beginning to say.

Regarding the letter to which the honourable member has referred, I am interested to hear that it was written in early April this year: I would have thought it would be earlier than that, but the honourable member has a copy of the letter and I have not looked it up. I still repeat that I have no recollection of any recent conversations with or approaches to members of the board about the land rights issue: I point out to the honourable member that that was in the very early days of negotiations, and I certainly would not call it recent.

The SPEAKER: I draw to the attention of the House, in relation to the ruling that I gave a few moments ago, that members may not comment in the guise of a letter. It is a very difficult area for interpretation (and there have been other occasions), and it appeared to me before I gave that ruling that the honourable member was quoting from a document that purported to be an allegation that, in every sense, would be a comment. I ask all honourable members to watch very closely whatever action they take in explaining their questions.

STATE EMERGENCY SERVICE

Mr. OSWALD: Will the Chief Secretary say whether the Government will throw its weight behind a recruiting campaign aimed at setting up a State Emergency Service unit in the western suburbs, covering the areas of Glenelg, West Torrens, Thebarton, Henley and Grange, Woodville, Hindmarsh and the surrounding suburbs? A lengthy recruiting drive has failed to establish an S.E.S. unit in the western suburbs, and the S.E.S. has now had to suspend its recruiting efforts for some six months.

The *Westside,* on 12 November, quotes the S.E.S. Regional Officer, Mr. Stewart McLeod, as saying that he could not understand why support for the western suburbs was so bad when similar S.E.S. units were operating successfully in other metropolitan areas. Units currently operate in Enfield, Mitcham, Unley, and Kensington, and people have been trained in first aid, rescue techniques and communications so that they are able to deal with any local emergency. It is generally agreed that the need for an S.E.S. unit in the western region was as great as, if not greater than, anywhere else in Adelaide. For example, a local unit would be appropriately trained to handle the possibility of a jet crashing outside the perimeter of the West Beach Airport. The worst possible case would be if a jet, on take-off, with a full load of fuel, crashed into the houses.

The current procedure, if such a catastrophe occurred, is that the headquarters of the S.E.S. would have to mobilise the Star Force, which would attend the site, but S.E.S. units would have to come from Enfield and Mitcham, which would be the nearest. The local community is concerned that the whole of the western suburbs is not covered by one S.E.S. unit. It appears that Government weight behind a recruiting drive would help overcome this situation.

The Hon. W. A. RODDA: I thank the honourable member for his question, and I will have discussions on the matter with the Commissioner of Police and the superintendent in charge of this area. The problem had not previously come to my notice, but certainly this is an area where a branch of the State Emergency Services would have a full and important use, and I shall take up the problem as a matter of urgency.

ADOPTIONS

Mr. MILLHOUSE: As my question relates to a matter of policy, I direct it to the Premier. Will the Government review the rules which prevent adopted persons from knowing anything about their natural parentage or families except through the contact register? I realise the difficult and delicate nature of this matter, and that there are arguments on both sides, but in explanation I quote a particular case that I have had recently, only one of several approaches I have had from people in various parts of the State on this matter. A man aged about 50 (about my age)—

Mr. Keneally: You don't look it.

Mr. MILLHOUSE: No, thank you. I was aiming for that.

The SPEAKER: Order! The honourable member will come to the explanation.

The Hon. E. R. Goldsworthy: You don't look a day over 70.

Mr. MILLHOUSE: I would not like to say how old the Deputy Premier looks.

The SPEAKER: Order!

Mr. MILLHOUSE: Mentally, I think—

The SPEAKER: Order! The honourable member will come to the explanation of his question.

Mr. MILLHOUSE: Yes. This man lives in a country town to the south of Adelaide. He is 50 years of age. He believes that he is (and there is little doubt about this) a twin, and he was separated from his twin brother on his adoption when he was about three months old. In fact, he knows from a letter from Ian Cox, the Director-General of Community Welfare, that his twin brother was not adopted until he was 20 years of age. There is that difference. I shall quote a couple of sentences from the correspondence I have had. He first wrote to me in September. I have a letter to Mr. Burdett, the Minister, which the man enclosed with the letter to me. His letter to the Minister states:

> I am writing this letter trusting that you can personally assist me in the matter of locating my twin brother. We were separated by adoption at approximately three to four months old in 1930—

He gives his name. He said in his covering letter to me (and this was with some feeling after he had been trying):

> It appears to me that all doors are closed in Government departments regarding adoption laws or birth rights and are being secretly locked in the Archives.

I wrote to the Minister on 19 September setting out the facts and referring him to correspondence. Unfortunately, as sometimes happens, I had to follow it up with another letter well over a month later.

The SPEAKER: Order!

Mr. MILLHOUSE: Then the Minister sent me a copy of the letter written by Mr. Cox to the man, saying, in part:

> The records held in this department contain no information at all about the heritage of yourself or your twin brother. I can, however, tell you that your twin brother [and

> he gives the name] was adopted by his foster parents on 21 September 1950, and that your original name was [and he gives that].

He has since then been to see me again, and he puts the question in this way. He says that he is a man of 50 with a twin brother. He knows something about his natural parents from his adopted parents. It was not a case of there being no communication between them at all. He asks why he should not be able to contact his twin brother.

The final point I make is one which I hope you will not mind, Sir. That is, as he put it to me (or in fact as his wife, who accompanied him, put it to me), that throughout 25 years of their married life this man has been following leads. He has seen somebody in the street or someone has said to him, "Gosh, have you a twin brother? I saw someone who could be your twin today." He has been trying to find his twin brother. It is not the case of parents but the case of a twin. I know it is a difficult area, but I do put the question (and I have written to the Minister again on this particular case) to the Premier. As he may well know, this has been a matter of controversy in many places such as the United Kingdom and so on recently. It is something I suggest we should tackle here.

The Hon. D. O. TONKIN: I thank the honourable member for Mitcham for his question. It does indeed, I think, arouse feelings of compassion in the minds of all honourable members. The question is not really one of policy at this stage; I think it is more one of practicality. In the particular instance he has mentioned, I am quite sure that, if anything can be done to assist in identifying the two brothers, it should be done. I do note, from what the honourable member has said, that the Director-General has written to him saying that there are no further records in that department.

Mr. Millhouse: I am afraid we cannot accept that.

The Hon. D. O. TONKIN: I am not as cynical as the honourable member—

Mr. Millhouse: Well—

The SPEAKER: Order! The honourable member for Mitcham has asked his question, and he will cease interjecting.

The Hon. D. O. TONKIN: I think it may well be literally so, that there is no further information in that department. It does not necessarily follow that there may not be further information available elsewhere, and I will certainly undertake to speak to the Minister to see what can be done about it.

URANIUM

Dr. BILLARD: Was the Minister of Mines and Energy satisfied with safety procedures in relation to the mining of uranium while on his overseas inspection of uranium mining facilities recently? The safety procedures which would need to be applied to any uranium mining operation have obvious significance in South Australia, which has several deposits of uranium, including the large deposit at Roxby Downs, which may be developed as mines in the future. Because there has been considerable controversy in this State regarding these possible developments, it is important that the public is informed as to how safety procedures have been applied in overseas uranium mining operations.

The Hon. E. R. GOLDSWORTHY: I shall not make this a protracted answer. I am surprised that the Opposition has not asked me any questions since my return, because the Leader of the Opposition went on record during my absence saying that I should be home so that he could question me. The fact is that I have been waiting here for a week and the only question I have had from the Opposition has been in relation to the activities of my press secretary. So much for the urgings of the Leader of the Opposition that I should come home so that he could question me. He also said that I should go to France. I was going there anyway. He also misquoted what I said from Sweden. Otherwise, I do not think I got a mention.

The question is appropriate, and I thank the honourable member, because it does complement to some degree the answer given by the Minister of Health. The fact is that I did visit, early in the trip, the province of Saskatchewan in Canada and flew out to the very large uranium mine at Rabbit Lake, which has been operating since 1975. I was impressed by what I saw there and I am quite sure that anyone who visits that large uranium mine will be impressed. The monitoring is done by independent officials, and I might say that some of the difficulties which Rabbit Lake has are more than we encounter in Australia, because they are frozen during winter and they have to mill all the ores under cover, which means they have a possible dust problem which they have to overcome.

The union officials are usually the first people to whom the inspectors talk when they come to do the inspection, and the unions are perfectly happy with the way in which that mine is operating. In fact, the level of radiation (and it is monitored regularly for the miners and people engaged in milling there) is about the same as, or even less than, the amount of radiation that Air Canada pilots encounter as a result of flying planes around the country. That is known statistically.

I might also point out briefly that, in relation to the Radium Hill question, this mining occurred 30 years ago and there has been a vast increase in knowledge in relation to mining as a result of previous studies, in the United States and South Africa particularly. Far more is known about the whole question of radiation and hazards than was known in the lifetime of all of us. I can remember when x-rays were taken of people's feet to see whether shoes fitted. So, the safety stipulations and requirements in relation to uranium mining, milling and handling now are as stringent as any, I think, in any area of health. I was perfectly satisfied with what I saw. I commend the Minister of Health for her answer. Certainly, nothing would come out of that study, which is in effect similar to those conducted overseas and from which no results will be obtained in the short term. There is certainly nothing that I saw overseas which would inhibit us in doing what I believe we should be doing in relation to the development of our resources in this State.

MINISTERIAL STATEMENT

The Hon. J. D. WRIGHT: I direct my question to you, Mr. Speaker. Now that you have had the opportunity of examining the Ministerial statement made by the Minister of Industrial Affairs today, do you consider the contents of that statement to be in order so far as the forums of this House are concerned, and do you consider it is a true Ministerial statement? There are three passages in the document produced by the Minister of Industrial Affairs, and I quote them:

> It is of more than passing interest to this House how the honourable member should have obtained copies of these two documents and also copies of other documents which he may have in his possession. The file, which is a personal working file of the Minister, contains both the original letter from which the honourable member quoted in the original minute and is usually locked in the Minister of Agriculture's office safe. Only four of the Minister's current staff know the

> combination of the safe, although there may be other people who also know the combination, because it was not changed after last year's election.

There is clear imputation by the Minister of Industrial Affairs in those three statements that a member of this Parliament (a member of another place of this Parliament) is in some way implicated in the theft of these documents from the Minister's office.

It has been my understanding that Ministerial statements are to be kept to the terms of what is of interest to members of this Parliament and to the State and that they are not intended for the purpose of making clear imputations that a member of this Parliament has been guilty of some crime, as it may be in this case. Therefore, I do not believe that the forum is being used for a proper purpose.

The SPEAKER: Order! In answering the question, I first draw attention of honourable members to Standing Order 136, which is quite specific, in relation to Ministerial statements:

> A Minister of the Crown, by leave of the House and so as not to interrupt any other business, may make a statement relating to matters of Government policy or public affairs: Provided that, without further leave of the House, such statement shall be limited as to time to fifteen minutes.

In respect of the last section of the Standing Order, members will be aware that occasions have arisen where Ministers have been asked to seek leave for continued time.

It is not for the Chair to sight Ministerial statements before they are made. It is important that the Chair be quite certain that the statement is one which relates to the business of the House in relation to Government policy or public affairs. The honourable Deputy Leader asks me to make a judgment on whether there were imputations or whether it was correct of the Minister to make the statement which he did. I do not, on my reading of the statement, believe that the degree of imputation that the honourable Deputy Leader would suggest was made was in fact made. I do accept that it was a matter of public importance in relation to the conduct and administration of a department of the Government, and I am unable to provide the honourable Deputy Leader with any answer other than that.

ITALIAN EARTHQUAKES

Mr. RANDALL: Will the Premier say what activities are taking place to help alleviate the concern and sorrow amongst Italian members of our community? Earlier this week, the Premier announced various forms of assistance being offered to the Italian people. From this it appears that other groups in the community are also doing all that is possible to help overcome concern amongst these people in their moment of sorrow. It would therefore be helpful if the public could be told of the further activities that are taking place within our community.

The Hon. D. O. TONKIN: I am sure that all honourable members will have been further distressed to hear of the additional earthquakes that have taken place in the same part of Italy and to learn of the great difficulties that the Italian population and communities are experiencing. I have previously outlined steps that are being taken by the State and Federal Governments. I can only reiterate my call to the citizens of South Australia, not just to the Italian community but to all citizens, to support the appeals in the most generous way possible.

Regarding the specific request, I understand now that arrangements have been made to answer queries about the welfare of Italian relatives or friends of people living in South Australia by contacting the Italian Consulate at Greenhill Road, where specific help will be given.

The Department of Ethnic Affairs is making available interpreters, and the Commonwealth telephone interpreter service is also giving advice in Italian to help those people with their queries. Also, the newspapers have published a list of the people in the villages and towns which have been affected and, again, people are being asked to call in if they have any doubts or queries at all.

There has been some delay in answering telephone calls because there have been so many of them. However, every effort is being made by the Commonwealth departments, particularly Telecom, to make certain that those facilities are upgraded. I understand that facilities have been provided for the South Australian Police Department, which is working in conjunction with the Italian Consulate, by providing a telex service and two telephone services in addition to its normal services. Red Cross has had five additional lines added to its P.A.B.X. number, so that it will have 13 lines. There are two new switchboard lines and four straight telephone lines and an additional telex service.

Again, 5PI ethnic radio is playing an important part in co-ordinating requests for information. Four additional lines have been put in; currently they have only two lines. The facilities will be available this afternoon, which I think is very good work indeed. A fund-raising programme is being run on 5PI tonight for the earthquake relief appeal. I think that that programme starts at 6 p.m. and will take the form of a telethon appeal. People are asked to ring in with their donations.

Finally, the Campania Club, which normally has one telephone line, has put in a number of lines for a fund-raising telethon programme, which will commence at 6 p.m. in conjunction with 5PI. It will be continuing over the weekend, and it will have nine additional lines. I repeat that every effort is being made to bring comfort, solace and information, which is the most important commodity, to relatives and friends of all those people who may have been involved in the affected area in Italy.

MINISTERIAL STATEMENT: OIL SPILLAGE

The Hon. D. C. WOTTON (Minister of Environment): I seek leave to make a statement.

Leave granted.

The Hon. D. C. WOTTON: Earlier today, during Question Time, the member for Semaphore asked a question relating to the type of equipment used by the State to assist in the clean-up of oil as a result of an accidental oil spill. I advised the honourable member at the time that I would obtain the information in detail, and I am now able to provide it for the House.

As I said at the time, South Australia has excellent equipment, and members will appreciate that we have a national plan in regard to the problems of oil spills. Although South Australia is a part of the national plan, along with other States, we were not satisfied that the Commonwealth had suitable equipment for its area of responsibility. As a result, I am informed by my colleague that the Department of Marine and Harbors obtained in May this year equipment valued at $172 000. It consists of two oil booms and associated oil equipment suitable for use in open-sea conditions as well as in sheltered harbors. This equipment consists of a giant troil boom and destroil skimmer, imported from Sweden, a slick bar boom

(2 000ft. long), and a slick skimmer, which was imported from the United States. So, we can be proud of the equipment that we have in South Australia to be used in association with oil spill problems. The Minister of Marine has also told me that we in South Australia are training our own personnel to use this equipment, and that we will at the same time be acquiring support equipment. I am pleased to be able to assure the member for Semaphore that South Australia is well equipped to meet these problems.

PERSONAL EXPLANATION: OIL SPILLAGE

Mr. SCHMIDT (Mawson): I seek leave to make a personal explanation.

Leave granted.

Mr. SCHMIDT: When I was asking my question earlier some rather audible interjections from the Opposition side indicated that I did not know my own electoral area. I assure the House that I am quite conversant with my own electorate and, if members opposite knew themselves rather than operating on speculation, they would know that part of Hallett Cove does come within my constituency and, therefore, the Hallett Cove Progress Association serves not only the district of the member for Baudin but also my own area. As it is a community organisation, I was quite entitled to ask a question that related to the Hallett Cove area as such.

DOG CONTROL ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

The Hon. D. C. WOTTON (Minister of Environment): I move:

That this Bill be now read a second time.

It proposes amendments to the Dog Control Act which are considered necessary to ensure that the provisions of the Act are reasonable and sufficiently flexible to meet the varying nature of the dog control problem in rural and urban areas, while at the same time ensuring that councils have adequate powers to deal with irresponsible dog owners. The principal amendments contained in the Bill are:

(a) The provisions of the Act requiring the tattooing of dogs registered for the first time are repealed. The tattooing provisions incorporated in the Act when it was passed have never been implemented for, while the value of tattooing as providing a permanent means of identification of a dog is recognised, it is considered:

(i) that the level of pain to the dog associated with tattooing would be unacceptable to the average dog owner;

(ii) tattooing would require the maintenance of a Central Register of Dogs, the cost of which would be high and would inevitably result in higher dog registration fees in the short term.

The Bill deals with the problem of identification of dogs by providing with certain exemptions for working dogs, greyhounds, and dogs participating in shows: dogs shall at all times wear a collar with the name and address of the owner and the current registration disc attached.

(b) The Central Dog Committee is abolished and replaced by a Dog Advisory Committee, which will have the function of advising the Minister on matters related to the proper funding of pounds and the Royal Society for the Prevention of Cruelty to Animals.

Dog control is essentially a local government problem that is best handled at the local level by councils which can develop dog control programmes suited to their local needs. In the past, there has been criticism of councils' performance in this area, but in fairness to councils it must be pointed out that registration fees were low and their financial resources limited. This situation has now changed and, with higher and more realistic registration fees, councils are in a position to mount effective dog control programmes.

The retention of an advisory committee is necessary as a need exists for funding from a central source to those organisations which accept stray and unwanted dogs from the public to ensure that they have sufficient financial resources to continue this work. The moneys to provide this funding will be raised by means of a levy on the dog registration fees collected by metropolitan councils and those rural councils which benefit from the activities of these organisations.

(c) Other changes necessary to improve the administration and enforcement of the legislation and to strengthen control of dogs by owners and councils included in the Bill are:

(i) The Outback Areas Community Development Trust to be responsible for the registration and control of dogs in areas of the State not served by conventional local government. This amendment will satisfactorily deal with many of the matters which have been of concern in the administration of the Act in outer areas, permit greater flexibility in administration, and allow the community to become more involved in designing a programme to meet its needs.

(ii) Provide that council dog control officers can be employed on other duties. The Act at present requires dog control wardens to be engaged full time in the administration of the Act. Few councils in South Australia can justify such an appointment, and it should be the council's decision as to how it will use its manpower resources.

(iii) Provide that only half fees shall be payable on the first registration of a dog under three months of age on 1 January during the period 1 January to 30 June. At present, the full registration fee of $10 is payable if the dog is first registered in May, and a further fee is payable on renewal in June.

(iv) Providing a period from 1 July to 31 August in each year for the renewal of a dog registration. At present, the Act is uncertain in this area, and much confusion resulted at renewal time this year.

(v) Replace the present restrictive definition of pensioner with a definition of a person of a prescribed class to enable concessions similar to those allowed under the Rates and Taxes Remission Act. At present, many people with low incomes and war service pensioners are not receiving the benefit of concessions.

(vi) Providing for a person to be able to obtain a certificate extract from the registering of dogs and for a council to be empowered to correct an error in the register.

(vii) Exempting guide dog owners from the obligation to remove faeces from a public place and giving them similar rights of access with their dogs to public places and transport as existed in the former Registration of Dogs Act. The Guide Dogs for the Blind Association is concerned that its members are presently disadvantaged by many aspects of the Act.

(viii) Providing that actions alleging nuisance caused by a dog may be instituted by any aggrieved person. At present, complaints can be instituted only by a council.

(ix) Providing that, where an authorised officer is of the opinion that any dog is mischievous or dangerous, the officer may obtain an order from a Justice of the Peace, who shall not be a member or officer of that council, authorising the seizing and holding of the dog in a pound pending the hearing of an application by a court for an order for the destruction of the dog.

In recent months, there have been numerous attacks by savage dogs at large inflicting quite serious injuries on the victims. The owners of the dogs in most instances have not been prepared either to have them put down or to take effective action to contain them on their properties. Although every effort is made by the authorities to have proceedings in these matters expedited, it necessarily takes some time for the matter to be listed for hearing by court, during which time the dog could continue to create a serious nuisance. The proposed amendment will enable an authorised officer to obtain an order from a justice of the peace authorising it to seize and hold the dog pending the matter being heard.

(x) Providing a common period for the payment of expiation fees for offences under the Act.

(xi) Providing councils with greater flexibility in determing kennel standards when granting kennel licences so that regard may be had to such factors as the size and temperament of the dog.

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

Leave granted.

Explanation of Clauses

Clauses 1, 2 and 3 are formal. Clause 4 makes various amendments to the definitions. These amendments are consequential upon the substantive changes to the principal Act. It should be noted that the definition of "council" now includes the Outback Areas Community Development Trust which will in future be responsible for enforcing the Act outside local government areas. Clause 5 amends section 6. This amendment is consequential upon the assumption by the Outback Areas Community Development Trust of responsibility for administration of the Act outside local government areas.

Clause 6 removes from the Act specific reference to dog control wardens. The Act will in future refer to officers with the powers of enforcement conferred by the Act simply as "authorised persons". New section 7 provides that each council must have at least one authorised person in its employ. A member of the council is not to be appointed as an authorised person. Clause 7 deals with the power of delegation by registrars of dogs. The present power to delegate to officers of the council is widened to cover delegation to any person. However, under the amendment, the council must approve the delegation.

Clause 8 deals with the provision of pounds by councils. Clause 9 provides that the regulations may require councils to pay a prescribed percentage of moneys received by way of registration fees to the Minister. These moneys will be credited to the Dog Control Statutory Fund established by a later provision of the Bill. Clauses 10, 11, 12 and 13 repeal the provisions of the principal Act establishing the Central Dog Committee. In its place an advisory committee is established to advise the Minister on grants to the R.S.P.C.A. and to councils and other organisations in respect of the maintenance of pounds. Clause 13 also establishes the Dog Control Statutory Fund which is to be financed largely by a proportionate part of registration fees. This fund is to provide the money for the grants referred to above.

Clause 14 amends the registration requirements to provide that the obligation to register does not arise until the dog has been kept in one area for fourteen days or more. Clause 15 amends the registration procedures to some extent and widens the classes of persons who may be entitled to registration at concessional rates. Clause 16 removes from the Act the requirement of tattooing a registered dog. Clause 17 deals with the duration of registration. It provides that where application for renewal of registration is made before the end of August, the registration will operate retrospectively from the date of expiry. Clause 18 deals with the keeping of a register by a council. Clause 19 deals with an application to transfer registration from one owner to another. Clause 20 deals with the obligation to ensure that a dog is wearing a collar and registration disc. The obligation is to apply in future whether or not the dog is in a public place. Clause 21 makes consequential amendments. Clauses 22, 23 and 24 exempt guide dogs from certain provisions preventing access by dogs to shops, schools and places where food is prepared. The obligation to remove the faeces of a dog that defecates in a public place will not apply to a guide dog. Clause 25 provides for recovery of the costs of seizure, detention and destruction of a dog infested with parasites. Clause 26 provides that a court, on convicting the owner of a dog that has caused a nuisance, may order the owner to take steps to abate the nuisance. If he fails to do so in accordance with the order he will be liable to a substantial penalty.

Mr. HEMMINGS secured the adjournment of the debate.

FIRE BRIGADES ACT AMENDMENT BILL

The Hon. W. A. RODDA (Chief Secretary): I move:

That the time for bringing up the report of the Select Committee be extended to Tuesday 3 March 1981.

Motion carried.

The Hon. W. A. RODDA (Chief Secretary): I move:

That the Select Committee on the Bill have power to invite any specially qualified persons whom it may desire to attend any of its meetings in an advisory capacity.

The Select Committee decided at its last meeting that Miss Penny Graham, my research officer, can be available to the committee to assist in any research matters that will surely come from a committee of this sort, which will be dealing with many matters that may require quite extensive research.

Motion carried.

PITJANTJATJARA LAND RIGHTS BILL

Adjourned debate on second reading.

(Continued from 26 November. Page 2311.)

The Hon. D. O. TONKIN (Premier and Treasurer): Last evening I made the point that I found it disappointing, as far as the Government is concerned, that the Opposition's approach to this debate had been so marked by pettiness and pique. It almost seemed to me that members opposite regretted the Government's ability to sit around a conference table and produce such a measure as that which we have been debating yesterday and on preceding days. While the Government appreciates the congratulations which have been heaped on it by the Opposition (and obviously we are very pleased indeed that the proposed legislation has received so much approbation in the community), I do regret the spirit of the remarks in that they could not be more spontaneously translated into support for the Bill.

I must put to rest one other matter: a major theme of the Opposition, which has been repeated time and time again in this debate, was to emphasise the enthusiasm of Don Dunstan for land rights generally and for the former Government's Pitjantjatjara Land Rights Bill. This Government has never denied that Don Dunstan was enthusiastic in this particular field, and I am quite certain that in introducing this Bill I gave him due credit for his role in developing the former Government's approach to the question of Pitjantjatjara land rights. However, in Government (perhaps I should say especially when one is in Government), enthusiasm must be coupled with responsibility and practicality. In some respects the former Government's Bill—

Mr. Bannon: What a scandalous—

The SPEAKER: Order!

The Hon. D. O. TONKIN: It would be an enormous help if—

Mr. Bannon: It would be better if the Premier said nothing than saying this sort of thing.

The SPEAKER: Order! The Premier will resume his seat. It is normal practice, when the Minister in charge of the Bill is giving a summing up to the second reading speech, that he be heard with all due dignity and decorum. The veracity of any statements made by a Minister or member in this House is important, and I ask that the honourable Leader of the Opposition does not further intervene in the debate.

The Hon. D. O. TONKIN: I simply make the point that there has to be responsibility and practicality. In some respects, the former Government's Bill, with its provisions enabling claims for non-nucleus lands, its veto over mining, and its pay-out of 100 per cent of royalties, was not unlike the trustees of a sum of money for another person running around with the trust account cheque book handing out signed blank cheques.

No matter how sympathetic a Government, a Minister, or a Premier may be to a particular cause, the Government, the Minister or the Premier in dealing with that cause must consider the impact of its or his approach on all of the people for whom he is responsible (in other words, all of the citizens of South Australia), and this is just as much the case with land rights as with any other issue.

Opposition members have also sought to suggest that this Bill, reflecting as it does an agreement that has been reached between the Government and the Pitjantjatjara people, is not particularly significant on that score. They say that the former Government's Bill was fully agreed to by the Pitjantjatjara. I have no doubt that that is true, in the same sense, and to return to the analogy I used earlier of a man, having been handed a blank signed cheque from the trust account of a wealthy beneficiary, is unlikely to knock back that blank cheque. This fact must be faced up to by everyone in the community—that the Bill, no matter how noble and enthusiastic its intentions were, contained major deficiencies which, as well as being drawn to the Government's attention by its own legal advisers, were recognised by the Pitjantjatjara Council and its legal advisers.

Much of the discussions that went on, once agreement had been reached on the fundamental issues of the Pitjantjatjara Land Rights Bill, went on with legal officers trying to find some way of making the provisions work, and ensuring that they could be worked, and that they were practical and not open to challenge. I again pay a tribute to all those legal officers, namely, Mr. Phillip Toyne, and his assistants, and the legal officers from the Crown who worked so hard, because they put much time and effort into finding workable solutions to the difficulties, solutions that were not in the original Bill.

It is important to reflect on how the Bill has been drawn up, compared to the way in which the previous Bill was drawn up. A working party was established with terms of reference requiring it to determine how the Pitjantjatjara community could be granted freehold title to its lands. The report contained a series of recommendations, intended to be drafting instructions for a Pitjantjatjara Land Rights Bill. The point was that the original Bill ultimately introduced into the House differed significantly from the working party's proposals. I do not know what it was that changed matters. I suspect that there were some thoughts, perhaps second thoughts, which the former Premier or some of his advisers had, which went into the Bill instead of the recommendations.

But, on such matters as the definition of the Pitjantjatjara, the structure and the operation of Anangu Pitjantjatjaraku, the description of lands covered by the Bill, the application of the Mining Act and Petroleum Act, and environmental and land use controls, there are substantial differences between the proposals of the working party and the former Government's Bill. That being so, I can only reflect that, if we say that the former Government's Bill was negotiated with the working party, as a negotiator, that does not accurately represent the facts.

I will refer now to a few other comments made by the Opposition. In doing so, I say again that I find it surprising that, given the process that produced this Bill, there has been so much emphasis on its alleged shortcomings.

Perhaps, given the inadequacies of the measure it produced, the Opposition feels that this is the only way it can go.

One criticism made by the member for Spence and the member for Elizabeth is that the Anangu Pitjantjatjaraku will have only one opportunity to comment on exploration and mining proposals, and that is prior to the granting of an exploration licence. I recall listening to the member for Elizabeth pointing out that the Pitjantjatjara Council would be obliged to make a decision on whether or not to let an exploration team on to their lands before they knew whether the exploration team was going to find anything. That, really, was taking things too far. Even the member for Elizabeth would not expect anyone, whether it be the Pitjantjatjara people or, indeed, any South Australian, to be able to tell what was under the ground before the exploration actually occurred. I think that he meant well, but he did not get his point across very well. The assumption that seems to have been drawn comes from the conclusion that the Pitjantjatjara are, therefore, required to deal with proposals on an ambit basis; in other words, without really knowing or understanding what they are giving approval to, because exploration might lead to major and possibly disruptive mining ventures. Whatever the truth of that, that view rests on a misconception.

The procedures in clause 20 regarding access for mining purposes operate in conjunction with the granting of tenements. Members are no doubt aware that the Mining Act and Petroleum Act make provision for the granting of exploration and production leases, and that it is not lawful for the holder of an exploration licence to undertake commercial operations but, for such operations to commence, a production licence must be obtained. This point was overlooked by the Opposition. The granting of an exploration licence does not give automatic approval for the progressing of actual development.

In the event that exploration indicates the potential for commercial development and, therefore, when a production licence becomes necessary, new permission must be sought from the Anangu Pitjantjatjaraku. This is made clear by 21 (2), which provides:

> A mining tenement shall not be granted in respect of the lands or a part of the lands except to a person who has permission to carry out mining operations on the lands under this Division, but this Act does not prevent the taking of any step under the Mining Act or the Petroleum Act antecedent to the grant of a mining tenement.

In other words, this Bill does not require the Anangu Pitjantjatjaraku to give their consent to developments the dimensions and impact of which are unknown. On the contrary, because of the provisions contained in clause 20, in particular the requirements of disclosure by applicants to the Pitjantjatjara, and the provision to which I referred earlier, the Bill seeks to ensure that any consent granted by Anangu Pitjantjatjaraku is made in full knowledge of all of the available facts. In other words, the reservations and concerns that the Opposition has expressed are expressly covered in those clauses.

The member for Spence and the member for Elizabeth sought to criticise the definition of Pitjantjatjara. The definition contained in this Bill is far more specific than is the definition contained in the previous Bill. I am not particularly concerned that someone can come up with a better definition, but it must be a precise one. In particular, this definition identifies the three tribal groups that inhabit the lands. It recognises, in a way that the former Government's Bill did not, that a member of these tribal groups can be a traditional owner of part of the lands without being a traditional owner of all of them. Thus, the existence of traditional use of specific areas of the land is recognised and, indeed, must be accounted for by means of the requirements imposed on the Anangu Pitjantjatjaraku to consult such traditional owners before authorising proposals relating to their lands. Those members also criticised the lack of appeal from a court of summary jurisdiction concerning the exclusion of people from the Mintabie opal field.

I know that you, Mr. Deputy Speaker, in your contribution to this debate expressed some very proper concerns that have been held by members of the Mintabie community. I am happy to report to the House that there have been negotiations between the Pitjantjatjara Council representatives and representatives of the Mintabie Miners Association and the community, and that progress is being made quite steadily towards a proper solution of those difficulties, but it is absolutely essential to understand that the reports of the meeting that were in the daily press did not cover the progress which had been quite positively made in reaching a resolution of those problems. Nevertheless, I am quite convinced that a solution to those problems can and will be found by a measure of consultation similar to that which occurred in the initial stages of the talks between the Government and the Pitjantjatjara Council.

Regarding the appeal in relation to any such order relating to exclusion of people, the right of an aggrieved person to seek relief by means of the prerogative writs for denial of natural justice or error of law on the face of the record, and so on (in other words, the general things), it is the Government's hope that the use of these provisions will not be necessary because of the willingness of people living at Mintabie to abide by the provisions of the legislation, subject to the solutions which we are looking for and which will be satisfactory to both sides being found.

I have already said that the press reports of the meeting at Mintabie on Monday 24 November are at variance with the reports that we, as a Government, have received as to the progress of that meeting, not in any distortion but simply in the lack of reporting of the entire story. It may well have been a noisy meeting, but the reporting did not point out that both sides of the situation believe that substantial progress is being made in those discussions. I would like to make clear that I am not in any way reflecting on the press, because they were not at that meeting but were responding to a press release that was prepared at the time.

Real progress is being made, and it is being made behind the scenes. It will not necessarily be trumpeted out into the public arena at this stage until an agreement has been reached. That was exactly the sort of situation that applied in the early stages of negotiations on this Bill.

The member for Elizabeth referred to the risk that the arbitrator's decisions might become a highly politicised issue. As is the case with Mintabie, the Government is confident that the consultation provisions of the Bill will ensure that resort to the arbitration procedures is rarely, if ever, necessary. In this regard, it is well worth noting that the national interest provisions in the Northern Territory legislation have never been invoked.

The Opposition has expressed surprise that the Minister of Aboriginal Affairs was not the only Minister involved in negotiating the Bill. I dealt with that to some extent last night and I made the point, in answer to some vaguely veiled criticism, that this is the first Government that has ever appointed a separate portfolio of Aboriginal affairs, and I believe that that is because we acknowledge the need to do something not only to recognise the importance of the Aboriginal community as part of the South Australian community as a whole but also to ensure that measures

such as this Bill can be properly prepared and presented.

The fact is that the Minister of Aboriginal Affairs, contrary to the suggestions of honourable members opposite, was very closely involved in the discussions that led to the preparation of this Bill, but it would have been absolutely impossible not to have involved in this major piece of negotiation and legislation all Ministers who might be involved. One could almost say that this was a Cabinet negotiation. Not all Ministers took part, but the majority of Ministers at some stage had a great interest in this Bill, and many of them had a contribution to make.

The involvement of the Minister of Mines and Energy was obviously necessary because of the interaction of this Bill with the Mining and Petroleum Acts. The Attorney-General became involved because of the legal points that arose with regard to the incorporation of Anangu Pitjantjatjaraku and the transfer of title to Granite Downs. The Minister of Lands was not involved in meetings, but was involved because of the effect of the Bill on existing pastoral leases and because of the need for the vesting clauses to operate effectively and without the need for an expensive survey. The Minister of Transport was similarly involved because of the provisions regarding roads, and particularly the Stuart Highway. The Chief Secretary was involved with regard to questions of law enforcement at Mintabie. The Government believes that, because of the widespread interest and involvement of Ministers whose departments are affected by the Bill, we have produced a sound measure, more than adequate to deal with the questions that are likely to arise with regard to the use and management of the lands.

Finally, I point out that much of the Opposition's criticism relates to drafting. No Bill is ever perfect, and I would be the first to accept that, but the member for Elizabeth's comments and admissions on the Securities Industry Act Amendment Bill yesterday evening are testimony enough to that. However, in regard to this Bill, no effort has been spared to make it as near perfect as possible, and in so doing to reconcile the interests of the people of South Australia as a whole and the Pitjantjatjara peoples in the State's north-west. As the member for Mitchell has said, and he was quite correct, there was at times some hard bargaining. The Government would have failed in its duty to the citizens of this State just as the Pitjantjatjara Council representatives and their advisers would have failed in their duty to their people if they had not approached key aspects of the negotiations with determination.

However, at all times the negotiations were approached in a spirit of respect for each other's point of view and of wanting to achieve an outcome that could work, and, once the approach to a specific issue was agreed, great care was expended in finding the right words and the right way of expressing the meaning of the agreement. It is the Government's belief, which I believe is shared by the Pitjantjatjara Council, that the Bill is more than adequate to deal with any matters which it is likely to be required to resolve.

I believe that the introduction of this Bill and its passage through the second reading stage will turn out to be a landmark in the history of South Australia, if not Australia. I am confidently looking forward to the Bill's passage and its consideration by a Select Committee of the House, and I look forward with a great deal of anticipation to the day when it will be reported back from the Select Committee and accepted by this Parliament. That will really be a day in the history of Australia.

Bill read a second time and referred to a Select Committee consisting of Messrs. Abbott, Billard, Gunn, Payne, and Tonkin; the committee to have power to send for persons, papers and records, and to adjourn from place to place; the committee to report on Tuesday 3 March 1981.

ABORIGINAL LANDS: HUNDRED OF KATARAPKO

Adjourned debate on the motion of the Hon. H. Allison:

That this House resolves to recommend to His Excellency the Governor that, pursuant to section 16 (1) of the Aboriginal Lands Trust Act, 1966-1975, sections 83 and 84, Weigall Division, Cobdogla Irrigation Area, hundred of Katarapko, be vested in the Aboriginal Lands Trust; and that a message be sent to the Legislative Council transmitting the foregoing resolution and requesting its concurrence thereto.

(Continued from 23 October. Page 1392.)

Mr. ABBOTT (Spence): I support the motion, which seems a very sensible one. Sections 83 and 84, which have been renumbered, are located adjacent to section 80. Section 80 was vested in the Aboriginal Lands Trust in November 1978, and contained 1 265 hectares. The motion now seeks to vest sections 83 and 84 in the Aboriginal Lands Trust pursuant to section 16 (1) of the Aboriginal Lands Trust Act, 1966-1975.

I can recall that the member for Chaffey, now Minister of Water Resources, Minister of Irrigation, and Minister of Lands, was a little difficult when the Hon. Ron Payne, as Minister of Community Welfare, moved in this House to vest section 80 in the Aboriginal Lands Trust. The member for Chaffey said at that time that, if he were to support the motion, he would want an assurance from the Minister of some guarantee that the Gerard Reserve Council would receive a 99-year lease back from the Aboriginal Lands Trust, with the right of renewal on the expiry of that lease. He believed that that provision should be written into the motion. The present Minister can be assured that I will not be so demanding.

In the motion, the Minister pointed out that the permanent residential population of Gerard is dependent at present on farm and irrigation activities. He also said that the population was growing, and that it was more than 125 in October 1978. Can the Minister give the present Aboriginal permanent residential population at the Gerard Reserve? Can he explain to what extent agricultural and horticultural expansion is being contemplated, and how many young people are being trained in those skills? If the Minister can answer those questions, I shall be pleased to support the motion.

The Hon. H. ALLISON (Minister of Aboriginal Affairs): The information which the honourable member seeks is on file in my office downstairs. It was removed from the Chamber last night, but I thought I had it with me. I will be prepared to make the information available to the honourable member privately in a few minutes time, if that is satisfactory.

Motion carried.

ROAD TRAFFIC ACT AMENDMENT BILL (No. 3)

Adjourned debate on second reading.

(Continued from 26 November. Page 2284.)

The Hon. J. D. WRIGHT (Adelaide): In presenting the Bill, the Minister explained that it was a short Bill. However, although that is so, I think it is of major significance. I do not profess to having great knowledge of road rules, but the information given the Minister

indicates that the evidence in favour of this amendment is fairly strong, especially since the Australian Transport Advisory Committee has considered the matter, after having had since 1975 to examine the results of the legislation in Western Australia, and now recommends that this measure be adopted nationally. That adds weight to my thinking that there should be uniformity. I know the previous Minister of Transport (Hon. G. T. Virgo) did everthing in his power to achieve some uniformity with this rule throughout Australia, and I hope the present Minister will do that, too. As one drives from one State to another, and finds that the rules vary, serious trouble can eventuate.

The main provision of the Bill means that we will see the relegation of the "give way to the right" rule. The second reading explanation states that this has proved effective in improving the safety of motorists on the road, and that is an important aspect. Everyone in this Chamber wants to do everything possible to ensure the safety of drivers on our roads on a national basis. If the change of rules will promote that safety, it will get absolute support from the Opposition.

I wonder why the Minister referred in his explanation to significant cost benefits, without explaining in more detail. I suppose that it is important to save money where possible, but I think the emphasis should be on safety rather than on cost. Whilst I do not subscribe to the view that Governments should throw away money willy-nilly, I would like to see the emphasis placed on the safety of the regulation rather than the cost of it.

I hope that the Minister is contemplating an education programme before this change is introduced. The legislation will not come into operation until March, so there will be time to educate the public in relation to the change of rules. I went to Western Australia, not knowing the road rules, and it was strange to have a different way of driving. It took me some days to become accustomed to it. It is important that there should be an education programme to inform the public of the change, how it will work, and how it will affect driving patterns. The Opposition supports the Bill.

The Hon. M. M. WILSON (Minister of Transport): The Deputy Leader has mentioned virtually every important point in relation to the measure, so I need not recanvass them, except to say that this is an extremely important Bill providing for a major departure from the "give way to the right" rule to which motorists in this State are accustomed. The first departure from that rule was the introduction of the priority road system by the Government of which the Deputy Leader was a member. The T-junction rule is another major departure from the "give way to the right" rule. It will mean, as the Deputy Leader said, that vehicles approaching along the stem of any T-junction will have to give way to traffic approaching from both sides on the cross pieces of the T.

The Deputy Leader stressed the importance of uniformity. I do not believe in uniformity for the sake of uniformity, but I am committed to uniformity when it comes to safety in rules of the road. I pay tribute, as did the Deputh Leader, to my predecessor, because he was committed to uniformity, too, as any Minister of Transport should be.

The Deputy Leader referred to cost benefits, which I mentioned in the second reading speech. Of course, the question of safety is paramount, and so it should be. There will be some cost benefits; I agree with the Deputy Leader completely on that. Finally, a publicity campaign will be promulgated through the Road Safety Council to make sure that the public is well aware of the repercussions that will follow from non-observance of the T-junction rule. We must make sure that all road users should be well aware of the measures before it comes into effect on 1 March. I thank the Opposition for its support of the Bill.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Giving way at intersections and junctions."

Mr. BLACKER: Will the Minister say whether any consideration has been given to the extension of this clause to the extent, in country areas, of having it proclaimed that any dirt road entering upon a sealed road automatically has the "give-way" sign on it. I believe that it is an extension of this philosophy, but that it is not spelt out as clearly as that.

The Hon. M. M. WILSON: The question of the dirt road *vis-a-vis* the sealed road really has no effect on which road is the stem of the T-junction. The road that is the stem of the T will have the "give-way" sign on it. Whether they have "give-way" signs or not, under this new rule all traffic will have to give way if it is approaching along the stem of a T-junction.

Mr. BLACKER: Could the Minister take up the matter and have it examined seriously for country areas? A lot of people naturally expect when entering a sealed road that they must give way. If it does not come under this particular clause, could this matter be taken up at some future stage?

The Hon. M. M. WILSON: Although we may be able to do something in the publicity stages of this measure, I should be pleased to discuss the matter with the honourable member to see what we could do within this State. In most cases, the dirt road would be the stem of the T-junction, anyway, and the cross piece of the T-junction would be a sealed road. That is accepted. I suggest that we should discuss this at some stage.

Clause passed.

Title passed.

Bill read a third time and passed.

KENSINGTON GARDENS RESERVE BILL

Adjourned debate on second reading.

(Continued from 26 November Page 2285.)

Mr. CRAFTER (Norwood): The Opposition supports this measure. The Hon. Mr. Creedon, in another place, took the time to research the history of this matter and gave a very interesting account to that House of the history of the Kensington Gardens Reserve and the origins of the facilities there. It is of some distress that it has taken many years to rectify the matter that this Bill attempts to rectify.

I understand that the kindergarten does not have a lease or ownership of the property on which it is situated and, because of that deficiency, it is unable to obtain certain funds. The kindergarten will now be able to enter into a leasehold arrangement with the council and, as a consequence obtain those funds. The kindergarten will therefore be able to improve the service that it provides to the local community, particularly the children who attend it, as well, no doubt, as improving the other uses to which the kindergarten is put. This matter has been before a Select Committee of another place, because it is a hybrid Bill, and the concerns that the Opposition had on this matter were, I understand, resolved during the process of that Select Committee. The Opposition supports the Bill.

The Hon. D. C. WOTTON (Minister of Environment): I thank the Opposition for its support of this measure. A

great deal of research has gone into this matter, which I believe should have been cleaned up some time ago. I thank the Opposition for its support.

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

STATE DISASTER BILL

Adjourned debate on second reading.

(Continued from 20 November. Page 2107.)

Mr. BANNON (Leader of the Opposition): The Opposition supports this Bill. One could say that its introduction to the House and consideration has been tragically well timed in the sense that the events in Italy of the last week which occurred after the introduction of this Bill have demonstrated clearly the need to have a State disaster plan, as contemplated by this Bill, and adequate civic resources and the ability to co-ordinate those resources to overcome the huge problems created by a natural disaster of the nature and extent of that which has occurred in Italy. It is fitting, although extremely tragic, that we have been starkly shown this week why we should be considering a Bill such as this.

The Bill is in large part the product of the work of the previous Government. As long ago as 1975, in the aftermath of the Darwin cyclone, and one or two other disasters on the international scene, the State Government moved to establish a State Disaster Committee (the composition of which is outlined in the second reading explanation) to formulate legislation such as this and make recommendations to the Government. It is a major area. Obviously, a plan such as this needs to be devised. Legislation such as this needs to be looked at in the framework of much consultation in the community with all those bodies and groups that might be concerned if natural disasters of the nature contemplated by the Bill occurred.

A Bill such as this ought to be looked at carefully by Parliament because, of its very nature, it must deprive the citizens of the State of their civil liberties. It places in the hands of a very few people enormous and sweeping powers of the sort that would not be contemplated in any democratic system, except in a case of emergency or disaster. So, it is not a measure to be looked at lightly at all. That, of course, is indicated in part by the time under which consideration occurred in the previous Government. In fact, when the Labor Government left office last September, the drafting of this Bill was in an extremely advanced state and, although it had not been through the full Cabinet consideration and had certainly not been introduced into Parliament, a measure that was in many respects similar to this was in an advanced state of preparation.

However, the fact that such a measure emanated from the previous Government and is being introduced by this Government does not mean, for the reasons that I have suggested, that Parliament should not give it fairly close scrutiny. An examination of the clauses, in particular clause 15, shows what powers are contemplated in a disaster situation and just how far such powers can extend. So, the checks and balances must be contained in the legislation. Such legislation should be initiated only by the properly elected Government and its democratic procedures. Having been initiated and the disaster situation defined, in order to deal effectively with it we must have comprehensive legislation.

In a sense, that is the dilemma which confronts the Parliament. How far should one go in this situation? Certainly, one could go too far in the sense of virtually making the State a dictatorship subject to the fiat or will of one individual or a group of individuals without any kind of control or regulation for a period of time. Certainly, one could go not far enough by not providing sufficient power for whoever is coping with the natural disaster to ensure that the measures they took were effective. It is that balance that we should try to achieve.

In his second reading explanation, the Premier referred to experience elsewhere. Perhaps it is a matter of some regret that we were not given much detail of what similar measures there are and what provisions are contained in them, and how other States and other countries deal with these natural disasters. I am sure that this would have been part of the terms of reference of the committee that recommended the form of legislation. No doubt in the course of its deliberations that committee assembled quite a bit of knowledge and information. It is a pity that that has not been made available to the House. Perhaps in reply the Premier might be able to elaborate and put this Bill into a context that goes beyond the State of South Australia. That would be useful.

Whether or not such legislation should come into force depends on the definition of "disaster". If we as a community are satisfied that there is a disaster situation, we are prepared to hand over certain rights, civil liberties, and so on, in order to allow that disaster to be coped with. So, the initial confidence must come with the fact that this power will be used only in a genuine situation of disaster. If that exists, a lot of the reservations that one might have about such legislation are dissipated immediately. The Bill defines "disaster" as follows:

> Any occurrence (including fire, flood, storm, tempest, earthquake, eruption and accident) that—
>
> (a) causes, or threatens to cause, loss of life or injury to persons or damage to property;

This is worth stressing; the definition continues:

> (b) is of such a nature or magnitude that extraordinary measures are required in order to protect life or property:.

That is a good definition, which the community would feel is acceptable. If the disaster is of a nature or magnitude that extraordinary measures are required, extraordinary measures ought to be invoked, but only in that circumstance.

Who is to initiate the action to be taken? It can be done in two ways: it can be done under clause 12 by a declaration from the Minister. Incidentally, "Minister" is not defined in this Bill. It would be useful if the Premier could indicate on which Minister, in the immediate future, following the passage of this Bill, the responsibility was conferred. The definition is not helpful in the sense that it says simply:

> "The Minister" means the Minister of the Crown to whom the administration of this Act is for the time being committed by the Governor.

I am asking that the Premier indicate to whom he intends to advise the Governor to commit the legislation. The Minister may make a declaration of a disaster, and he must have regard to that definition in the Bill, namely, that it must be an extraordinary situation. An important check or balance in this respect is that, while it is the Minister's opinion that determines whether or not such a declaration is to be made, at some stage the democratically elected Parliament of this State must analyse that disaster situation and make some judgment as to whether this Bill and the provisions in it should continue.

In the case of the Minister, the clause is very tightly drawn and, as such, it has our support. The Minister can make the declaration operate for a period of 12 hours only, and it shall not be renewed or extended beyond that

time. The only point I would make in respect of this is that, while we agree that it is important that a fairly stringent time limit should be in force, it is questionable whether 12 hours is sufficient.

One could contemplate a situation where a disaster occurs perhaps at 5 p.m. In order to ensure that disaster measures may remain in operation beyond the 12 hours, the Governor must make a further declaration, which, under clause 13, can remain in force for four days. For some reason the Governor or his deputy may not be immediately available. He may be in some remote part of the State, or there may be problems in assembling the Executive Council to make the appropriate orders, or whatever. There could be many reasons. In fact, the reasons may relate to the disaster itself, and they may be problems of difficulty of accessibility. In the case to which I referred, that is, if a disaster occurred at 5 p.m., the Minister has only until 5 o'clock the next morning to ensure that the Governor has issued his further proclamation. That is a fairly stringent requirement, and perhaps it is too stringent. Perhaps an extension of six hours to 12 hours may be justified. I am not suggesting this in the form of an amendment, but I am simply raising the point. Perhaps the Premier would like to comment on it.

The second stage of the proceeding is under clause 13, where the Governor concurs in the Minister's declaration. Incidentally, that can be *ab initio* declaration. It does not require a Ministerial declaration for the Governor to make his declaration under clause 13. In this case it shall be made in writing and published in the manner and form determined by the Minister, and shall remain in force for four days. We certainly would have no quibble about that. Four days seems to be a reasonable time, even in a disaster situation. Parliament could be assembled in that time, and, by resolution of both Houses, decide whether such an authority should be renewed or extended. Therefore, the checks and balances exist in the legislation and would certainly placate the doubts of many people who, naturally, are nervous about this type of legislation and the sweeping powers that it contains.

While I am dealing with the question of the Minister's role, a point that should be raised concerns the question of Ministerial responsibility during the course of a disaster. The Act provides for a State Co-ordinator, and that person and those to whom he delegates authority have an *imprimatur* under the Act to take any necessary action to carry the State Disaster Plan into effect. One would envisage that the carrying into effect of the plan would be done in consultation with the Minister: that the Minister and the elected Government would be closely monitoring the disaster situation and be involved with the co-ordinator in the way in which he undertook his duties in conformity with the State Disaster Plan.

However, what of a situation where some major disagreement about this arises between the State Co-ordinator and the Government? It could be a disagreement as to the interpretation of the plan itself or the action proposed to be taken by the State Co-ordinator which the Government perhaps contends is not in the best interests of the State because it does not conform with the nature of the disaster, or whatever. One can certainly contemplate this situation arising.

This immediately creates a difficulty for the Government and the Minister. The Minister can, at will, revoke his declaration, but I am not talking about a situation of that nature: I am proposing a situation where it is generally agreed that the situation is disastrous and where there is disagreement about the implementation of the State disaster plan. Presumably, the Minister could dismiss the State Co-ordinator and replace him with someone else. However, again there are difficulties, because, if one refers to clause 9, one sees that the Act provides that the position of State Co-ordinator is in fact an *ex officio* position: it is to be exercised by the Commissioner of Police. So, in order to dismiss the State Co-ordinator, in the situation I am contemplating where there is some break-down of relations, the Government would have to dismiss the Commissioner of Police and appoint someone else in his place. That can only be achieved under other procedures and under other Acts, and quite rightly. I do not wish to rake up those coals. I suggest that it is quite proper that the Government should have those powers. However, it is a pretty drastic sort of measure, and certainly, a very destabilising sort of measure in a situation of disaster as contemplated by this Bill.

Putting aside those two remedies (which are not really remedies), what indeed can the Government do? I think, if one looks at the Bill, one realises that the answer is "nothing". Perhaps some allowance or some consideration ought to be given to how that relationship between the State Co-ordinator and his duties of implementing the State Disaster Plan and the Government of the day should be maintained during a period of declared disaster. Again, I have no specific amendments to move in this respect, but this is something to which the Premier may give consideration in his reply, and perhaps in the course of this debate, or when the matter is being considered in another place, the question that I have raised might be taken into account.

I turn now to the plan itself. Under clause 8, the committee is charged with the responsibility of preparing the State Disaster Plan and with advising the Minister on matters affecting it, and with keeping the plan under review and amending it. It will also be noted that, under clause 24 (3), the State Disaster Plan or amendments to it may, if the Government thinks fit, be promulgated in the form of regulations.

There is no requirement in the Bill that this State Disaster Plan will be a public document or made known publicly. There are arguments pro and con on this matter. I can certainly see one side of the argument, which suggests that, the more that is known about the State Disaster Plan, the more it will be understood what measures and resources are available for use in the case of a disaster; also the greater will be the confidence of the community in those measures if they have to be put into effect. So, that is an argument in favour of an open publication; there will be an understanding by the whole community of what the plan is and what people's duties and responsibilities are in a disaster situation.

On the other hand, one could argue, particularly in a situation where the disaster is affecting only a part of the State, that, if full details of deployment of resources and measures that have to be undertaken are widely known, given human nature and some of the anti-social types in our community, that knowledge may be used to some form of criminal or other advantage, which would be against the interests of the community. That is an argument against the open publication of the plan.

I therefore suggest that there is a pro and con in this argument, and that it is well worth exploring. The onus should be on those who wish to maintain that aspects of it should be kept secret, because I should have thought that, where powers like this are put into the hands of non-elected persons, the onus should be on those who wish to give the persons concerned those powers to keep the public fully informed as to precisely how those powers are to be exercised. It is not a clear-cut situation, and it is one that is worthy of consideration.

I refer to clause 5, which deals with the application of the Act and, in particular, I refer to subclause (4), which makes clear that the Act does not authorise the taking of measures to bring a strike or lock-out to an end or to control civil disorders that do not arise out of a disaster itself. That is a very important clause, because to have on the books legislation like this which could be used in a short-term situation (in other words, to intervene in an industrial dispute) would cut right across the whole tradition of our legislation and the democratic rights of people and organisations in our community. It would modify considerably legislation such as the Industrial Conciliation and Arbitration Act in a way that would be anathema to the general body of the community. It is an important clause and an important reservation.

We suggest that the way in which it is worded does not make clear the intention of the clause, which should be put beyond doubt. We are talking not about the technical definitions of strikes and lock-outs but about the legislation being used in a situation which is not a general disaster of the type contemplated by the Bill. We will be moving an amendment to that clause (not a major one) which we believe clarifies its intention, and I hope that the Government will find that amendment acceptable.

I have referred to the committee and its plan, to the administration of the Act, and to the way in which this Bill can be put into operation. I will move on to clause 16, which talks about offences. It is obvious that offences and penalties must be contained, and this is one of those interesting areas of balance. Clause 16 contemplates a penalty of $5 000 for any person who refuses or fails to comply with lawful directions of the State Co-ordinator (in other words, anyone who is not co-operating or playing his part in a disaster), and it is appropriate that penalties should attach to that. Here we have again that question of a balance of civil liberties.

It could be argued that a financial penalty in a disaster situation really does not have enormous significance or enough authority. Should there be a higher penalty, perhaps in the nature of imprisonment? There are arguments pro and con. I am not advocating that; I raised it as something that should be looked at in the context of the effectiveness of the legislation.

Another area about which we have reservations is clause 17, which provides immunity from liability of persons acting under this Act. Here, we look at the other side of the coin. The Act, in operation, should not authorise anyone to do whatever he likes. Persons must have regard to the nature of the Act and to the normal processes of dealing with people and property. Therefore, we must be careful about the nature of the immunity which one confers under the Act. I am pleased to see that amendments have been circulated which deal with one of our objections here, so I will not deal with that at length, because that will come up in Committee.

The protection of employment rights is obviously an essential part of coping with a disaster, and we fully support clause 18 and its provisions, and clause 19, which provides workers compensation protection for persons employed in counter-disaster operations, who will be treated as employees of the Minister.

Clause 22 refers to offences by bodies corporate, and makes clear that, where a body corporate is guilty of an offence against this Act, any director or manager of the body corporate shall also be guilty of the offence. That Draconian penalty cuts across other areas of the law, but it is necessary in a measure of this kind. While normally there may be objections to it, the other side of that coin is that perhaps too much protection is afforded under the guise of the so-called $2 companies to people to flout the law of the land. In a disaster situation, the provisions of clause 22 are proper.

The only other point I make relates to the question of where and how disaster operations should be carried out. In his second reading explanation, the Premier referred to the fact that the State Co-ordinator would use headquarter facilities which exist in the Police Building in Angas Street until an emergency operation centre is constructed. Bearing in mind the type of disaster contemplated by the Act, I suppose that the one which would most affect South Australia would be an earthquake; there is that possibility, because we are on a fault line, and this could be the sort of disaster for which the Act would be used. However, the suitability of Police Headquarters in Angas Street could be put into question.

To maintain communications and fully protect the disaster operation areas, a properly constructed centre is highly necessary. It should be earthquake proof and it should contain special emergency facilities that go far beyond what we have at Police Headquarters in Angas Street. It was the previous Government's intention to move rapidly to the construction of a headquarters of this nature. I am sorry that the Premier's second reading explanation does not give any time table or undertaking that such a centre will be constructed. I want him to indicate, in reply, what time table the Government has in mind, together with costs and information on the site. I know that planning, under the previous Government, was very advanced in this respect, and it seems a pity that that apparently has been set to one side, because that is integral to a successful establishment of a State disaster committee and the implementation of a State disaster plan.

With those remarks, I repeat that we support this legislation, which has finally come before the House after consideration by Governments over a period of years. Getting this measure on the Statute Book, with the kinds of checks and balances that can be involved in it, will ensure that this State is better equipped to deal with the emergencies and disasters that regrettably occur from time to time.

Mr. McRAE (Playford): I had intended to confine my remarks to the Committee stage. However, in view of the importance of the Bill, I stress one particular view I hold: the Bill will gain community support because it is a disaster Bill and does not in terms seek to emulate Bills or Acts of Parliament in other States and in other countries which confer emergency powers where no disaster, in the sense that we are talking about, has occurred. It is therefore very important to maintain that community co-operation which is needed to reassure people that their legitimate rights will not somehow be caught up in the machinery of the Bill and, most important of all, to reassure them that there is no intention on the Government's part to use this legislation as an emergency power, as distinct from a disaster power.

It is therefore extremely important that the trade union movement is convinced that the Bill will not be used as the basis for an attack on legitimate trade union activities in the nature of pickets or other protests which fall under the broad heading of industrial disputation. We all know that the Government has excluded the strike situation from the Bill, but, as someone who has practised in this area for a long time and who has read most of the text and cases on it, I emphasise that the word "strike" is very narrowly defined, and "to strike" is a narrow concept.

I also want to put my authority for those propositions on record lest the Government be unconvinced and so that it can be looked at in another place, if need be. I hope the

Government will be convinced. First, the key authority would be *Sykes Strike Law in Australia,* which, in chapter 3, deals exhaustively with the nature of strike action and, in summary, there must be involved in the notion of a strike a discontinuance of work in combination with other employees in order to gain some demand, usually related to employment from an employer. It is a very narrow concept.

The elements are a combination of employees discontinuing their work in order to get a demand which is usually an industrial demand but which may go wider than that. It most certainly does not cover other activities that are lawful activities on the part of unions, such as picketing, go-slow, work-to-rule, or other activities. In South Australia, the concept of industrial dispute is provided in for the Industrial Conciliation and Arbitration Act, 1972-1975, which provides that an industrial dispute means any dispute in relation to an industrial matter and includes a threatening, pending or probable dispute. As we know, about 50 per cent of the South Australian workforce is employed under awards made by authority of that Act: the other 50 per cent is employed under awards or determinations of the Commonwealth Conciliation and Arbitration Act or through the Public Service Arbitrator. The Commonwealth Act includes a definition that is almost word for word the same definition that I have just read out.

It is very important indeed that trade unions be completely satisfied that this Act will not be used as a ruse to get under their guard and to use machinery of the type that is being used by Mr. Bjelke Petersen in Queensland, or of the type that was passed by Mr. Hamer in Victoria, which is an emergency powers type legislation dealing with essential services and which was used, or attempted to be used, in the Latrobe Valley strike during the past couple of years.

The fact is that we need the confidence of the trade unions as well as the confidence of everyone else, and I believe that the Government must have been aware of that in excluding strikes. I suggest to the Government very strongly and sincerely that it should accept the concept of an industrial dispute, and I put it that there will be no conceivable harm that will lie in that, because the whole framework of the Act is to link the implementation of the disaster plan to a natural disaster, something in the nature of an act of God as distinct from a political or industrial act.

The Government, in the case of a riot or disturbance, be it by a trade union or anyone else, can fall back on other powers, and all powers in this Act are in addition to the powers which the police have under the Criminal Law Consolidation Act and many other Acts and which many other authorities also have. The Government has nothing to lose and everything to gain in obtaining the confidence of the trade union movement and others. Therefore, I urge the Government to consider the matter very seriously. I will not pursue this matter any further, because I believe that the Leader covered all the points very adequately. The Opposition carefully perused what is a most important and delicately balanced piece of legislation.

The Hon. D. O. TONKIN (Premier and Treasurer): I thank members opposite for the spirit in which they have approached this most important Bill. As the Leader has said, it is a matter of very fine balance when we are passing legislation which will be permanent and which contains provisions to take away various rights and civil liberties of individuals. Unfortunately when disaster strikes, for whatever reason, it becomes necessary to co-ordinate all of the possible resources available to the community and to direct them in a way so that the maximum possible benefit is obtained, and I believe that we, and all other sensible people, accept that, as the Leader accepted it. There is a fine judgment, however, between how much liberty and freedom we can take away from individuals in the name of the common good during a disaster: a very fine balance must be struck.

The definition of "disaster" is a very important matter, as is the issue raised by the member for Playford, that this legislation deals specifically with disasters and not with emergency powers. Inevitably, if there is a disaster and a state of emergency is declared, emergency powers must be found, but this Bill will not allow any Minister or Government to declare a state of emergency without there being adequate and proper reason for it to be so declared. That is why the emphasis is on a disaster plan. I am very sensible to the remarks that have been made, and as the Leader would know, on other occasions when this matter has come up, I have been very vocal on exactly the same lines.

The Government is conscious of the need to protect the community and individuals in the community from irresponsible Government action. Obviously, we trust that such action would never occur in South Australia. The Leader asked on what background the plan will be drawn up, and I indicate that the plan has been drawn up, as he would know, by the original State Disaster Committee that was appointed in 1977. This committee has been considering the plan in conjunction with other State Governments and other State disaster plans. Advice has been taken from many centres throughout the world and from experts, particularly co-ordinated through the Commonwealth departments concerned. There is ample precedent and example, and what we are doing is what probably should have been done many years ago—prepare a plan and clothe that plan with legislative backing so that the necessary action can be taken.

The type of disaster ranges from the earthquake risk, which we all know is the highest risk facing the Adelaide area, to bushfires, and it could be extended to encompass widespread terrorism, which is something that we would never want to see in Australia, let alone in South Australia. However, it is as well that we are prepared for the disruptive activity, for instance, that a major bomb explosion would have in the centre of the city, in the railway station or somewhere of that nature, events which have become commonplace in other countries. It is a matter of declaring a disaster area, which may be a limited area or may involve the entire State. I could not envisage that the entire State would be involved often if the plan is invoked, but certainly the ability to declare such an area must exist, and the Bill provides the necessary definitions and machinery for such a declaration to be made.

The plan to which the Leader has referred is quite specific in this matter: there is a duty on the first senior police officer on the scene of what could be a disaster to reconnoitre, to take full notes of the overall situation, and to report back to the State headquarters, in this case the operations room, and then to the Commissioner of Police, who is, under this Bill, to be the co-ordinator of the disaster plan. It is up to him then to take whatever action is necessary. I might read from the plan, and I have some extracts from it here, as follows:

> All participating organisations fall within or comprise a functional service under a State Controller.
>
> The responsibilites of each functional service are summarised. The following summarises their primary roles.

I emphasise that this is a matter which affects the resources available to a community, whether they be Common-

wealth or State, under such emergency disaster plans. The plan further states:

Armed Services: To give support, as available, to other functional services.

Catering: To effect the mass feeding of disaster victims and the provision of meals to members of the functional services.

Communications: To establish and maintain a communication system for the State Disaster Organisation.

Engineering: To restore, where necessary, and maintain essential services and give support to other functional services in counter-disaster measures.

Fire: To control and arrest outbreaks of fire and give support to other functional services in counter-disaster measures.

Health and Medical: To take measures to preserve the health of the community and provide hospital and medical services required as a result of the disaster. To arrange for scientific and veterinary services as required.

Police: To carry out initial reconnaissance, to maintain law and order and protect life and property, to give support to other functional services.

State Emergency Service: To provide reconnaissance, search and rescue, and welfare services within the disaster area. To register volunteers and regulate their movements.

Supply: To arrange for the supply of materials requested by State Controllers.

Transport: To meet transport requirements of other functional services.

Welfare: To provide middle-term relief to disaster victims including the provision of accommodation and other basic daily needs. To register disaster victims.

The overall co-ordination at State level is the responsibility of the State Co-ordinator, whose headquarters forms the basis of the Emergency Operations Centre.

The other important point is the other factor that the participating organisations within each functional service will similarly operate to their own plans. If I go back to the Port Broughton disaster, it was only a small area, but much hardship and danger was caused. The Electricity Trust immediately went into operation to mend the high tension wires and to remove sources of danger. The Fire Brigade Service would operate during a disaster in the same way as it normally does at other times. That is, it has statutory responsibilities, and each organisation will operate according to its statutory responsibilities. In a disaster where it may be necessary to allot priorities, to designate certain areas as being of high priority for attention as against others because of a shortage of resources, such decisions will be made by the State Co-ordinator.

The Leader referred to the headquarters. Certainly, a decision was made, I think probably in the time of the previous Government, that there would be a headquarters in a Demac building in the grounds of the Archer Street, North Adelaide, police station. That proposal progressed for some time after we came to office but it became quite apparent, after discussions with the Adelaide City Council and some of its members, that the presence of a Demac building in the grounds of the Archer Street, North Adelaide, police station would be aesthetically rather less than desirable. I inspected the area and decided that it was unthinkable, even though it might be workable, to put it on that site in those surroundings.

So, the Government deferred a decision on the matter and has taken further advice. There is no decision as yet, but we are a long way along the way. Bearing in mind that the most likely disaster to strike Adelaide will be an earthquake (that is, a disaster of major proportions) we are looking for an earthquake-proof building. Our latest advice is that one of the best ways to achieve this, without building a separate building, is to move into the basement area of a large city building. Although the building could collapse, surprisingly, the basement area would be one of the most secure places in the event of this happening. I have always had the feeling that there might be some difficulty in getting out through the protection that the debris afforded, but it is thought to be a safe way.

Another possibility is the construction of a small earthquake-proof building somewhere in the near vicinity of the city. One of the measures to be taken into account is access to ring roads and to communications, because inevitably there would be disturbances and disruptions to transport and communication facilities, and it would be important for that centre to be not in the heart of the city, but slightly withdrawn from it. These matters are under urgent discussion, and I hope a decision will be made some time within the next few months.

The only other matter of any real substance and possible disagreement was that raised by the Leader and by the member for Playford, and it relates to clause 5, with reference to strikes and lockouts. Frankly, I would be absolutely amazed, and indeed bitterly disappointed, if this clause were ever relevant. I am sure the Leader knows what I mean. In a period of disaster, when the entire community is under threat, disaster tends to bring its own community response and support and a degree of responsibility rarely found in such a determined sense on other occasions. I would be more than surprised if there were any industrial disputes. I move:

That the time for moving the adjournment of the House be extended beyond 5 p.m.

Motion carried.

The Hon. D. O. TONKIN: I doubt very much whether we would ever expect anyone, no matter what they were doing, whether it was a strike or a lockout, to need the provisions of this clause. It would be quite inconceivable to think that members of the community would not totally and absolutely rally about to help.

Mr. McRae: This is not during the disaster. Look at clause 5 (4).

The Hon. D. O. TONKIN: I am still dealing with the disaster period, and I do not think we would ever expect to see anyone not moving in to take their part in what would be relief and emergency operations. I think that would be inconceivable.

The member for Playford has made his point very well, that this is not emergency powers legislation. I find it equally inconceivable that any Minister or any Government could try to use this legislation as an excuse to try to break a strike or lockout, or in any industrial dispute. I cannot see that changing the legislation as suggested will have any greater or lesser effect; I think it makes it less specific and widens the situation. I do not think in either event that it matters. I think it is there from an excess of caution, nothing more.

I cannot for the life of me see how, unless someone deliberately were to bring about a disaster, it could possibly be used for the purposes that are worrying the member for Playford. I take the point that it is necessary in such matters, and we have had experience with other legislation where it is necessary for members of the trade union movement and of the entire community to be assured that no Government intends to take advantage of such legislation as this. I cannot see that changing the present rather excessively cautious provision for another, simply by changing one term for a wider term, will make the slightest difference.

It is still not going to be used, and I do not believe that it can be used by a Government, other than when a disaster exists. Although I am not prepared to accept an

amendment at this stage, I would be prepared to take advice further on the matter and, if necessary, and if a convincing case can be made out to overcome the concerns that the honourable member, I think unnecessarily, has, certainly action can be taken in another place.

I sincerely trust, as do all members, that we never have to invoke this whole legislation. The times, the Leader suggests, may be too stringent in the early stages. That may be so; it may be difficult. However, as far as I am concerned, if the disaster is so absolute that we cannot call His Excellency the Governor or his deputy, or an Executive Council of some sort, together within 12 hours, quite frankly it is not going to matter very much, anyway. I am prepared to live with the time limit that has been set in the interests of controlling the power and the possible indiscriminate use of that power by a Minister. This is something we may review as time goes on.

There will be some trial disaster runs. They probably will not be nearly as helpful in learning, but they will help the co-ordinating committee and if, on reflection, we felt that it ought to be extended, as the Leader suggests, that action could be taken then. At present, I think the time limits, although they are stringent, can be adhered to. Indeed, I believe that they are necessary to safeguard the interests of the community generally.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—"Application of this Act."

Mr. BANNON: I move:

Page 2, lines 21 and 22—Strike out "a strike or lock-out" and insert in lieu thereof "an industrial dispute".

As this matter has already been canvassed in previous debate, I do not wish to go into it at any length. We have made quite clear that we believe the reference to "strike or lock-out" to be far too limiting. They are technical terms, technically defined, both by Act of Parliament and by common law and legal authority. As the member for Playford can point out, if those strict technical interpretations are provided to those terms, subclause (4) will fail to achieve its clear object. I agree with the remarks that the Premier may make that one hopes that this provision will not be necessary. There is no strong eventuality of its being needed. However, it is there as a reassurance and protection against some very arbitrary action that might be taken. I remind the House of actions that have been taken under emergency powers legislation (I agree this is not quite the same) by the notorious Premier of Queensland, Mr. Bjelke-Petersen. I know you, Mr. Chairman, probably applaud that gentleman's policies.

The CHAIRMAN: I do not believe the Leader should make imputations.

Mr. BANNON: I am glad to hear your denial of that, Mr. Chairman; that is very good. However, it has been used; those sorts of power can be used. I do not contemplate that happening, certainly not under the present political leadership in this State. However, one never knows and, as the Leader has pointed out, this is permanent legislation.

If the purpose of the clause is to reassure and provide against that long-term eventuality, its meaning should be made quite clear. To use those technical terms in that way narrows it too much. The words "industrial dispute" covers the whole range of industrial activity, whether employer or employee-inspired, which comes under the purview of Conciliation and Arbitration Acts, and, as such, clarifies the clause. It has no further or stronger intent than that, and it is quite a reasonable amendment to move. The Opposition therefore feels obliged to stick on this one.

The Hon. D. O. TONKIN: I accept the intent of the Opposition in trying to put forward a constructive amendment in this regard. The Leader is absolutely right. These terms are technically limiting. In fact, they are deliberately so. Equally, I would say, "industrial dispute" is far too wide. I have already given the Leader an assurance and I repeat it now. I am afraid that I cannot accept the amendment at this stage for reasons that I outlined before. However, if we can perhaps be given some further argument or guidance on technical and legal grounds, I am quite happy for the matter to be considered in another place.

Mr. BANNON: Although I thank the Premier for his assurance that it will be looked at, I do not feel that that is sufficient. The Opposition thinks that what we have proposed is reasonable. It is a matter of principle which ought to be inserted in the Bill to achieve the purpose for which that subclause has been inserted. Accordingly, the Opposition will insist on the amendment, despite the Premier's assurances.

The Committee divided on the amendment:

Ayes (18)—Messrs. Abbott, L. M. F. Arnold, Bannon (teller), M. J. Brown, Corcoran, Crafter, Duncan, Hamilton, Hemmings, Hopgood, Langley, McRae, O'Neill, Payne, Peterson, Slater, Trainer, and Wright.

Noes (22)—Mrs. Adamson, Messrs. Allison, P. B. Arnold, Becker, Billard, Blacker, D. C. Brown, Eastick, Evans, Glazbrook, Goldsworthy, Lewis, Mathwin, Olsen, Oswald, Randall, Rodda, Russack, Schmidt, Tonkin (teller), Wilson, and Wotton.

Pairs—Ayes—Messrs. Keneally and Whitten. Noes—Messrs. Ashenden and Chapman.

Majority of 4 for the Noes.

Amendment thus negatived; clause passed.

Clauses 6 to 11 passed.

Clause 12—"Interim declaration of state of disaster by the Minister."

Mr. BANNON: It is difficult to look at a hypothetical situation, but I am aware that in the time of our office when some fairly urgent provision was necessary, and I think the Governor was holidaying at Victor Harbor and was not immediately available, it took some hours to contact him. In a situation where there has been a communication breakdown, it may mean that a message has to be sent by car to get the Governor at Victor Harbor; in that case, the 12 hours time limit might be too short. What was the advice of that committee in relation to this provision, and, if it has been modified, why was it modified?

The Hon. D. O. TONKIN: As far as I know there was no advice from the committee regarding this part of the matter. It has been the prerogative of the Government to organise this matter, and the committee's basic brief has been to work on the plan for co-ordination and to list the facilities that might be available to the authorities in the case of a disaster. Once the original declaration is made that a disaster has occurred the co-ordination plan comes into operation, and not before. Basically, no recommendations were made on this. As a general rule (and the Leader would know this from his experience in Government), it is not difficult to get to the Governor or his Deputy. If for any reason the Governor is not available in the city (and that periodically happens), it is possible to reach His Excellency's Deputy. We do not see any real problem with this. We may, with great respect, have to speak to both those gentlemen and make sure that one of them is always reasonably near the city.

I do not think Victor Harbor is very far away. Really, it is a little over an hour and a half away, although certainly the trip could take longer in certain conditions. If conditions are so bad and the disaster is of such a magnitude, I do not think anyone would be too worried about signing proclamations or Orders-in-Council. I think we would all be getting on with the job of sorting things out. However, that is not to say that we should not attempt to do it, and it certainly will be done. The law will be complied with at all times when it is possible to do so. I feel strongly, and always have done so, that no one person should be given unlimited power for any longer than we really need to give it. For that reason, the Government is prepared to put up with the 12-hour limitation in this regard.

Mr. BANNON: Would the Premier tell us how he would see the situation in which some sort of dispute arose between the Minister who has initiated a disaster situation under this clause and the State Co-ordinator over some matter of importance which perhaps the Minister was representing as a view or opinion of the Government? How can the Premier see such a conflict being resolved?

The Hon. D. O. TONKIN: I hope that such a situation would not arise. In this case, the Minister to whom the Act was committed would be the Premier or whoever was acting in that portfolio at the time. The Commissioner of Police has been chosen to act as State Co-ordinator because he already has certain statutory powers and responsibilities which he exercises. I say that without going into involved legal arguments and other constitutional arguments about the powers, role and responsibilities of Police Commissioners. The Commissioner has been chosen because he already has these statutory powers, and he will exercise them in the usual way, as will the fire chief and other heads of different services and branches.

What the Co-ordinator will have over and above that is the co-ordinating role, and this really is to clothe him with a co-ordinating role as well as in his own statutory role. Obviously, the Co-ordinator will report to the responsible Minister, and discussions will take place with the responsible Minister. If, in fact, decisions of great magnitude must be taken, it is envisaged that they will be taken by the Co-ordinator only after Executive Council has considered a crisis situation and made its recommendations accordingly. If that is not possible, the power must reside in the Co-ordinator, and that is why the Commissioner of Police has been chosen.

Clause passed.

Clauses 13 and 14 passed.

Clause 15—"Powers of State Co-ordinator and authorised officers."

Mr. BANNON: Clause 15 (3) sets out the various powers that an authorised officer may have. Clause 15 (3) *(d)* provides for the shutting off, or cutting off, of any supply of fuel, gas or electricity. No mention is made of water. Is there any reason for that? Does some other provision cover the supply of reticulated water supplies?

The Hon. D. O. TONKIN: I think the reason for that is that fuel, gas and electricity are not normally cut off and allocated to areas where they are needed. That could give rise to great hardship. On the other hand, water is a different type of service; it is readily available. It is most unlikely that it would have to be cut off from one area in order to service another area, except if a water main had been damaged. Then, it would be the normal practice of the Engineering and Water Supply Department to turn off that section. There is no need for any statutory power to do that. That is already part of the responsibilities of the department.

The reference to fuel and electricity is made because a situation could arise which could mean that an area of the suburbs may have to have the power cut off (obviously power would have to be cut off by the Electricity Trust workers when lines are down, to avoid danger to life, and so on) for the rechannelling of energy resources from one area to another area where they may be needed. This, of course, may cause considerable inconvenience to those people living in an area not damaged because those energy resources are being tapped off help in a disaster situation somewhere else. This is the sort of positive decision that must be taken. Of course, if such action is taken, it is compensatable.

Mr. BANNON: Of course, the power can be exercised only within a disaster area, so I am not sure that part of the Premier's answer is correct, in that, if that action affects somebody outside the disaster area, that power would not apply, to areas other than the disaster area.

The Hon. D. O. TONKIN: In the centre as opposed to elsewhere.

Mr. BANNON: That is understood.

Clause passed.

Clause 16 passed.

Clause 17—"Immunity from liability of persons acting under this Act."

The Hon. D. O. TONKIN: I move:

Page 5, line 28—Leave out "or criminal".

Quite obviously the words "or criminal liability" in this clause should not have appeared, and this is due to an oversight. It is quite ridiculous to imagine that anyone could use a disaster as an excuse for undertaking criminal activity and be excused under the terms of the Bill. I think the amendment is self-explanatory.

Mr. BANNON: We support the amendment. In fact, this was one of the questions that we intended to raise, and I am glad the Premier has moved to strike out those words.

Amendment carried; clause as amended passed.

Clauses 18 to 20 passed.

Clause 21—"Summary proceedings."

The Hon. D. O. TONKIN: I move:

Page 6—after line 26—Insert subclause as follows:

(2) Proceedings for an offence against this Act shall not be commenced without the authorisation of the Attorney-General.

(3) An apparently genuine document purporting to be under the hand of the Attorney-General and to authorise the commencement of proceedings for an offence against this Act shall, in the absence of proof to the contrary, be proof of that authorisation.

This clause was inserted probably out of an excess of caution, but it is a move which I think is very worthwhile. It was suggested to me by somebody whose opinion I greatly respect in these matters, and it provides that proceedings for an offence shall not just be taken summarily. Charges will be heard and disposed of summarily, but this amendment requires that there be a certificate of the Attorney before a prosecution is instituted.

I can envisage a situation where, for instance, an individual, on being directed to leave a home or property to avoid further danger, may positively refuse to leave and decide to stay put. Theoretically, that would be a breach of the powers and an offence because the person did not obey proper directions. I can see that there could be many small events with mitigating circumstances which of necessity should not come into this net. I think the Attorney should have some discrimination and should therefore issue certificates where appropriate. As I say, this provision is there probably from an excess of caution; we do not have a plethora of these matters, and it would probably be the

last thing that we would be worried about if we have a disaster. I think we must use our commonsense.

Amendment carried; clause as amended passed.

Remaining clauses (22 to 24) and title passed.

Bill read a third time and passed.

WORKMEN'S COMPENSATION (SPECIAL PROVISIONS) ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

ADJOURNMENT

At 5.53 p.m. the House adjourned until Tuesday 2 December at 2 p.m.