HOUSE OF ASSEMBLY

Wednesday 28 October 1981

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

PETITIONS: PRE-SCHOOL OPERATING COSTS

Petitions signed by 556 concerned residents of South Australia praying that the House urge the Government to provide sufficient funds to cover all pre-school operating costs were presented by the Hons. H. Allison, J. D. Corcoran, and D. J. Hopgood, and Messrs Becker and Max Brown.

Petitions received.

QUESTIONS

The SPEAKER: I direct that the written answers to questions raised in the Estimates Committees, as detailed in the schedule which I now table, and a written answer to a question raised in this House, be distributed and printed in *Hansard*.

SCHOOL CROSSING LIGHTS

In reply to **Mr MATHWIN** (21 October).

The Hon. M. M. WILSON: The Highways Department anticipates that resources will be available to replace this crossing with pedestrian actuated traffic signals in the latter part of this financial year.

MINISTERIAL STATEMENT: STATE'S POPULATION

The Hon. D. O. TONKIN (Premier and Treasurer): I seek leave to make a statement.

Leave granted.

The Hon. D. O. TONKIN: Yesterday in responding to a question by the Leader of the Opposition I undertook to give a considered summary of the present population trends, as revealed by recent A.B.S. figures. In summary, South Australia's population is increasing. As at 30 June 1981 our population was 1 308 100—an increase of 9 000 or .69 per cent on the previous year. This is the highest increase for three years and the trend also indicates that the rate of growth is increasing.

Unfortunately, the Leader of the Opposition has chosen to highlight only one aspect of our population movement, apparently in support of his doom and gloom campaign. He seems determined to promote the misleading impression that South Australia's population is falling. This is not true. The Leader has selected the interstate movements of some people from this State to support his argument. What he ignores is the continuous and increasing flow of people into South Australia from overseas.

It is necessary to look at net migration from all sources, both interstate and overseas, to ensure that the actual situation is honestly reported. During the year 1980-81, 6 860 people emigrated interstate from South Australia, while 6 633 people migrated into South Australia from overseas. Therefore, the net loss from migration for the financial year was 227. The net loss for the previous year was 3 532, which clearly shows that the trend has reversed.

The trend is even more obvious when we analyse the quarterly migration and overall population figures for the year ended 30 June 1981. The net effect of migration on South Australian population for the four quarters of 1980-81 were: September quarter, net loss 1 216; December quarter, net increase 420; March quarter, net increase 113; and June quarter, net increase 456. Therefore, although the overall loss for the last financial year was 227, that loss was taken up by the first quarter.

The last three quarters of 1980-81 clearly confirm the trend of an increasing population by way of net migration. Moreover, Victoria and New South Wales have been losing population by way of interstate migration for many years, and people have constantly moved from State to State, as opportunities arise. During the last year alone, 12 548 migrated interstate from New South Wales, and 12 992 from Victoria. All States undergo periodic movements in population.

At present, the State gaining interstate migration population in large numbers is Queensland. The reasons for this trend include many factors, but I am sure the main factor is that State's aggressive development policies and resources boom. South Australia also has an aggressive State development programme and is entering a period of significant resources development.

However, this situation in South Australia has only come about since this Government came to office. We lost 10 years during the Labor decade of limited growth, while the developing States of Queensland and Western Australia forged ahead. This Government has put South Australia back on the map in terms of investment and development. All the signs and trends should be patently obvious, even to members of the Opposition, although they continue to put their heads in the sand and ignore the facts, and to talk South Australia's prospects down.

If Opposition members have any doubt at all about the way in which their previous Government was regarded by one of the major developers of the Cooper Basin, I suggest they talk to them and get their message solidly across. But I am happy to report that South Australia is catching up with the developing States and I expect population trends to continue improving.

State development obviously has a major impact on population trends. Natural resource development will play a significant role in improving our interstate migration movements. We have turned the corner and reversed the negative trends we inherited. First, the natural increase in South Australia's population for the 1980-81 year was 9 224, the highest increase for three years. Secondly, the overseas migration into South Australia was 6 633, the highest level for nearly 10 years. Finally, the overall net increase in population of 9 000 for 1980-81 is the highest for three years, and the quarterly trends indicate that this level is continuing to increase. It is quite apparent that the Leader of the Opposition has been talking only about those people leaving the State, and totally ignoring those people coming into it.

The Hon. D. C. Brown: So much for his credibility.

The Hon. D. O. TONKIN: He has very little credibility. When looking at overseas immigration, we have adopted a positive attitude to recruitment. Selective migration ensures we attract the people we need without adversely affecting employment pressures. I pay a tribute at this stage to the work of the Agent-General and his officers in London in this regard. Overseas business people are being encouraged to settle in South Australia, which results in an inflow of new capital, new investment here, and ultimately, new jobs. This turn-around in net migration will favourably impact on demand for housing and other consumer products required by a net increase in households, and will further

increase employment. I see a prosperous and secure future for the people of this State. There is no justification for the Opposition's doom and gloom campaign. It would do better to support the Government's determination to ensure that the opportunities we now see coming to fruition are not lost. Only by working together can we all ensure that South Australia will play a leading role in Australia's future.

MINISTERIAL STATEMENT: BRIAN GROVE CONSTRUCTIONS

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

Leave granted.

The Hon. D. C. BROWN: Yesterday, during Question Time, the Deputy Leader of the Opposition quoted extensively from a letter he had received concerning the failure of Brian Grove Constructions Pty Ltd to complete its contract to construct the North-West Primary School in Mount Gambier. In the course of his question and explanation, he made a series of allegations concerning the selection of Grove as the successful tenderer, the method by which Grove's involvement in the contract was terminated, and the Government's obligations to sub-contractors engaged by Grove.

As promised to the House, I am pleased to present the facts in these matters, facts which place beyond reproach the actions of members of the Government, and staff of the Public Buildings Department, which the Deputy Leader of the Opposition was so keen to berate. A number of allegations were made in the letter quoted at length by the honourable member. I shall deal with each separately so that the record is set straight.

First, it was stated that Brian Grove Constructions was 'shaky financially' at the time the contract for the North-West Primary School was awarded. This statement does not tally with an independent financial assessment undertaken by Dun and Bradstreet before any final selection of tenderer was made. It would be improper for me to divulge its contents—

Members interjecting:

The Hon. D. C. BROWN: You asked the question, and you will get the answer today, in Question Time.

The SPEAKER: Order!

The Hon. D. C. BROWN: But I have read that report, and agree with senior officers of the Public Buildings Department that the assessment was so favourable as to leave no reasonable doubt of the company's capacity to complete a contract of that size and nature. A copy of this report has been forwarded to the Ombudsman for his independent assessment. In other words, my department took pains to rigorously check the financial credentials of Brian Grove Constructions and was satisfied both by its own investigations and by the contents of a reputable independent report that the company was one of substance and ability.

The department's own inquiries concerning the company included an assessment by a private firm of consulting architects who, when describing the company's performance on two jobs totalling $2 200 000, considered Grove to be 'excellent contractors: standard of workmanship good, very co-operative: projects frequently completed ahead of schedule'.

The Deputy Leader of the Opposition then alleged that Brian Grove Constructions' lowest tender was accepted in the face of a contrary recommendation from the project team leader. The Deputy Leader appears to have a short memory, otherwise he would recall from his period in the Ministry and especially the Ministry of Public Works, that departmental recommendations are subject to scrutiny at several levels before they are ever submitted for Ministerial and Cabinet approval.

The project team leader, in his initial assessment—I stress his initial assessment—said that from information available to him at that time the lowest tenderer should be passed over in favour of the second lowest. However, he recommended further investigations of the lower tender. The senior contracts officer, on finding that details on the company were not only outdated but not entirely consistent with the present company structure, initiated the financial and performance checks which I have just detailed. On receipt of those highly favourable reports, departmental staff, including the project team leader, agreed that there was no justification for refusing Brian Grove Constructions the award of the contract. The only recommendation that came before me as Minister of Public Works was that Brian Grove Constructions be given the contract for the construction of the North-West Primary School, as this was the lowest tender price. In the face of entirely satisfactory checks, it would have been imprudent for the Minister or for Cabinet to have done otherwise than to approve that recommendation.

So that there will be no doubt as to the involvement of the department or its staff in the selection and recommendation of the most suitable tender, I wish to table statutory declarations prepared by the project team leader, who drafted the original recommendation that Grove's tender be passed over, and by the supervising architect who forwarded the final departmental recommendation to the Acting Director-General, who then forwarded it to me for approval by Cabinet.

An honourable member interjecting:

The Hon. D. C. BROWN: It is not what you said, and you know it. I wish to table both statutory declarations, first, the one from Peter Charles Baldwinson and, secondly, the one from Trevor Charles Tomlinson. The Deputy Leader then implied that I had told the project team leader to 'keep quiet' about a meeting I supposedly held with Brian Grove some time before the Government supposedly issued a 'stop work order', thus effectively giving Brian Grove two weeks to 'consolidate his position'. This is not true. Again, allow me to set the record straight: the only 'stop work order' issued to Brian Grove Constructions on the site of the North-West Primary School was by the company's management on 5 August. As for a meeting held between myself and Brian Grove concerning his company's financial position, no such meeting was ever held. The only person-to-person contact between me and Mr Grove was a telephone call received on my electorate office telephone one weekend, in which Mr Brian Grove referred to certain liquidity problems he was having. The alleged meeting referred to by the Deputy Leader of the Opposition was between Mr Grove and the Director-General of the Public Buildings Department, not between Mr Grove and the Minister of Public Works. Any instruction about the content of this meeting would have come from the Director-General, not from the Minister of Public Works.

While on that point, Mr Speaker, I would refer to a comment in the letter quoted by the Deputy Leader that I am a 'great mate' of Brian Grove, and once again this is entirely untrue. I can recall meeting him on two occasions. One occasion was 11 years ago, when I was guest speaker at a Rotary Club meeting and where I am not even sure whether it was Brian Grove or his brother that I happened to meet: and, more recently, Mr Brian Grove introduced himself to me in the street and spoke to me for approximately three minutes. That was in 1979. It is interesting that he had to come up and introduce himself, because I did not know him. If that level of contact establishes Brian

Grove as a 'great mate', then I must have a large following of 'great mates'.

Continuing his effort to paint the Government as corrupt, the Deputy Leader then questioned my department's alleged failure to react quickly and decisively following cessation of work on the primary school site, and implied that the Government had preferred to 'help Brian Grove'. To prove the inaccuracy of this charge, let me chronicle events from the stoppage of work on the site until the award of a new contract for completion of the work.

On 5 August 1981, Brian Grove Constructions issued a notice terminating work on all projects and dismissing all employees forthwith. No advance notice was given to either employees or the Government. Since the terms of that notice bear on later events, I shall quote it in full, as follows:

> At a meeting of Directors on 3 August 1981 it was resolved that this company cease work forthwith on all projects and terminate the employment of all employees pending considering rearrangement of this company's structure and its activities.
>
> It was agreed that the change of the registered address of this company at 90 Carrington Street, Adelaide, be confirmed and that forthwith Price Waterhouse and Company will handle all of this company's financial matters.

Note that this notice refers to a proposed rearrangement of the company, an eventuality provided for in contract documents which therefore effectively precluded termination of the contract.

On 6 August 1981 (the following day, although there were accusations of delay), the Director-General of the Public Buildings Department wrote to the company's nominated financial managers, Price Waterhouse, inquiring as to the status of two contracts held by Brian Grove Constructions for Government buildings. This letter was followed by telephone calls, approaches and requests that meetings be held, all with no response.

On 25 August 1981 (still in the same month), as the responsible Minister, and acting upon advice from my department, I wrote to Brian Grove Constructions requesting reasons—as required by the terms of the contract—why the Government should not terminate the contract and proceed to have it completed by other means. I would mention that, at that stage, it was still anticipated by departmental officers that the company might be in a position to trade out of its financial difficulties, thereby enabling existing subcontractors to complete their work and for all creditors to be paid in full, even though that might have taken some time. The company was then placed in liquidation, removing all possible chance of completion of its existing Government jobs, and moves were made to terminate the contract.

On 6 October 1981, I wrote to Brian Grove Constructions formally determining their contract for the North-West Primary School, but this is not to say that until now the department had been sitting idly by, wishing for some financial fairy godmother to wave away the company's troubles: far from it. Within two days of the company's stopping work on the school site, departmental officers had assessed the value of completed work so that they would be able, should the occasion arise, to quickly document remaining works so that a new contract could be awarded with minimal delay. In fact, selective tenders were called from companies of proven ability on 11 September, a mere eight days after the expiry of the time given to Brian Grove to give reason why his contract should not be determined. Those tenders closed two weeks later, and on 6 October I was able to advise the company which was successful in being awarded the contract for the completion work.

At all times the officers of the Public Buildings Department worked with the welfare of all those affected by the collapse of Brian Grove Constructions uppermost in the mind. As for the Government bending over backwards to help Mr Grove, that would have proved impossible even if it had been the Government's intention, since from the cessation of work on 5 August until the formal determination of the contract on 6 October there was no contact from Mr Grove.

The Deputy Leader claimed that a progress payment cheque for $200 000 was drawn but not paid to Brian Grove Constructions, and instead was paid into a special account, to use his words. He also claimed that money was owed by the Government to the company.

Once again it appears that I must remind the former Minister of Public Works of standard practice in relation to terminating contracts. Any Government guarantees and moneys not paid for work which is acknowledged to have been completed is held by the client—in this case the Government—against the eventual costs of completing work left unfinished by the defaulting contractor. In this case, my departmental officers have assessed work completed during the month of July, and concur that the value of that work over and above the total of progress payments previously made is $87 927.93. Bank guarantees which will now be called in amount to a further $55 107. The sum of these two amounts will be credited against the greatly increased total cost of construction of the school, and, once again, I underline that this is standard and long-standing departmental practice in the unfortunate event of a contractor failing to complete a contract. The Government owes no money to Brian Grove Constructions.

On the specific matter of an alleged payment of a $200 000 cheque and payment into some unidentified 'special account', I can only say that there was no cheque and there is no special account. A total of four progress payments have been made to Brian Grove Constructions for work associated with the North-West Primary School, amounting to a total of $501 537. The last payment was scheduled on 13 July, and, like all previous payments, was made to Brian Grove Constructions Proprietary Limited, 651 Portrush Road, Glen Osmond. There has been no subsequent payment. No payment has been made for this contract other than to the registered office of the company as disclosed on its original contract documents.

Criticism is levelled at an alleged lack of consultation between Government officers and subcontractors and union officials. In fact, talks took place on Tuesday 20 October when a senior departmental officer held discussions in Mount Gambier with various subcontractors and a union spokesman. Again on Wednesday 21 October further talks were held in Adelaide with a union spokesman. There has been no antagonism, by Government at least, of local people or refusal to talk to them. If there has been any antagonism, then statements by a Builders Workers Industrial Union official have probably been significantly contributory to that antagonism.

The SPEAKER: Order! Will the Minister of Industrial Affairs please resume his seat. Under Standing Order 136, if the Minister is to conclude his remarks, he must seek to receive further leave.

The Hon. D. C. BROWN: I seek further leave; I have almost completed the statement.

Leave granted.

The Hon. D. C. BROWN: In the *Border Watch* on 16 October the union's State Secretary was quoted as saying that the new contractor S. J. Weir Constructions was required to 'pick up the outstanding debts of the uncompleted Grove tender', but that this had proved unacceptable to the Master Builders Association and had been removed from the contract. No such requirement ever existed. I must repeat that the Government's contract was with Brian Grove Constructions and not the subcontractors. I have

obtained from the official liquidator a statement of the likely position of employees owed money by that company, and I lay on the table of the House for all members to see that letter from Peat Marwick Mitchell and Company, written by a Mr England, the provisional liquidator.

The Hon. D. J. Hopgood: Ask him if he wants us to break the agreement on tonight.

The SPEAKER: Order! The Minister of Industrial Affairs has the floor.

The Hon. D. C. BROWN: Although these explanations have taken much of the time of this House, I believe it is important to correct the scurrilous and unfounded allegations endorsed by the Deputy Leader of the Opposition. I stress the seriousness of those allegations which implied corruption by the Minister of Public Works, and incompetence and financial misappropriation by senior officers of the Public Buildings Department.

In making these allegations the Deputy Leader has strung together a series of grossly incorrect claims, unsubstantiated by a shred of factual evidence. His attack on defenceless public servants who worked so loyally for him as Minister of Public Works is indefensible. His attack on my own integrity without any evidence again reveals the true character of this State's Labor Opposition for which it has become well known, namely, that winning government is more important to the Labor Party than sticking to the truth.

This Government, through its Public Buildings Department, has done its best: first, to restart work on the school site, and then to act swiftly to engage a new company to complete the work left undone at the time of the original contractor's default. At last Monday's Cabinet meeting, the Government approved the offer of low interest hardship loans to subcontractors who, despite being re-engaged by the firm contracting to complete work on the school, can prove financial difficulty in satisfactorily completing their work. I might add that a condition of that is that all bans and restrictions on that building site be lifted for those loans to be granted.

On Friday of this week, two senior Government officers will travel to Mount Gambier to interview subcontractors seeking assistance in this way, and will make recommendations to me concerning the assistance to be offered. This is one more example of the Government 'going the extra mile', in this case to help subcontractors, their employees and their families, despite the fact that it has no legal obligation to do so. Throughout this whole affair, the Opposition has offered not a single constructive suggestion on how the many problems created by this company's failure may be overcome. This Government does care. It does have the capacity to react to new and emergent situations, and it most certainly has the well-being of those affected by its actions very strongly in mind in making its decisions.

PAPER TABLED

The following paper was laid on the table:

By the Minister of Transport (Hon. M. M. Wilson):

Pursuant to Statute—

State Transport Authority—Report, 1981.

QUESTION TIME

The Hon. E. R. GOLDSWORTHY (Deputy Premier): I move:

That Standing Orders be so far suspended as to allow the asking of questions without notice to continue until 3.25 p.m.

Mr MILLHOUSE (Mitcham): I do not oppose the motion, but I do point out that today is the day for private members' business. I have four Notices of Motion, and that means that I have four speeches which I have to get in, normally by 4 o'clock. I have estimated my time to do that, but, if I am going to lose 10 minutes of that time through the extension of Question Time, I ask the time for Notices of Motion be likewise extended so that I might have the time that I thought was available to me.

Motion carried.

STATE'S ECONOMY

Mr BANNON: Will the Premier continue to maintain that it is only the Opposition that is raising questions about the poor performance of the Government and the stagnant state of the economy, or will he face up to reality and explain to this House what he intends doing to improve our economic performance?

A number of articles have appeared in the press expressing dissatisfaction from many quarters, including business, about the Government's performance. I quote in particular from the latest issue of a business newsletter which is circulated widely throughout the Adelaide business community. Published by G. W. Holden and Associates Pty. Ltd., and called *State Scene*, this newsletter says that, faced with the tough economic situation, the Government now seems to be acting like a tortoise retreating into its shell. It states:

> The industrial sector has been engaging recently in some fairly tough talk with the Government about its failure to communicate effectively—but in some Government circles this is resented.
>
> Yet, unless the Tonkin Government is prepared to listen and absorb what is being said and to realise there is considerable truth and justification in much of the criticism, it may not survive. It's facing a hard enough situation in getting re-elected in 1983 without losing the support of the people who helped get it elected in 1979.

The newsletter continues:

> It is fair to say that industry generally has not been approaching the Government with unrealistic demands. It has been making some very sound suggestions to help get the State on its feet, but it's been getting nowhere.
>
> In some cases, despite promises of consultation, legislative action appears to be taken without reference to or understanding of the situation of those most affected.
>
> An appraisal of performances and utterances of some Liberal Ministers and of the Opposition shadow Ministers by various groups in the free enterprise system has led to some quite stringent criticisms of the Liberals. Criticisms are coming from the manufacturing, retailing, commerce, heavy industries and from sections of the professions. In many cases the criticisms relate to what is perceived as the Government's slowness to take action and general defensiveness.

This independent newsletter continues:

> On behalf of various clients, this organisation has quite a lot of dealings with Government departments and their Ministers. In recent months we have ourselves observed this defensive line being adopted by some Ministers.
>
> We are aware of a proposal of considerable significance to the State's economy which appears to have been getting the run-around between Government departments for several months—

I imagine between State Development and the Department of Trade and Industry—

> in fact we are told it originally took six months to even get it looked at by a responsible Minister.
>
> Some Ministers have made and are making bad blunders, some after accepting without question incorrect advice despite rumblings from within their own departments. These Ministers are becoming isolated from reality. If the Tonkin Government expects to be re-elected in 1983, it is time (1) to listen carefully to what is being said in the community and to follow the good advice given to it and not to follow slavishly what is being said by the Party faithful; and (2), to re-organise the Ministry to bring in some new talent and to discard those who are not trusted or who are simply not capable.

The Hon. D. O. TONKIN: May I say first of all how gracious it was of the Leader to thank the Government for extending Question Time at his request. I am so pleased that he saw fit to extend that courtesy.

The answer to the Leader's rather convoluted question is that this Government always faces up to reality and that there is no question whatever of any lack of confidence as far as we or the business community are concerned. Indeed, there have been articles which far outnumber those that the Leader quotes and which have praised the progress that has been made. If the Leader talks about complaints of lack of confidence let me just say that many of the people to whom I have talked in the business community have quite specifically pointed to the doom and gloom campaign that the Opposition has been so vocally promoting as one of the major reasons for a falling off in confidence in South Australia in recent months.

Mr Slater: Who are they?

The Hon. D. O. TONKIN: They are the same people that the Leader has been quoting but not by name. The Leader cannot have it both ways. I also took the opportunity when that article appeared of talking to the people responsible for its publication. We made quite a good deal of progress and have cleared up a number of misunderstandings that they had.

They were totally ill informed about the project, which the Leader says took six months to get to a Minister. It did not. The point is that even some representatives of private enterprise should realise that they must put up propositions in which the Government can properly be involved, and not propositions for the pure benefit of proponents of the scheme. There is no way in which this Government will give special benefits to any section of the community. We treat everyone without fear or favour on an equal basis, which is as it should be. Let us get back to what the Leader had to say about complaints. He says, first, that articles come from many quarters. I notice that he was able to quote from only one such article.

Mr Bannon: Two weeks ago, Frank Jackson in the *News*.

The Hon. D. O. TONKIN: I think we have sorted that one out. We have certainly sourced now, beyond any doubt, the origin of many of the rumours so avidly taken up by one or two people in the media. Referring to complaints of lack of confidence, I maintain, as I said, that the Opposition has had a small effect in the way in which it has promoted doom and gloom in this State, and in influencing some attitudes.

If there have been criticisms of the Liberals, those same people who are wise enough, I think responsible enough, and certainly supportive enough to communicate their concerns to the Government are also very outspoken indeed when it comes to considering any alternative. If they are anxious for us to keep office at the next election, which I have no doubt that we will do, (I am pleased that the Leader of the Opposition has today read to this House the Opposition's support for the Government, and its desire to see it come to office at the next election) those same people, when asked whether they want to see any alternative Government, throw their hands up in horror and say, 'No way would we have the Labor Party in there.' That is the long and short of it.

When we see a Labor Party with policies that require a wealth tax, with policies passed by their State and Federal Congress, things by which they are bound, requiring a 35-hour-week, six months notice before dismissal to be given through the trade union movement and its representatives, and all the same old inhibiting policies being supported (very softly, I notice, by the Leader, and his ranks opposite), I can only say that they cannot have any realistic show of getting any positive support from the business community in this State at any time.

If the Leader takes any comfort from the fact that members of the business community are prepared to stand up and give advice, even in tough terms, that is because the business community is solidly behind this Government, concerned for this Government's future, and supporting its policies that support private enterprise. He can take no comfort from the business community, which, basically, will not have a bar of the socialistic anti-business policies of the Labor Party.

HOSPITAL BEDS

Mr GLAZBROOK: Is the Minister of Health aware that certain community hospitals, particularly the Ashford Community Hospital, have suffered a down-turn of occupancy as a direct result of the Commonwealth Government's abolition of section 34 beds? What action, if any, can the State Government take to assist these hospitals?

It was recently brought to my attention that some community hospitals were suffering hardship due to the abolition of bed payments for section 34 patients. Indeed, in the case of one community hospital, Ashford, I am advised that 25 per cent of the hospital's occupancy in the past was from section 34 patients. It has been pointed out that, for a hospital to lose 25 per cent of its revenue, such subsequent actions taken must have serious consequences, particularly in viability and staffing of a hospital held in the highest esteem by the community, not only for its patient care but also in its delivery of services. I therefore seek the Minister's answer.

The Hon. JENNIFER ADAMSON: I am aware that there has been a downturn in occupancy in hospitals, both Government and private, all across the State and, indeed, I understand across Australia. It is well known that a downturn in occupancy of hospitals and use of health services always occurs after a change in health funding arrangements. This has been noted throughout the last couple of decades, and it is a situation that certainly should have been foreseen by the Commonwealth Government when it decided to abolish section 34 beds, at the same time as it introduced new health funding arrangements. Section 34 beds are those which were provided for the treatment of pensioners in community hospitals and under which the medical and hospital fees for those pensioners were paid by the Commonwealth. Instead of being treated in public hospitals they were treated in community hospitals, and their full costs were paid.

South Australia had a higher proportion of section 34 beds than other States and a higher proportion of those beds, which number 136 in all, were located at Ashford Community Hospital—as the honourable member said, 25 per cent, which is an unusually high proportion of section 34 beds. Of course, their abolition coincided with the new health funding arrangements, which in themselves coincided roughly with the beginning of the September school holidays and, again, in any school holiday period the usage of hospitals is always down. So those three factors taken together have had an adverse effect on community hospitals, particularly on Ashford, because of its special situation with the unusually high number of section 34 beds.

The South Australian Health Commission made representations to the Commonwealth, as did I to Mr MacKellar, in regard to section 34 beds, because we believe that their abolition should have been accompanied by agreement by the Commonwealth to allocate to the State Government the same sum that it was spending on section 34 beds, to enable the relocation of beds in metropolitan teaching hos-

pitals into the community hospitals. In other words, instead of pensioners being treated in Government metropolitan hospitals, they could have been treated in their own community situation where undoubtedly it would be more convenient for their families to visit them and where they were very likely to feel more at home than could be expected in a large city hospital.

The Commonwealth has been quite unreceptive to the State Government and the Health Commission's submissions in this regard; nevertheless, I hope that over time the commission and the Government will be looking at rationalising the beds in metropolitan teaching hospitals in order to enable community hospitals to provide some of those services to pensioners where they can certainly be provided in many cases more appropriately and at less cost.

I think it is important to note, in respect of a question that was asked of me yesterday about the decision of the Hospital Corporation of Australia not to proceed with the hospital that was proposed for Christies Beach, that Ashford Hospital is one hospital that draws on the southern areas for its patients, and the establishment of an additional hospital there would certainly have had a further adverse effect on places like Ashford, Blackwood and McLaren Vale, not to mention the Flinders Medical Centre. The Ashford Community Hospital is recognised as being one of the finest community hospitals in South Australia. It was the first hospital in this State to receive accreditation from the Australian Council on Hospital Standards, and I believe that, because the board and the staff have reached an agreement to reduce operating costs while occupancy is low, that agreement will enable the hospital to weather the downturn.

I would expect, in the nature of things, that the demand for services at the hospital will increase as people become more familiar with the new health scheme. I think it was short-sighted of the Commonwealth to remove section 34 beds at the same time as it introduced the new health scheme. It obviously believed that the new health scheme would direct people into private hospitals, but it failed to take account of the situation at hospitals such as Ashford, which rely for a high proportion of their income on section 34 beds. In that regard, I think the Commonwealth has to accept the full responsibility for what has occurred, and I hope that, in doing so, the Commonwealth will realise that arrangements should be made to enable, as the Jamieson Committee recommended, some community hospital beds to receive funds in order that they can provide health services for pensioners who are eligible for Commonwealth benefits.

POLICE INQUIRY

Mr KENEALLY: Will the Premier say what action he intends to take in response to the documents he received from an Adelaide solicitor, acting on behalf of a number of clients, which relate to the current inquiry into the Police Force? A copy of a letter addressed to the Leader of the Opposition with an accompanying statement was provided to, among others, the Premier, the member for Mitcham, the member for Elizabeth, the Attorney-General, and the *Advertiser,* but significantly not the Chief Secretary. I quote from that letter and that statement, as follows:

I have been instructed to send to you a copy of the attached statement. It is signed by a number of persons wishing to give evidence to a properly constituted inquiry into police corruption. In each case, I am satisfied of the *bona fides* of the signatory and that they possess significant information which would be valuable for any such inquiry. In fact in my view they would be major witnesses in such an inquiry.

Several persons who would have signed this statement have since declined, after an informant was recently named in Parliament after a breach of trust. Several of the signatories are at present charged with offences before the courts but despite this difficulty are still willing to co-operate with an appropriate inquiry. Please note that the signatories all wish their names to be kept in strictest confidence as they fear for their safety.

I concur with paragraph 4 of the statement in relation to solicitors and their clients giving information to an appropriate inquiry. A Royal Commission is the appropriate form of inquiry.

There is no objection to publication of the contents of the statement provided that the appended names are not published.

The statement reads:

We, the undersigned persons, are in possession of substantial information which would be of assistance to an inquiry into graft and corruption in the South Australian Police Force and in particular the South Australian Drug Squad.

We regard the current inquiry which is being conducted by two senior police officers and an officer from the Crown Law Department as an unsuitable one in that one of the police officers is the subject of allegations and also the inquiry is neither an open one nor is any protection being given to persons who would be prepared to give information to it.

All of the undersigned persons are prepared to supply their information to a full and open inquiry, which should be a Royal Commission into dishonesty within the Police Force; we could not provide such information unless we are granted protection from prosecution for evidence given to such a Royal Commission if it should be evidence of a self-incriminating nature. Royal Commissions usually have these powers.

We also would require that such a Royal Commission have power to hold 'in camera' sittings and also to suppress publication of the names of persons giving evidence to the Commission. We understand that these procedures were adopted in a similar New South Wales Royal Commission, successfully.

We feel that the current inquiry cannot succeed, and not only are we not prepared to co-operate with such an inquiry, but we understand also that solicitors and many other persons with relevant information are not prepared to communicate with such an investigation and would only give evidence and organise other persons to give evidence to a Royal Commission.

The next paragraph is covered in the letter. The statement continues:

We note that there are a number of other persons with similar information who would also wish to give evidence but have declined to sign this document after a breach of trust in Parliament when a person's identity was disclosed in relation to the present inquiry.

The Hon. D. O. TONKIN: I have received a copy of that publication, as I understand have other people in the House. I have referred it to the Attorney-General for his comments, and I understand he will be looking at it. However, I also understand that several of the persons who have been named as signing that have already given information to the inquiry. Mr Bleechmore, who I understand is a colleague of the member for Elizabeth—

The Hon. Peter Duncan: Of course he is. He is a solicitor.

The Hon. D. O. TONKIN: Yes, indeed. He is properly sending the letter and the names along; I can see no real difficulty about those people giving information to a confidential inquiry. There is certainly no reason to contemplate a Royal Commission. I am interested that it should have been the member for Stuart who has raised this matter, because I did not see his name on the list of people who were sent a copy of the letter, and I can only assume that he has received his copy from either the member for Elizabeth or the Leader of the Opposition, which means that I am not quite sure on which side of the fence he stands, because the Leader of the Opposition does not want a Royal Commission but the member for Elizabeth does.

I think it would have been far better if the original recipient of the letter quoted by the member for Stuart could have asked the question himself. Then we would have known exactly from which side of the fence this inquiry comes. It is quite important to know that, and I remind members of the House that on Thursday last week the Opposition asked a series of questions of the Chief Secre-

tary and of me that implied that an inmate of the Yatala Gaol was in some danger.

Mr Bannon: That's right.

The Hon. D. O. TONKIN: Well, it has now come to my attention—

Mr Bannon interjecting:

The Hon. D. O. TONKIN: In all fairness the Leader of the Opposition may not have known what I am about to say. It might well have been that the member for Elizabeth wanted to embarrass him—I do not know, but I think it is important to know that, on the day before the Opposition's questioning, the prisoner concerned wrote a letter signed before the Acting Deputy Superintendent of the prison clearly indicating that he was in no danger. He said in his letter, 'I am in need of no protection from my fellow inmates.' The Superintendent of the Yatala Gaol, Mr Glen Hughes, received the letter last Wednesday at 10.35 a.m. and he added a note at the bottom of the letter that states:

House and work as normal. I granted permission for, and in my presence he telephoned his solicitor, his wife and Mr P. Duncan, M.P., and he advised all of them that his situation in prison was okay.

Whether this was a deliberate move on the part of the member for Elizabeth to embarrass the Leader of the Opposition, I do not know. However, all members will recall that during that afternoon, when the intensive questioning went on down the benches, we heard not one word from the member for Elizabeth, who knew the truth of the matter all the time. It is quite clear from that note that the member for Elizabeth was made aware that the prisoner concerned believed that he was quite safe and that he knew that more than 24 hours before the time that the Opposition is claiming he was in danger.

Mr Keneally: What did you expect the prisoner to say, for God's sake?

The SPEAKER: Order!

The Hon. D. O. TONKIN: While I am on that subject, the questioning last Thursday was based largely on an article in the *Australian* that reported Mr Hughes as saying that the prisoner was in real danger, and subsequently, of course, that report has been corrected. Mr Hughes has told the Chief Secretary that he was misquoted and that he did not believe that the prisoner was in real danger. Therefore, it is very clear that the basis for the Opposition's claims about the safety of the prisoner last week were false, and that the member for Elizabeth at that time was already in possession of information that refuted the claims that were being made by his colleagues in this House at the same time.

I simply say that I find it very difficult indeed to decide exactly where the letter has originated, and indeed, whether it has been orchestrated at all. I think the inescapable conclusion is that in the light of the, I was going to say, antics of the member for Elizabeth over this entire matter, one must regard such communications with quite some suspicion.

The Hon. E. R. Goldsworthy: They backed off the Royal Commission on Friday.

The Hon. D. O. TONKIN: That is another matter. Whether this matter was discussed at the secret crisis meeting of the Labor Party Caucus that was held on Monday, I do not know. I am surprised that it was not reported in the media. It must have been secret, because I did not know about it, and I am not sure whether the member for Elizabeth was there or not.

The Hon. J. D. Wright: The meeting was held in this House.

The Hon. D. O. TONKIN: There was a meeting! If I can return to the question that was asked by the member for Stuart, I repeat that the matter has been referred to the Attorney-General, and we will be looking at all the matters that have been raised. They will be taken into consideration in the context of the circumstances in which they have been delivered.

HIGHWAYS DEPARTMENT EQUIPMENT

Mr GUNN: Can the Minister of Transport use his good offices to get the Highways Department to co-operate with local government authorities that wish to hire Highways Department equipment that is in their district and not being used by that department? A letter I have received from the District Council of Kanyaka-Quorn, dated 21 October, states:

Council has directed me to write to you in regard to the loan or hire of a Highways Department grid roller for use on district roads. There are currently two departmental grid rollers in the council area which are not being used. While the department will allow council to use the rollers on Government grant works, it will not allow them to be used on district roads.

Council does not own a grid roller, which is essential in breaking up much of the type of rubble used by council. Members feel concerned that there are two units in the area that are not being put to use which could be of valuable assistance to council if they could be loaned or hired for use on district roads.

That was signed by the District Clerk. This particular matter was drawn to my attention a few days ago, and I asked them to put the matter in writing. It was explained to me at that particular time it would cost a very large amount if the council had to go to other parts of South Australia to hire this equipment. In view of the lack of funds available to councils to keep their roads in reasonable condition, I would be pleased if the Government could take up this matter.

The Hon. M. M. WILSON: I thank the member for Eyre for bringing this matter to my attention. I am disturbed that the Highways Department may have in the area two grid rollers that are not being used. If so, I would want to know why they could not be hired out for use. If they are not being used at all, I cannot see why we cannot sell them, if we do not need them. If they are not going to be used, there is no point in keeping them. I will be very happy to investigate that matter for the member for Eyre and get an answer for him in due course.

MINISTER'S SPEECH

The Hon. J. D. WRIGHT: Will the Minister of Industrial Affairs say why he issued a major speech to the media, but then retracted significant parts of that speech, casting doubt on the resources boom, prior to its delivery on Saturday to the Young Liberals conference?

I understand that the Minister of Industrial Affairs issued to the media a written copy of his speech to the Young Liberals' conference, but when approached for interviews said parts of his speech and figures in it were factually wrong and were put in by mistake. I am informed that the Minister spent some time rewriting the copies of the speech given to journalists and seemed somewhat embarrassed doing so.

That part of the speech which was never given but which was issued in advance by the Minister's press secretary reflected on the damage that would be done to South Australia's manufacturing industry if resources development went ahead too fast. The Minister intended to comment on the damage that such rapid resource development could do to industrial relations by creating a labour shortage in some areas, leading to a wage spiral. I am told that the Minister decided to change his prepared speech because he

was wary of the flak he would receive in Cabinet from the Premier—

The SPEAKER: Order! The honourable Deputy Leader is now assuming and, by way of assumption, commenting. I point out to the honourable Deputy Leader that, in explaining a question, factual information is required.

The Hon. J. D. WRIGHT: Thank you, Mr Speaker, I am nearly finished. He was wary of the flak he would receive by taking some of the steam out of the Premier's boom rhetoric.

The Hon. D. C. BROWN: I am rather amused that the Opposition is apparently so—

An honourable member: Be careful.

The Hon. D. C. BROWN: I will be careful. The Opposition is apparently so desperate for anything of any substance that it gets up on an issue like this. Let me explain exactly what happened. My staff presented me with the first draft of this speech, which was a collection of various speeches I have given on both the Australian and South Australian economies, with some updated figures. They put it together as a draft and presented it to me. I went through the speech and made certain alterations. Unfortunately, word processors are a new-fangled piece of electronic equipment. I think there were some 27 pages in the speech and the alterations that I made to just about every one of those pages came through on all pages except three. The word processor apparently spat out the original type, not the amended type. Having read through the speech on a couple of occasions three or four days earlier, I did not bother to read the final speech presented to me after the typist had typed it until just before the meeting. I then found the three incorrect pages. I said, 'That was cut out of the speech on Wednesday of last week when I read the original draft,' and I put in exactly what the situation was.

Members interjecting:

The SPEAKER: Order!

The Hon. D. C. BROWN: I think it is quite appropriate to show how thorough the system is. In fact, although prior copies of the speech had been circulated, it was pulled out before the speech was given. I picked up the three mistakes. I highlight what I said in that speech, seeing it has drawn so much attention. I will not give all 27 pages of the speech, but I will highlight just the pertinent facts.

The first was that, since we came to Government, total employment in this State has increased by 19 000. That is a pretty good record when compared to the previous two years of the Labor Government, during which we lost 20 600 jobs. An employment graph of this State shows a dive downwards under a Labor Government and a big rise under a Liberal Government. The second pertinent fact in that speech was that unemployment in this State has dropped by 2 300 in the past 12 months and by 500 in the past month. In fact, last month, while unemployment in the rest of Australia rose, in this State unemployment dropped.

Mr Keneally: Get your speech inserted in *Hansard* and sit down.

The Hon. D. C. BROWN: The Opposition thought that this was such an important matter that I think it only right and proper to take a short time to highlight the key parts of that speech.

The Hon. J. D. Wright: Tell us about the missing pages. That is what we are interested in.

The Hon. D. C. BROWN: There is nothing missing. I have told you what happened. It was a perfectly reasonable explanation. If I am to get through the pertinent facts in this 27-page speech, I ought to hurry up.

The SPEAKER: Order! The Chair is quite certain that it wants to get through Question Time.

The Hon. D. C. BROWN: The next pertinent matter was that I highlighted the fact that the number of first-year apprentices in this State had significantly increased so far this year compared to the same period last year. It was an increase of 17 per cent and last year was 4 per cent higher than 1979. I especially highlighted that, because in the last two years of the Labor Administration the number of first-year apprentices taken on in this State declined by about 30 per cent. This is another example of the number of people being trained in this State going down under a Labor Government and rising under a Liberal Government.

The Hon. J. D. Wright: You are not keeping up with unemployment.

The Hon. D. C. BROWN: I also pointed out in the speech, and this is another pertinent fact—

The Hon. J. D. Wright: It's 7.8 per cent, to be precise.

The Hon. D. C. BROWN: I thought the Deputy Leader asked a question and wanted an answer. If he will allow me to give the answer, I will highlight the fact that unemployment at 7.8 per cent in this State—

The Hon. J. D. Wright interjecting:

The Hon. D. C. BROWN: Does the Deputy Leader want to listen to the answer?

The SPEAKER: Order! The Chair will make decisions relative to the interruptions to the debate from both sides of the House.

The Hon. D. C. BROWN: The speech highlighted the fact that at 7.8 per cent unemployment was too high, and the Premier, other Ministers, and I have consistently said that, but we also pointed out that since coming to Government an additional 17 000 school leavers have come on to the job market. I also pointed out in the speech the very significant rise in foreign investment in South Australia in 1979-80 compared to the previous year. There was an increase of over 6 000 per cent in the first full year under the Liberal Government compared to the previous year.

I would have thought that was something to boast about, because it shows a high level of achievement by this Government. I also pointed out in this speech some of the significant developments that have occurred in this State. Broken Hill Proprietary Limited invested $100 000 000 at Whyalla in 1980 and has made a further investment this year. I also pointed out the Eglo Industries development in the district of the member for Semaphore, and I know the member for Semaphore is appreciative of that development, as is the Government. It was a development of $10 000 000 to create 300 jobs in the specialised metal trades area.

I went on to talk about how South Australia was the State selected by General Motors-Holden's for its new plastics site, how John Shearer had relocated a factory from Queensland back to South Australia, and how Simpsons chose Adelaide for the site for its new dishwasher factory. I went on with example after example to put at rest the untruths that had been claimed around the countryside by the Leader of the Opposition and his gang of henchmen.

One thing we can say this afternoon is that the credibility of the Opposition has fallen apart well and truly. We have had the Ministerial statement by the Premier that showed that the question asked by the Leader of the Opposition yesterday was selective and quite wrong in the impression it created. I made a Ministerial statement that took, point by point, the matters raised by the Deputy Leader of the Opposition yesterday and smashed every single one of them. Then the Premier again pointed out that the member for Elizabeth was dishonest enough (I withdraw that, I do not think I can use that phrase; it was untruthful enough or dishonest enough) to stand in this House and see he and his Party make certain claims which he knew were not correct. Now we have had some further claims this afternoon which have shown that the—

The Hon. J. D. Wright: Which speech did you use?

The SPEAKER: Order! The honourable Deputy Leader, by remaining silent, will assist the House and give other members an opportunity to question Ministers.

The Hon. D. C. BROWN: I have one final point to make, and that is that the Opposition over the past one or two months has shown that it has absolutely no credibility at all and that winning government is far more important for it than is sticking to the truth.

POLICE FORCE

Mr MILLHOUSE: I should like to ask a question of the Premier, which is supplementary to the question asked a short time ago by the member for Stuart. Will the Government please think again about its refusal to have a Royal Commission into the allegations against the police? I do not treat the matters that were raised by the member for Stuart with the levity with which the Premier chose to treat them, and in the way in which he got slid completely off the question in answering. He may have boosted the morale of his own members, but he certainly did not give the House any information, and did not satisfy anyone who has any serious interest in this matter, or who regards this matter with seriousness. I said publicly on Friday, because of the death of that poor fellow, Inspector Whitford, that we were heading towards a Royal Commission. I have no doubt that that is right.

Now this memorandum has come to me, as it has come to the Leaders of other Parties, to the member for Elizabeth, and so on. It contains most serious allegations. The member for Stuart has read it out. Only this morning (and I refer now to the inquiry, so-called, which the Government has announced into the allegations against the police and which consists, as I understand it, of two police officers and Mr Jim Cramond from the Crown Law Office), I found that Mr Cramond has been sent overseas by the Government until the end of November to appear before the Privy Council, on behalf of the Government. So much then for the sincerity and genuineness of this Government in the inquiry which it has called into the police. Cramond, who is one of the three members of that inquiry, is out of the country for five weeks from now. How does the Government get over that? What sort of—

The SPEAKER: Order! The member has asked a question. I ask him not to ask further questions.

Mr Millhouse: I am sorry.

The SPEAKER: Nor to comment in giving an explanation.

Mr MILLHOUSE: I must say that I feel very strongly about that. I tried to telephone Cramond this morning, and the Crown Law Office switchboard said, 'He is out of the country at the Privy Council until the end of November.' He is, in my view, the key member of that inquiry, because he is the only member outside the Police Force to be inquiring into matters of complaint against the police. The matters which have been raised by the member for Stuart, and the death of Whitford on Thursday night are three matters which I ask the Government, if it has any genuineness at all in this matter and wants to get to the truth of these allegations, to take into account, because the inquiry that it has set up so far is just a sham.

The Hon. D. O. TONKIN: I am well aware of the alliance that has been formed between the member for Mitcham and the member for Elizabeth. They seem to be sticking together pretty well in their approach to this whole matter. I am also surprised, from one point of view, that the member for Mitcham should have wasted his question opportunity, which he does not get very often in this House, by asking a question that I have already answered.

Mr Millhouse: No fear, you did not. You did not answer that question. It was a completely different question.

The SPEAKER: Order!

The Hon. D. O. TONKIN: In my reply to the member for Stuart, I said that the Government could see no additional information that would require the setting up of a Royal Commission.

Mr Millhouse: The fact is that these people will not give evidence except to a Royal Commission.

The SPEAKER: Order!

The Hon. D. O. TONKIN: Therefore, I do not intend to add anything further to the comments I made to the member for Stuart.

Mr Millhouse: What are you going to say about Jim Cramond? You won't answer that will you?

The SPEAKER: Order!

Mr Millhouse interjecting:

The SPEAKER: Order! I warn the honourable member for Mitcham.

The Hon. D. O. TONKIN: I have no doubt that the member for Mitcham is desperate to be thrown out to get another little bit of publicity. I have nothing further to add to my comment about the possibility of a Royal Commission. The inquiry will continue. There is no problem in that Mr Cramond has gone, in the exercise of his duties, to the Privy Council. The inquiry will be furthered with every vigour. I repeat that the Government is determined that, if there is any matter that must be properly brought before the courts, it will be so brought. Again, I refer all members to the letter to the Editor, published in the *Advertiser*, by a vice-president of the Police Association, in which he drew attention to the very severe effect on the morale and standing of the Police Force, that continued unsubstantiated statements and the slur by innuendo, such as those made by the member for Mitcham this afternoon, are having.

I am sure that all honourable members will agree with me in this. They are not attacking the Police Force as a whole, as the member for Mitcham and the member for Elizabeth seem to be determined to do. I think that all responsible members of this House will accept that there are only one, two or three members (a very small number of members) of the Police Force whose actions may require further action in the courts. I very much regret the continual attacks being made upon the Police Force as a whole, particularly by the member for Mitcham.

PORT FACILITIES

Mr OLSEN: Will the Minister of Marine obtain a status report on the study into the future development of port facilities in South Australia? Recently, the Director-General of Marine indicated, in response to a call for a study, that one was contemplated, involving the main export industries of South Australia. Last week, and again this week, Australia's bad industrial record at ports and, in some cases, its outdated facilities, was highlighted as being a deterrent to Australia maintaining its competitive position on world markets. With recent announcements of development of this States' resources, it has been suggested that a review needs to be undertaken urgently so that this State can competitively meet market place requirements.

The Hon. W. A. RODDA: The matter raised by the honourable member is indeed important, and highlights the Government's approach to industry in this State. Presently, discussions are under way between the grain industry and the Government (and this will be promulgated through the Department of Marine and Harbors) about the need for an in-depth study of export ports in this State. I hope that early in the next financial year necessary dredging work

can be undertaken at the port of Wallaroo, which is dear to the honourable member's heart, to facilitate movements of larger ships in and out, and to improve the swinging basin.

But this matter goes much further than that. Wallaroo is strategically situated on Spencer Gulf, and it has the infrastructure that will be added to by the gauge being connected to the standard gauge, coming to this city; of course, the spur line will connect with Wallaroo. Technological advances being made in dredging at Wallaroo, together with infrastructure, make that city a key point for an in-depth examination by experts, because Port Lincoln is the only deep sea port that we have to top up grain ports. Bulk ships are getting bigger, and the national railways connection will make that area a focal point, not only for shipping grain harvest in this State, but also for the overflow from other States to go to world markets. This matter will be crystallised early next year.

The SPEAKER: Whilst there has been no request for information by members on my left, they are obviously interested as to why the Government has received two calls straight. I erred previously. The relish with which the Minister of Industrial Affairs answered a question led me to believe that it had been asked as what has been termed a 'Dorothy Dixer' from the Government, whereas it was an answer to a question by the Deputy Leader of the Opposition, followed by the member for Mitcham.

HONEYMOON PROJECT

Mr ASHENDEN: Can the Minister of Mines and Energy give the House further information on the Honeymoon uranium project, which received approval yesterday from the Federal Government, in view of the vital role resource development will play in the recovery of South Australia's economy?

The Hon. E. R. GOLDSWORTHY: I have been quite surprised that the official Leader of the Opposition has not made any comment on that announcement.

The Hon. D. O. Tonkin: What have we heard on this from the member for Elizabeth? He's the *de facto*—

The Hon. E. R. GOLDSWORTHY: They were all in single file faithfully following the member for Elizabeth until Friday, and then they thought they had better unload him when they found that the Police Association, I suspect, was not very happy with the stance of the Labor Party in relation to the call for a Royal Commission and other matters reflecting on the Police Force generally. I was surprised that the Labor Party had not taken this matter up. In fact, the only spokesman for the Labor Party in this State has been someone I heard on the air this morning for CANE. I was interested to note that CANE is calling for public servants and others who work at AMDEL to leak documents. That does not add to the credibility of that organisation very much. In its most recent newsletter, it is calling for public servants and employees at AMDEL to leak documents, so that it can white-ant the Government. I did hear a spokesman from CANE this morning making some statements which were quite misleading and, as I have said, I was quite surprised that the official Leader of the Opposition had not seen fit to make any comment. Rather, it seems their wont in recent days to comment on fantasies, such as secret meetings held on Sunday, and the like. There are a number of matters exercising the minds of the Labor Party, and that might account for the fact that they had another crisis meeting today, which went until 1.30.

Members interjecting:

The Hon. E. R. GOLDSWORTHY: In my 10 or 11 years in this place, I have never known anything but a crisis to keep the Labor Party away from their food and drink for half an hour. The Honeymoon deposit was discovered in 1972, under the regime of the Labor Party, and drilling at that deposit between 1972 and 1976 went on quite happily under the aegis of the Labor Party. The proving up of that Honeymoon deposit, as I say, was all accomplished without any fuss at all, any opposition or any inhibitions from the Labor Party, and between 1977 and 1979, still under the former Government, a series of field leaching tests were undertaken. Some comments were made this morning by the spokesman from CANE (the organisation encouraging public servants to break the law) suggesting that there was something wrong with the leaching method of extracting uranium, when about 10 per cent of America's uranium supplies are produced by that method. That method was thorougly tested during the demise of, or the period in which, the Labor Party went into a decline as a result of, it is quite interesting to note, the sacking of the Police Commissioner, which is shades of the present climate. During that period, this leaching process was developed.

The other comments that have been made relate to the environmental impact and the environmental effects of this extraction. Again, some misleading statements were made this morning. As I say, the official Leader of the Opposition has kept his head well down, as he does with these tricky questions. He finds it more propitious to fabricate stories about Government meetings. Anyway, the environmental investigations have been quite stringent; in fact, the Federal Government invited, not only with the full procedures of the South Australian law followed, comments from the Uranium Advisory Council on which there are some quite notable environmentalists. This group advised that the procedure was acceptable. So this sees, again, a move into uranium extraction, and that is not new, of course, in the history of South Australia. I outlined in a speech in this House not all that long ago the history of former uranium mining in South Australia. I pointed out to the House that at that time Labor members of Parliament were in debate, calling for the establishment of a nuclear reactor in their electorates. I guess this matter is in the Labor Party's too hard basket and probably accounts for the crisis meeting which occurred today.

The Hon. PETER DUNCAN (Elizabeth): I seek leave to make a personal explanation.

Leave granted.

The Hon. PETER DUNCAN: Can I say on behalf of the Opposition, for the edification of the Deputy Premier—

The SPEAKER: Order! The honourable member will have his leave removed by the Chair unless he comes to a personal explanation for which he sought leave, and that leave was granted.

The Hon. PETER DUNCAN: Of course, Sir. I overlooked the fact that I can only speak on my own behalf in a personal explanation.

The SPEAKER: It is a personal explanation I desire to hear forthwith.

The Hon. PETER DUNCAN: It is one that I am very anxious to give forthwith. Earlier today the Premier, in answering a question, referred to a telephone conversation which I had with a prisoner at Yatala gaol, I believe last Wednesday morning. In doing so, he made certain allegations concerning that conversation, and I want to place on record the correct situation because I was one of the two parties to that telephone conversation and, as such, I am certainly in a better position than the Premier to report the facts of the matter to the House.

I received a telephone call initially from Mr Hughes, the Superintendent of Yatala, who said that a prisoner who had been named by the Chief Secretary wished to speak to me. That is a very unusual procedure and one which I have not known about previously; however, a phone call was put through to me from this prisoner, and the telephone conversation took place between myself and the prisoner who was in the company of Mr Hughes. The prisoner told me that he wanted to make it very clear to me that he was not in any danger as a result of the statements made by the Chief Secretary. He said, 'I wounldn't be in any danger if it wasn't for the fact that the *Advertiser* this morning had said that I was in some danger'. He said that the effect of that on a prisoner in the closed society of a gaol was to be seen as a police informer, as had been inferred apparently from the *Advertiser* report, and did in fact put him in some jeopardy.

To have been an informer on the police, of course, put him in no jeopardy at all. The concern that he had was that there was confusion in the public mind, and certainly in the minds of people at Yatala, as to what his role had been. He asked me whether I would make a public statement to the effect that he had provided certain information in relation to the activities of the police and not in relation to anybody else. He further told me that the information in the *Advertiser* had, in fact, generally become available within the prison because of the fact that it was repeated on the Channel 10 early morning news service.

Because of that, he asked me whether I would make a statement to Channel 10 for their evening news, as apparently that is the first news service and most prisoners in the gaol listen to that news service. As a result of that, we then, after some other discussions, concluded the telephone call, and I was left with the distinct impression that, because of the report in the *Advertiser*, based on the Chief Secretary's gaffe in naming that prisoner in the House—

The SPEAKER: Order!

The Hon. PETER DUNCAN: —he had been left in some danger. I made arrangements with channel 10 for someone to come down here, and I spoke to a channel 10 reporter about this matter, making the position clear from my point of view. Unfortunately, channel 10 did not use that in its news broadcast that night, but nevertheless that had been the purpose of the telephone call. He telephoned me not to say that he was in no danger but to ask me specifically to make a statement indicating that the information had related to the police and not that he had been providing information to the police about anyone else. I want to make it quite clear, here and now, that the information supplied to me by that person related to police activities, and not the activities of anyone else.

The SPEAKER: Order! The honourable member will please resume his seat. The five-minute period for the giving of a personal explanation has expired, and unless the honourable member seeks leave to continue—

The Hon. PETER DUNCAN: I seek leave to continue.

Leave granted.

The Hon. PETER DUNCAN: I will take only a moment or so more of the time of the House. Accordingly, I carried out the request that he made of me in that telephone call. I want to make one other point to the House. Subsequently, I informed the member for Stuart that I had had that telephone call. The emphasis placed on the call by the Premier was quite different from that of the call as it occurred between the prisoner and me. I am anxious that the House should understand that the prisoner did not put to me that he was not in danger; he put to me that, unless the record was set straight, he might have been in danger. I have attempted to put the record straight.

MINISTERIAL STATEMENT: RAIL ACCIDENT

The Hon. M. M. WILSON (Minister of Transport): I seek leave to make a statement.

Leave granted.

The Hon. M. M. WILSON: The Chairman of the State Transport Authority, Mr J. D. Rump, has informed me that the General Manager of the authority, Mr J. V. Brown, has conducted a thorough and exhaustive inquiry into the accident that occurred at about 7.30 p.m. on Monday 19 October 1981, when a suburban passenger train collided with an Australian National freight train on the south side of the Dry Creek yard.

The evidence has shown conclusively that the accident was caused through human error, as the signalling system was operating normally and the passenger train was in good mechanical order. The report of the inquiry has been forwarded to Australian National, as the suburban passenger train system is operated by Australian National employees made available to the State Transport Authority under the terms of the agreement with the Commonwealth Government for the transfer of the former South Australian Railways.

At 3.35 p.m., the bells having been rung:

The SPEAKER: Call on the business of the day.

MOTOR FUEL (REGULATION OF MARKETING) BILL

Mr MILLHOUSE (Mitcham) obtained leave and introduced a Bill for an Act to prevent wholesalers of motor fuel from selling motor fuel by retail, and from controlling the retail sale of motor fuel; and for other purposes. Read a first time.

Mr MILLHOUSE: I move:

That this Bill be now read a second time.

Its purpose is to put into effect one of the proposals of the so-called Fife package, which both the Federal Government, so far, and the State Government have refused to do. Perhaps I should remind honourable members that the Fife package was a set of proposals worked out by a Federal Minister in 1978, and one of those proposals—and this is the one that I wish to have enacted at the State level, because there has been no action at the Federal level—was this:

> Thirdly, oil companies would be prohibited from themselves retailing petroleum through direct sales sites. While it would not be envisaged that oil companies would have to divest themselves of the property in presently owned sites, if they wished to continue operating them they would have to do so through an independent lessee or licensed dealer.

That has not been done. The primary responsibility for doing that was with the Federal Government, but, as it has refused to do it, the only thing to do is to do it at State level. I remind honourable members that I made a speech in the course of a debate in this place on 11 June 1980 on a resolution introduced by the Government of the day, I think trying to curry favour with the petrol resellers. I added an amendment to it, saying that, if this proposal had not been put into legislative effect by the Commonwealth by, I think, 31 July 1980, we in South Australia should do it.

Perhaps I could remind you, Sir, that that was the first occasion during this Parliament on which you have had to use your casting vote to enable the Government to win a division, because every member in this place who was not

a Government member—the member for Flinders, the member for Semaphore, all Labor members, and I—voted for that amendment. The Government was saved only on your casting vote from the passing of that amendment. More than 12 months have gone by. The Commonwealth has done nothing, the State has done nothing, and it is about time that we got on with it. Perhaps, in further explanation of the reasons why this is necessary, I could quote from a letter I received less than a fortnight ago from the South Australian Automobile Chamber of Commerce Incorporated, which states:

In the last month or so the situation facing dealers is one of higher wholesale prices being approved by the Federal Petroleum Product Pricing Authority (P.P.P.A.) while oil companies operating commissioned agency sites keep the retail price depressed. This situation is intolerable, as dealers are now in the same vice that has previously placed unfair pressure on their business livelihoods.

It is questionable that the P.P.P.A. is able to grant increases in the wholesale price without reference to the oil companies' retail activities. The result is, as always, the oil companies pass on the increase to the retailer, who then must absorb all or part of it. This is due to those same oil companies' agency sites failure to increase the retail price (at the direction of the company).

Until oil companies are absolutely forbidden to operate at the retail level their subjugation of the retail business man will continue. Divorcement is essential in order that the petrol retailer can market the product in competition with his peers, not his only supplier. Divorcement will force the oil companies to compete, something that clearly they are not doing now, and under the present system never need to contemplate.

That puts the matter as clearly and as concisely as it can be put. I turn now to the clauses of the Bill, and I seek leave to have that part of the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 contains the definitions required for the interpretation of the Bill. 'Motor fuel' includes petrol, diesel fuel or any other substance containing hydrocarbons that is sold or offered for sale as fuel for a motor vehicle but it does not include aviation gasoline. A 'motor fuel retailing business' is a business that consists of, or includes, the sale of motor fuel by retail. The definition of 'motor fuel wholesaler' is the most significant of the definitions. A motor fuel wholesaler is defined as a person who holds, or an associate of a person who holds, a class A licence under the Business Franchise (Petroleum Products) Act, 1975 (including a person who is a member of a group of petroleum wholesalers in respect of which a class A licence is in force under that Act). A 'relevant interest' in a share has the same meaning as in the Companies Act (that is, it signifies a direct or indirect power to control voting rights attached to the share or to control the disposal of the share). Subclause (2) defines what is meant by 'associate' when used in the definition of motor fuel wholesaler. It provides that a person is an associate of another if—

(a) both persons are bodies corporate and they are related to each other in terms of section 6 (5) of the Companies Act (that is, if one is a subsidiary of the other);

(b) one or both persons are bodies corporate and one of those persons is a director or officer of the other, or has a relevant interest in shares of the other; or

(c) an agreement, arrangement or understanding exists between those persons under which one may directly or indirectly control or substantially influence the business or any aspect of the business carried on by the other.

Clause 3 provides that after the first day of July 1982 a motor fuel wholesaler is not to carry on the business of selling motor fuel by retail. A penalty of up to $10 000 is prescribed. Clause 4 deals with profit sharing agreements that may exist under a lease or under some collateral agreement between a motor fuel wholesaler and a motor fuel retailer. Subclause (1) provides that, after the first day of July 1982, a provision of a lease, contract or other instrument under which a motor fuel wholesaler is entitled to share, directly or indirectly, in the profits of a motor fuel retailing business shall be void. Subclause (2) provides that where a lease, contract or other instrument contains a provision to which subclause (1) applies, any party may apply to a District Court for a variation of the lease, contract or other instrument. Subclause (3) empowers the District Court to make such additions to or alterations of the lease, contract or instrument as may be just in view of the avoidance or prospective avoidance of the provision in question.

Clause 5 provides that after the first day of January 1990 a motor fuel wholesaler shall not have a legal or equitable interest in any premises in which a motor fuel retailing business is carried on. Where such an interest does exist in contravention of the clause, the Supreme Court may, on the application of the Minister, forfeit that interest to the Crown.

Mr EVANS secured the adjournment of the debate.

TOBACCO ADVERTISING (PROHIBITION) BILL

Mr MILLHOUSE (Mitcham) obtained leave and introduced a Bill for an Act to prohibit the advertising of tobacco and tobacco products. Read a first time.

Mr MILLHOUSE: I move:

That this Bill be now read a second time.

I am sorry that the Minister of Health is not here, because she has expressed some interest in this matter previously. I do not propose to canvass the danger to health of smoking. I hope I can take it for granted that all members know that, that they realise the enormous saving that there would be in suffering, money and resources if there was no smoking, or even if smoking was greatly reduced, which is probably the most we could hope for. In an attempt to sum up the case against smoking, I can do no better than begin with a statement by Sir Macfarlane Burnet, who described smoking as the greatest problem of preventive medicine. He said:

Along with the great majority of medical scientists, I believe that the still-rising incidence of lung cancer, plus the increase in deaths from coronary disease also associated with cigarette smoking, represents the greatest problem of preventive medicine at the present time.

The need to dissuade children from starting to smoke is at least as important as to see that they are immunised against polio, diphtheria or smallpox.

Mr Becker: You're wrong.

Mr MILLHOUSE: Perhaps the member for Hanson could keep the following comment in mind:

Equally important is the responsibility of leaders of the community to set an example that will help the gradual development of an atmosphere of public disapproval of smoking. After all, it took only a quarter of a century to change spitting in public from accepted behaviour to a gross breach of decent manners.

Whether a smoker decides to stop or to continue is his own decision, which is bound to be influenced by emotional factors as much as by consideration of the evidence or respect for authoritative opinion. I can only make two comments—first, that my own attitude was fixed by the death from lung cancer within a few years of five friends, all eminent in medical science and all heavy cigarette smokers; and, secondly, that when a heavy smoker breaks the habit his expectation of life is significantly increased beyond that of a person of the same age and smoking habits who persists.

The present legislation on this matter is quite ineffective, although I would not say entirely. The Commonwealth has placed a ban on advertising on radio and television, and

that is a good thing, but it certainly does not go nearly far enough. The legislation in South Australia is quite ineffective and, indeed, most of it has not ever been proclaimed, so we have nothing here at all. Only a few months ago I was invited by Mr Jim Cowley of the Health Commission here, who is the man in charge of the campaign against smoking in South Australia, to meet and listen to a chap by the name of Michael Doube, who is an expert in anti-smoking. He is a world-renowned expert, an Englishman working in Scotland, who has a world reputation in this field. During the course of his address which he made on 7 May 1981, he said, in part (and I heard him say it):

Smoking control isn't a mystery any more. There is evidence from around the world that a comprehensive, long-term governmental programme could reduce smoking. But the point there is that each word is crucial, the programmes have got to be comprehensive. It's no good having an ad ban without an education programme or an education programme without an ad ban. It's got to be governmental. People have to see that there is firm governmental commitment to smoking control and it's got to be long-term. It's no good just taking simple short-term measures.

He then listed the steps that must be taken. The first essential step, he said, was to ban the advertising of tobacco. This is what he said:

First, a ban on all tobacco advertising and sales promotion. Well, there are bans on advertising in 14 countries, 15 now if you include Mozambique, and the evidence from the countries where it's happened is very encouraging indeed. I'll come on to that in a second. The tobacco industry argues, of course, that their advertising isn't intended to encourage anybody to smoke. They argue that their advertising is directed not at increasing the size of the market, but simply to encourage people to switch brands, and, as one of our leading advertisers, David Abbott, said 'They don't waste anything, they know their advertising is only working against smokers, no wastage, no overspill.' There's an argument that is so preposterous it's insulting.

Therefore, Doube said quite clearly that the first essential step was the banning of advertising. He was brought here by the Health Commission, which is the Government agency responsible for this. I refer now to the policy of the Australian Medical Association on this. They have supplied me with the following statement:

The association should recommend that there be a ban on all advertisements for manufactured tobacco products on television, radio or in print. In particular, attention should be drawn to the background advertising on television and films.

We see this every day at sporting events; they drape their blasted banners around the outside of the arena so that they are shown clearly, not only on commercial television stations but on the poor old A.B.C. as well. The association's policy continues:

. . . and the practice of combining cigarettes with advertisements for other products, for example, drink, cars, cosmetics, should cease. This should also apply to indirect advertising, for example, sporting promotions.

Of course, the Senate Standing Committee on Social Welfare recommended in its 1977 report that there be a ban on advertising. That was the first of the recommendations on tobacco that it made, as follows:

That the Commonwealth Government ban the advertising of tobacco products, whether by means of corporate advertising or by exhibiting of the brand name of such products in a planned fashion, on radio and television and in areas under direct Commonwealth control, such as in the Territories and at airports.

Of course, that was the only thing they could do, and the Commonwealth has done something towards it. However, what have we got from our Minister about this? We have got equivocation only. This is what the Minister wrote to me on 13 May last year:

Whilst I wish to do whatever is necessary to limit consumption of tobacco, it is essential that any moves to achieve this aim be both responsible and feasible; otherwise, they will fail and possibly be counter-productive.

The fact is that the Minister has not done a damn thing about it. Even the Minister in charge of the House now, the Minister of Sport, I had to push and push in his capacity as Minister of Transport to get rid of the advertisments on the buses and—

The Hon. M. M. Wilson: Are you taking credit for that, Robin?

Mr MILLHOUSE: Here is the reply that I received from the Minister in January 1981 after I had taken up the matter with him in July 1980, five months before. He said:

Agreement has been reached with the contractor of the advertising of tobacco products on hoardings on State Transport Authority land to cease on 31 December 1981.

I do not know whether or not I can take the credit for that, but the fact is that I took up the matter within five months and wrote and wrote to him before I got that answer. On 3 September this year the Minister of Health was still equivocating, talking about some damn committee being set up by the Ministers of Health. It was stated:

At a recent Health Ministers' Conference, I strongly supported the establishment of an all-States Standing Committee of Conference to consider all aspects of cigarette products and to attempt to encourage interstate liaison and collaboration in their control.

In fact, the Chairman of the South Health Commission is the Chairman of the committee. Of course, that is only putting off the evil day and does not mean a thing; it could go on like that for 10 years, and we would still be no further ahead. I now want to quote remarks concerning the equivocations of the Government, brought on I might say, in my view, because the Government does not want to lose the support of the tobacco industry and the money that it gets from it, which is pretty obvious. I now quote from a letter written to me in July last year by Professor David Shearman, the Professor of Medicine at the University of Adelaide, as follows:

A few weeks ago I was pleased to hear your comments on smoking. I am writing to encourage you to pursue such matters. In general, the medical profession is sceptical of politicians, and even some Ministers who berate the profession about its lack of preventative expertise and its emphasis on curative medicine—

and listen to this—

The stroke of a pen by a Minister could save more lives and prevent more misery than a thousand Professors of Medicine. In fact, much preventative medicine could be carried out by government.

Then he goes on to expand on those comments. Well, need I say more? Let me therefore come briefly to the Bill itself, which is a very short one. Honourable members will see that it has only three clauses. The first is formal. The second gives definitions of 'Advertisement' and it is as all-embracing as I can make it. The other definition is of 'Tobacco product'—again, as all-embracing as it can be made. It states:

Cigarette or cigar or a manufactured product intended for smoking, of which tobacco is an ingredient or constituent part.

The third clause is short and, I hope, to the point, and I also hope it will be accepted. It provides:

A person shall not publish or cause to be published an advertisement promoting the sale of tobacco or a tobacco product.

There is a penalty given for it of $10 000, a good whacking amount. There is no excuse whatever for not getting on with this. Everyone knows that this should be done. It is only so far the prevarication of the Government, its hesitation, and its weakness that has prevented it from being done in this State. I hope that now I shall bring this matter to a head by introducing this Bill and I hope that we will get some action.

Mr EVANS secured the adjournment of the debate.

ROAD TRAFFIC ACT AMENDMENT BILL

Mr MILLHOUSE (Mitcham) obtained leave and introduced a Bill for an act to amend the Road Traffic Act, 1961-1981. Read a first time.

Mr MILLHOUSE: I move:

That this Bill be now read a second time.

This is a Bill to amend section 88 of the Road Traffic Act. The guts of section 88 is:

A person shall not walk along a carriageway of a road if there is a footpath on that road.

In other words, if there is a footpath on the side of a road, we cannot walk on the roadway. We have got to walk on the footpath, whatever the condition of the footpath may be. That may sound perfectly reasonable, and in most circumstances it is. However, the fact is that under section 5 of the Road Traffic Act, 'walk' includes 'run', so it is an offence for anyone (and I have done that often myself, and I can see some others in the Chamber who have done it, too) to run on a roadway if there is a footpath there.

It does not matter what the condition of the footpath may be. It can be unmade. It can be rough and pot-holey. There can be overhanging boughs or limbs of trees. There can be anything there, but if it is there there is an absolute obligation, pursuant to section 88 of the Road Traffic Act, to use that to run on it, and not to run on the roadway. Even if there is no traffic whatever on the road, it is still an offence to use the roadway for running if there is a footpath of any description. This section, of course, was brought in well before the present fashion that I greatly applaud, and I can see some honourable members, all on this side I think, who support that.

An honourable member: There is one over there.

Mr MILLHOUSE: Is that right? Even a Liberal? Even a Liberal running?

Mr McRae: Yes, he is. He's a convert.

Mr MILLHOUSE: Good heavens. That is a breakthrough. That section was obviously brought in well before the present fashion of running, because it would be (and the Minister, with whom I have had correspondence on this, knows it full well) absolutely impossible for the present sport of running to continue if this were enforced. It just would not be possible to do it. My attention was drawn to this by the fact that a running friend of mine at Blackwood, who was doing what he had done for years, that is, run between Blackwood and Belair along the roadway—you probably know it yourself—was suddenly stopped by police and subsequently charged. He had been doing it for years, and suddenly this came on him. It is a very bad thing.

Mr McRae: Did they proceed with the charge?

Mr MILLHOUSE: Yes, it is on Friday 11 November. I am going to appear for him.

An honourable member: He is a goner.

Mr MILLHOUSE: He may well be gone under this section, but it will be a travesty of justice if he is. The worst thing is, of course, that the police must be, because of the thousands of people who are doing it, completely selective of whom they charge and prosecute. That is a very bad thing. Even if it is only a matter that to some is a triviality, or a laughing matter to others, it is not a good thing. This man, particularly, is very upset over what has happened. The fact is that (and the Minister knows this very well) this section is largely ignored. It must be, because of the number of people who do it. There is no power in the police to suspend the operation of section 88. If honourable members look at section 41 of the Road Traffic Act, they will see that it gives police power to give a specific direction to a person, but it does not allow them to suspend the application of the law.

Mr McRae: The Bay run is illegal?

Mr MILLHOUSE: The Bay run is illegal, and the Minister himself, who had to make the speech at the beginning (no-one else really listened to him; I did because I wanted to see if he would say anything about this), adjured everybody to run safely, whatever that means. He did not say, 'You have to run on the footpath, lads, as you go down the Anzac Highway'. Of course, in every marathon, the City-Bay, the City-Port, and the West Fields, every competitor is breaking the law at present. That is an absurdity. There is no reason, of course, as a matter of safety, why they should not.

What I propose in this Bill is to introduce into the Act the test of safety. At present, as I have said, there is an absolute prohibition in all circumstances. What I propose to do is to introduce a test of safety and to provide that it will be an offence unless it is safe to run on the road, unless there is no danger to either the runner or any other person. That, of course, is in line with what is happening today and, therefore, that is perhaps as good an argument as anything else for changing the law to bring it into line with what is happening, and it is common sense.

I now turn to the Bill itself. It is, again, very short, having only two clauses. The first one is formal. The second would amend section 88 by inserting in paragraph *(a)* of subsection (1) after the passage, 'If there is a footpath on that road', the passage, 'and it would in circumstances be reasonably likely to cause danger to himself or any other person if he were to do so.' The sense of that is that, if he were to run on the road and if it is reasonably likely to cause danger to the runner or to any other person, he must use the footpath. Otherwise, he can run on the road. That seems to me to be sensible.

An honourable member: You have to watch out for dogs.

Mr MILLHOUSE: It does not affects the provisions in regard to dogs. That is all the Bill does. I suggest it is an eminently sensible one. If the Government has any sincerity in the 'Life. Be In It' campaign and its encouragement of running and other sport, then it will agree to this Bill.

Mr EVANS secured the adjournment of the debate.

The DEPUTY SPEAKER: That the adjourned debate be made the order of the day for—

Mr MILLHOUSE: The same day as Armistice Day.

The DEPUTY SPEAKER: Is that 11 November?

Mr MILLHOUSE: I hoped you would have known that, Sir.

The DEPUTY SPEAKER: Order! The honourable member will not reflect on the Chair. I suggest that he move the appropriate motion.

Mr MILLHOUSE: I move:

That this debate be adjourned to Armistice Day, 11 November.

Motion carried.

HUMAN RIGHTS BILL

Mr MILLHOUSE (Mitcham) obtained leave and introduced a Bill for an Act to declare the rights and liberties of the people of South Australia; to preserve, protect, and render more effectual those rights and liberties; and for other purposes. Read a first time.

Mr MILLHOUSE: I move:

That this Bill be now read a second time.

At 4 p.m., the bells having been rung:

Mr EVANS (Fisher): I move:

That Orders of the Day—Other Business be postponed until 4.10 p.m.

Motion carried.

Mr MILLHOUSE: I am obliged to the House for that; of course, it was caused by the lengthy 11-page—

The DEPUTY SPEAKER: I do not think it is necessary for the honourable member to give any reasons. He should proceed with his second reading explanation.

Mr MILLHOUSE: It was the 11-page Ministerial statement of the Minister of Industrial Affairs. Some members who are in the Chamber were members of this place in 1972 when I introduced an identical Bill to this, a Bill of Rights, which lapsed in that session because I think we had an election, and then I brought it in again in 1973.

Mr Trainer: The election was in 1973.

Mr MILLHOUSE: I brought it in in 1972 and there was an election in 1973 and I had to revive it. It was referred to a Select Committee, and the Select Committee eventually brought in a report that was adverse to the Bill. The Select Committee was chaired by the then Attorney-General, now the honourable Chief Justice of this State, who was dead against a Bill of Rights.

Mr McRae: I think he still is.

Mr MILLHOUSE: I think he still is. The member for Playford was a member of the Select Committee and he was one of the valuable and helpful members, but he was being led on that committee by the then Attorney-General and the Select Committee reported adversely on the Bill. I refer members to the report of the Select Committee, which was ordered to be printed on 23 October 1974. I think it only fair that I should read a few of the paragraphs from that report. The report stated:

> A Bill of Rights in the form of the Bill under consideration would create grave problems with regard to the law of the State. It would operate to invalidate rules of law including (after the lapse of two years from the commencement of the Bill of Rights) rules forming part of the antecedent law of the State, if such rules of law are inconsistent with its provision. The Bill would therefore surround the law of South Australia with great uncertainty and would render it extremely difficult for citizens and their legal advisers to ascertain their rights and obligations with any degree of assurance.

Other passages damned the Bill up hill and down dale. I have not time to read them. I have only 10 minutes. The real excuse was made in paragraph 6, and that was that the then Whitlam Government proposed to do something at Federal level. The report stated:

> It would be absurd and indeed irresponsible to create a situation in which a Federal Bill of Rights and a State Bill of Rights each applied within South Australia.

We know that never happened, so the real reason that was given in the report never came into effect. In my view it was a mere excuse not to go on with the Bill, and the Attorney-General of the day had to find an excuse, because A.L.P. policy is in favour of a Bill of Rights. The irony is that, regarding the other objection that it would take about 10 years to go through all the legislation of South Australia to see whether there was anything inconsistent with the Bill, even if that had been undertaken, by now the job would have been finished and we would have our Bill of Rights.

Mr McRae: And we should have.

Mr MILLHOUSE: And we should have, as the member for Playford says. The Federal Parliament has recently, after a lot of travail, passed what I think is called a Human Rights Commission Bill, but that is a mere shadow of what the Whitlam Government had in mind in the early 1970s or of this Bill. I may say that nothing has happened since I introduced the Bill to alter my conviction that there should be a Bill of Rights in this form or substantially in this form in South Australia. I do refer members, for the reasons for this Bill (and I am lucky that I can do this, as I have so short a time), to 1972 *Hansard*, volume 2, pages 1275 and onwards, for the full explanation that I gave of my reasons for the Bill and of the clauses of the Bill. Both reasons and clauses are precisely the same now as they were when I introduced the Bill in 1972. I do not have more time to say more than that. The only change is that the dates have been altered, because it is now nine years later, and I have provided that this Bill will come into effect on 1 January 1983.

Mr Russack: There was a Select Committee on that, wasn't there?

Mr MILLHOUSE: Yes. I think the member for Goyder was a member of the Select Committee. In the previous Bill, members will see a reference to 1 January 1973. That is the only difference. In conclusion, because I do not believe anything has changed since then, I will read from an article in the *Australian Quarterly* of December 1979 by Mr Justice Samuels in which he discussed the question of a Bill of Rights for Australia. He said:

> In Australia fundamental rights are generally adequately protected, primarily by the judges' application of common law principles and partly by legislative enactments of comparatively recent origin. Well, if that is our situation—a reasonably satisfactory one—why do we need to bother with a Bill of Rights? Why should we set about the task of formulating a body of general principles necessarily wide and indeterminate and containing various limitations and restrictions inevitable in the public interest? And one moreover which would need constant interpretation in order to translate its generalities into the detailed provisions which the organisation of a complex society requires? The answers raise what seems to me to be a central issue in this discussion. They also yield the principal reason why I would favour the adoption in Australia of a Bill of Rights.

He is a judge of the Supreme Court of New South Wales.

Mr McRae: And a very distinguished one.

Mr MILLHOUSE: Yes, a very distinguished one, as the member for Playford says. The article continues:

> The purpose of such a step is not to extend the privileges or permissions available in what some regard as already an unduly permissive society. Nor is it to enlarge the opportunities for the propagation of extreme or disruptive ideologies. Rights imply duties and a declaration of rights requires a balance to be struck between competing interests. But the essential point is that these days it is the legislatures which enlarge or restrict the ambit of permissible activities and direct society's path. Against the power of Parliaments the judges are impotent. And the fundamental purpose of a Bill of Rights is to protect the citizen against the power of the state.

I would have hoped that appealed to all members in this Chamber. Having said that, having apologised for not being able to give a detailed explanation of it, and having given a reference to my earlier speech in which there was a detailed explanation of an identical Bill, I conclude by merely quoting the preamble for the Bill, which states:

> Whereas it appears to the Parliament of this State assembled just and proper that certain of the Rights and Liberties that should be enjoyed by the people of the State be expressed and set out in written form:
>
> And whereas it appears desirable to the said Parliament that those Rights and Liberties as so expressed and set out should be preserved and protected lest they should in any manner or by any means be abridged or abrogated.
>
> Be it enacted . . .

Mr EVANS secured the adjournment of the debate.

OFFENDERS PROBATION ACT AMENDMENT BILL

Adjourned debate on section reading.

(Continued from 23 September. Page 1119.)

Mr EVANS (Fisher): I will speak briefly to this Bill, introduced by the member for Glenelg, relating to persons released on probation. In his explanation, the member strongly advocated his belief that such a person on proba-

tion incurs costs to the State. Likewise, probation gives a person the opportunity to return to the community, to receive income from employment, to move back into the family circle with friends and to enjoy a normal life, except with the few provisos that, whilst on probation, a person must abide by certain conditions. There is no doubt that there is a cost in providing the service, but it gives an opportunity to that person to lead a normal life, settle down, and forget the past.

The member asked that persons on probation should make a small contribution towards the cost of providing that service. I do not wish to go further now than to say that the principle the member puts forward appears sound, but that some matters need investigation, and an assessment of the effect upon individuals needs to be made about whether this would discourage taking up employment. One would need to know the likely types of charge involved for the individual. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

VICTIMS OF CRIME

Adjourned debate on motion of Mr McRae:

That in the opinion of the House, victims of crime suffering personal injuries should be compensated by a publicly funded insurance scheme similar to the Workers Compensation Act and should otherwise be assisted and rehabilitated, if necessary on the basis that public money expended be recovered where possible from those at fault; and further that a Select Committee be appointed to report on the most efficient manner of achieving that result and also to examine and report on property loss suffered by victims of crime.

(Continued from 23 September. Page 1124.)

Mr MATHWIN (Glenelg): I oppose this motion, which asks, in part, that a Select Committee be appointed. First, I cannot understand why the member desires a Select Committee on a matter such as this, unless it is because Labor Party philosophy is to call for Select Committees as often as possible. Recently, I read the report of the Select Committee on Unsworn Statement and Related Matters, which was a Labor Party Select Committee from the Upper House. It was disgraceful. It was an itsy bitsy report that was difficult to understand. It had no rhyme or reason to it. One had to move from page 4 to page 26, and so on, to understand it. If that is the calibre of Select Committee reports, they appear to be of no value.

Mr McRae: You are not saying that this Select Committee would be like that, surely?

Mr MATHWIN: If there were similar personnel, it could well be the same.

Mr McRae: Look at the personnel we have.

Mr MATHWIN: I do not know if the honourable member has read the report of the Select Committee on Unsworn Statement and Related Matters, but it is disgraceful.

Mr McRae: You are reflecting on the whole of the House of Assembly; it is ridiculous.

Mr MATHWIN: If the member is reflected on when I am talking about his colleagues in the Upper House, so be it.

Mr McRae: Don't reflect on us.

Mr MATHWIN: If that is the best that the upper echelon of your Party in the Upper House can do, it was an awful report and a disgrace to Parliament.

Mr McRae: What has that to do with compensation for victims of crime?

Mr MATHWIN: It has to do with the fact that the member for Playford desires a Select Committee on this matter, which has a fairly familiar ring to it. I am reminded that some eight years or so ago the member for Fisher presented to this House, from exactly the same seat in which the member for Playford now finds himself, a similar motion about damage direct and indirect done by inmates of institutions who escaped custody. They were not uninsured and the cost had to be met by the Government from the public purse, at taxpayers' expense. That debate lasted through two days of sittings, and when one reads the report, one finds the only person who spoke from the Government benches of that day, the Labor Government, was the then Attorney-General, now His Honour Justice King, who violently opposed the motion moved by the member for Fisher.

If the member for Playford is worried now, I tell him there was far more reason in those days to worry, because we were all concerned, as was the community generally, about the massive abscondings from State institutions and the shocking damage done by those from what was termed the McNally Training Centre. In 1970 and 1971 there were 134 abscondings from that institute; in 1971-72 there were another 281 abscondings. So, the public, the Government and Opposition of that day should have been really concerned about damage done by those people. I refer members to the then Labor spokesman's defence, when he said, as reported at page 1639 of *Hansard* 1972:

> The member for Glenelg suggested that, if the Government intended to persist with its present policy in relation to juvenile treatment, it should accept responsibility for damage to property caused by absconders from institutions. Absconding is not new: absconding from juvenile institutions has always occurred.

That is quite true, but never in the numbers that occurred then. The honourable gentleman went on to say:

> Escapes from penal institutions by adult offenders have always taken place in varying degrees and numbers, but it has never been suggested that the Government has the responsibility of making good damage that those escapees have caused.

The spokesman for the Labor Party, the then Attorney-General, then dismissed the matter more or less out of hand and said that there was no point in it and no need indeed for the taxpayers to foot the bill, which, I suggest was getting out of hand at that stage because of the policies being pursued. The motion moved previously was similar to the motion now moved.

Mr McRae: Are you going to support it?

Mr MATHWIN: I know it might hurt the member for Playford to see what happened last time a similar motion was debated, when the honourable gentleman was not even allowed to talk on it. There was only one speaker from the Labor Party on that occasion, and that was the then Attorney-General, Mr King—

Mr McRae: You're quite right. I don't back away from that.

Mr MATHWIN: Right. The people who voted against it were Messrs Brown and Burdon, Mrs Byrne, Messrs Clark, Corcoran, Curren, Dunstan, Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, King, Langley, McRae, Payne, Ryan, Simmons, Slater, Virgo, and Wright. All those members of the Labor Party voted against that motion. Now we have seen a shift in policy.

Mr McRae: No you haven't, not on my part.

Mr MATHWIN: Well, the honourable member is down there. I have read out the honourable member's name from the list of those who voted against.

Mr McRae: That was a majority decision of Caucus. You know the situation.

Mr MATHWIN: You had 22 against 17. Anyhow, that is the situation as it was then. Now, of course, when things are different they are not the same. I oppose the motion moved by the member for Playford.

Mr McRae: Oppose it!

Mr MATHWIN: First of all, if the honourable member will just calm himself, I will explain to him a couple of

reasons why. First, I believe that it is now possible for the courts, in conjunction with the community service orders, which are now allowed for both juveniles and adults, to direct offenders to comply with restitution orders. This type of treatment applies to offenders in other countries of the world and it is about to apply here. Only this week the Minister of Community Welfare announed that community service orders would now be commenced in the juvenile area and that, the matter was in train as regards extending this to adult offenders. The power exists now for the courts to make restitution orders.

Mr McRae: You don't believe that.

Mr MATHWIN: The power exists. The law provides for it now.

Mr McRae: How much restitution do you get from these criminals? Come on!

Mr MATHWIN: It works in Massachusetts, and Bavaria, for example. The court can assess damage at, say, $600 or $1 000, although, certainly with juveniles it cannot go much above $1 000 because it does not work, and the offender has to repay that sum. In the first instance, the sum is paid to the victim, and then the offender works a number of hours (in the juvenile area, at $3 per hour); he works off that amount of restitution money. During that time he meets on a number of occasions with a committee comprising someone from the Community Welfare Department, the victim (who is always included), and a police officer. At those meetings the situation is discussed, and this has a very good effect on rehabilitating young criminals and criminals generally. It has been proved on a number of occasions that the offender realises his mistake and thinks, 'Why did I do that to this person?' It works both ways: first, prisoners think they have done wrong; and, secondly, having to pay for the damage they have done—

Mr McRae: What if the person is in prison for 10 years?

The ACTING SPEAKER (Mr Russack): Order! The honourable member for Glenelg is not to encourage interjections.

Mr MATHWIN: Thank you, Mr Acting Speaker, I know I was naughty there. I will not be tempted again by the member for Playford. It is far better to have the system in operation and working closely with community service orders, and you can include with that restitution orders, by which the court can award restitution by the offender to the victim. I think that is far better, because it works both ways: it works for rehabilitation as well as restitution. So you get satisfaction both ways. I have great confidence in the future of this area of criminology, whereby we may be able to convince some criminals (the younger the better) that they are on the wrong road, and I believe that this is one method in which we can do it, giving satisfaction not only to the offender but to the victim as well.

I give the Opposition full marks for this: I know full well that the Opposition was also interested in introducing community service orders, and it has not all come from this side., But at least our Government has implemented this scheme. Our Government has instituted community service orders, and I certainly hope that this will include restitution orders, which will give some satisfaction and assistance to victims.

Mr LYNN ARNOLD (Salisbury): I do not think it is pleasure that one feels when one has to rise on a motion such as this, because the motion embodies the personal tragedies that affect many people in this State who are the victims of crime, and those victims cover not only people who are themselves directly victims of criminal offences but, indeed, members of their families and others. I am concerned about the comments made this afternoon by the member for Glenelg regarding this very positive initiative taken by the member for Playford.

I would have thought that any right-minded person concerned with victims of crime in this State would have taken up this initiative, given it serious consideration, and tried to see its early implementation. All is not well in this State with attending to the desperate needs of victims of crime. They must be attended to. It is not sufficient to say that what is presently the case is adequate, because it is not adequate. Many examples can be cited to prove that, and my speech will be based on one such example.

I take it as a matter of some serious note that the member who took the adjournment on this matter after the member for Playford introduced it this time, the Chief Secretary, is not even here today to pursue his own adjournment. I think that is a matter of grave concern. This is not the first time the member for Playford has introduced such a measure; in fact, it is the third time he has done so. On every occasion it has been allowed by Government members to lapse.

I want to make a few points on this matter, particularly in relation to those people who are family members of people who are murdered. This is one area affected in the whole proposal put forward by the member for Playford, but it is as vitally important as are many of the others. I raise this because some considerable time ago a person in my electorate came to me as her family had been involved in such a case. This constituent and her family have been known to me for some time, and I had known them prior to the tragic event in which one of the children of the family was murdered. I have known them since that time and I have seen the suffering that they have had to undergo as a result not only of the terrible thing that happened to one of the children, but also of the entirely inadequate and insensitive procedures through which they have had to go. I do not think anyone could applaud what they had to suffer in humiliation and degradation at the hands of instrumentalities applying the present criminal compensation legislation.

I have spoken with them at some length on this matter, and looked at various ways in which their case could better have been handled. They know that their case is now finished, but their concern is that others should not have to suffer in the way that they did, that others should not have the humiliation and degradation that they were put through. While the continuing publicity about this matter is an area of great distress to the family, they have asked me to raise the subject and pursue it yet further on behalf of others in our society.

Recapping briefly, one of the sons of the family went missing almost two years ago, and he was missing for nearly a week. The mother, quite naturally, became distressed while her son was missing. Her distress was very insensitively received by the appropriate law officers to whom she took her worry. They felt that her protestations did not need to be taken seriously, and it is a comment perhaps on the way of family life in our society that we can now regard it as entirely without justification for concern when a 17-year-old disappears from home for a week. Surely, a parent is entitled to be worried and concerned in that situation.

After a week a body was found and, indeed, was positively identified as the body of her son. It had suffered grotesque injuries that were remarkably unpleasant. Death is always unpleasant, but these injuries had been especially sadistic and cruel. On top of that, the body had been there for a week and had suffered decomposition. That in itself caused distress. It was clearly the case in the mind of most people that the son had been murdered, and to this very day the murderers have not been found. This naturally and understandably is a source of further grievance and worry

to the family. I mention that because that is not the opinion of all who have dealt with this case, particularly some of the judicial authorities.

Following the coronial inquiry, and in the process of the ongoing murder investigation, the family made a claim under the Criminal Injuries Compensation Act, with a view to having some financial compensation. Be it said that they did not make the claim so that they could be financial profiteers from this very sad event. They did not seek to enrich themselves solely for that purpose. They were more concerned with the effects of the death of the son of the family upon them and the enormous financial costs involved, and they were merely in some way trying to recoup some of those numerous financial costs. I shall detail them at greater length.

That is the point at which some of the greatest concern comes. The case was handled in the Criminal Court, proceedings lasted more than five days, and judgment was handed down. The judgment clearly showed the inadequacies of the present system. It showed the extent to which insensitivity can be embodied in the law when dealing with matters of great personal moment. The judge found that there was not sufficient evidence that the family had suffered. I shall go through the evidence that was presented to the court to indicate just what sort of evidence was so lightly discarded. Paltry, trivial amounts were allocated to various members of the family, and in some cases nothing at all was allocated to a couple of members of the family. The result was more for them to feel that further insult and grievance had been inflicted upon them, by the system, as well as by those individuals in society at large who had inflicted murder on their son.

It is not just a matter, grave and extensive as it is, of the murder of their son. Many other things added to the very complex picture that, for any family in our State, would surely have reduced them to a severe state of anxiety and distress, and yet many of the other things were peremptorily discarded by the judicial authorities who considered their application. Perhaps it is the nature of the Criminal Court that it is not able to take these things into account. Perhaps that is clear evidence that we need another type of structure to do that, and what better forum than a Select Committee can we have to determine what other type of structure we need?

Perhaps I can indicate some of the complicated matters that arise. It is bad enough for any family to suffer bereavement. It is especially bad when that bereavement affects someone stolen away on the edge of adult life. When that death is sudden and violent, it becomes still more tragic. The family had to cope with that, and that obviously has been a very difficult stage. On top of that, they had to fend off a siege by stonemasons, who literally did besiege their house trying to sell monumental masonry for the grave of the son. They did not wait to be invited. They would come to the door at all hours, ring up, and pester by various means such as that, causing added distress to the family, without any degree of sensitivity to what they were going through, reducing the mother, in particular, to a state of near total collapse.

An honourable member: Disgraceful!

Mr LYNN ARNOLD: It was disgraceful. My predecessor, who was handling the matter at the time, wrote to the Association of Monumental Masons. I was working with him then, and we indicated how serious we thought this matter was, and asked that people suffering bereavement should have the option to initiate the contact. The best response we could get from the association was that it would ask its members to wait two weeks. I do not know that in two weeks people have resolved many of the complexities of grief. Full marks go to a firm of stonemasons operating out at Tanunda. It wrote back indicating that it is never its policy to initiate the contact. This firm always waits for people to contact them, which is the sort of approach that should be adopted.

When the family wanted to place a certain text on the headstone, to include a phrase referring to the fact that their son was 'a victim of man's inhumanity to man', they were told that that could not go on. Surely they were the ones who should be able to determine what was included on the headstone, but they could not even do that. So, that was another problem that this family faced during the process. They then had the appalling procession of anonymous telephone calls that hinted at all sorts of disgusting things, from people whose level of thinking seems to be beyond any possible hope of comprehension. At the funeral the family did not have the opportunity quietly, and with some serenity, to see the burial of their son. In fact, they had to put up with police photographers mingling in the crowd, photographing at whim all those who were present, taking away quite effectively any hope of solemnity or serenity.

The family then had the aspersion cast by one of the judicial authorities that perhaps it was not even murder, yet up until that time everyone else had contended that it was clearly a case of murder. That has also been particularly distressing to the family. In this one example that I have given many more elements are involved than just the instance of death itself, serious though that is. In this one case it has been compounded by many other elements. I believe that in many circumstances where people are the victims of crime that has resulted in the death of a loved one there will be similar complicating factors and circumstances that should also be taken into account. Yet these were not taken into account by the court in determining whether or not compensation could be awarded under the Criminal Injuries Compensation Act.

The Hon. W. E. Chapman: Does the bereaved family agree that you should be raisirg their details in this place?

Mr LYNN ARNOLD: They most certainly do. In fact, they have been in contact with me for some time, hoping that others in our society will not have to go through what they went through and that, if there is to be any benefit at all arising from their suffering, at least that benefit will be change for others.

The court hearing lasted five days. On the first day the members of the family were interviewed and some interviews were conducted on successive days. Members of the community who had known the family were also interviewed. I might say at this point that the family is a very well respected one within my electorate—indeed noted for its concern and compassion for others. The parents of the family, in particular, are known to be welcoming, seeking to help others with the problems that they face. There have been many instances where social workers in the northern areas have been grateful for the support that this couple has given, such as helping children who may need a temporary foster home or support that is not available through other means.

People who had known the family for a very long time indeed came to the court to testify to the contribution that the family has made to the community and to their standing within the community. Also, to testify before the court were professional authorities that had had fleeting contact with the family, trying to assess certain aspects of a medical or psychiatric nature. In fact, I believe that five psychiatrists interviewed various members of the family. The contact, perforce, was very brief; in some cases as little as one hour, and certainly no more than a few hours was spent with any member of the family. That evidence was also presented to the court, which then weighed up the feelings of community

members who had known the family for a considerable time—people who could attest to their value to the community against the opinions of people who had had fleeting contact with that family.

How did the court find? Its finding was very wounding to that family. I shall refer to some of the sections of the finding. First, the judge determined that two members of the family had not suffered any compensable injury in terms of the Act. It was stated that one of the brothers had not in any way been affected by his brother's death. In fact, this son has suffered some brain damage since birth, which has limited his reactions. However, those who know him know full well that he has indeed suffered: not so much by his state of testimony, which was taken into account by the court, but by way of action, which surely is as much a testimony to be adhered to as is anything else. I refer to the crime impact statement on the family which refers to statements of that son. The son said to the psychiatrist:

I haven't noticed any changes in me. My mother says I have. If I have, then it would have been so slow that I wouldn't have noticed it. Allan's death has, of course, left a real gap in the family.

I have never experienced any other kind of grief to compare it with so I would not know if I would feel different about his death had he died, say, in a car accident.

Those comments were taken to mean that the boy had not suffered any effect. The words read that way, but it is not only the family who can attest to how he has changed since: members of the community can also do so. Such people remember in the past how this lad was always seen riding his bike around the Salisbury Town Centre, a friendly figure who would call into many of the shops to talk and to pass the time of day with anyone who chose to talk with him.

Since all this happened, his world has shrunk and shrunk, until for a long time his world consisted of nothing other than his own room, from which he would not go; he would even eat his meals in there. The boy may have said that it had not affected him, but those who knew and watched him could see how much it had affected him. However, the finding of the court was 'no effect, no compensation'. The court also found that many of the people in the family who had suffered from the death could have that attributed to the alleged emotional instability of the mother. The following is stated in the court judgment:

Prior to the death of the deceased . . . (the mother) was a very neurotic woman. During the period of nearly a week that the deceased was absent from home but before the offence was committed upon him (the mother) was in a grossly affected mental state. Clearly, her condition at that time cannot be regarded as a consequence of the commission of the offence because it had not then been committed. The state she was in simply illustrates the high degree of mental instability this applicant suffered before the commission of the offence.

This judgment does not add up with the evidence of the other members of the community, who can say quite clearly that the woman was not a person of mental instability before the offence. The other thing that screams out from that part of the court judgment is the insensitivity of the court. It somehow seems to believe that it would have been entirely reasonable for the mother to have felt nothing during the week of her son's disappearance until the time his body was found.

The judgment implied that it was unreasonable that she should be concerned. It implied that, therefore, by consequence that state of anxiety was independent of the state of anxiety caused just by the death. That is quite a ludicrous conclusion. The two were obviously intricately interwoven. At another stage, the court said about one of the children:

A disturbing aspect of this applicant's poor state of mental health is a desire for revenge.

I do not think it would be that unusual for members of the family to have desires for revenge on those who had inflicted murder on one of their family members. I would have thought that that was a quite natural reaction in many instances. One should seek rather to assist that family than to make a critical comment slamming the family in that regard.

The other point is that one of the children who was married lost a child. She was pregnant. The court admitted that she was pregnant when her brother died and subsequently lost the baby. It said:

I am not satisfied that the loss was a consequence of the offence committed against her brother.

Obviously, very little attention was paid to what trauma that family went through in the intervening months. Then, at another stage during the proceedings, it was stated that a reasonable grief period was six months and that one could expect to work out grief within six months; then it would just somehow mysteriously lift off and fade away, and everything would be back to normal. I have read enough from psychologists to know that the grief process is a complex one indeed. It has many phases and, even in a situation where the death is entirely expected, still it is a process that everyone has to go through.

I put it to this House that six months, even in the case of a normal death, could be considered extremely short for that grief process to resolve itself. However, in a situation like this, where the child was the victim of a violent murder, it seems to me to be a sick comment to state that that family should have resolved its grief in six months, particularly as there are so many unresolved features about the incident. How can the grief be resolved when the murderers are still at large, unknown? That, in itself, must preclude any resolution.

It seems to me that there have been serious shortcomings in this instance in the court system in dealing with this family's claim for compensation, a claim not to profiteer, as I said before, but just to help meet the many extra costs involved. Most of the family has been seeing psychiatrists for a significant period of time since. Psychiatrists are not the cheapest of professionals. I believe that the fee is $60 an hour. It does not take very long for that money to be used up. Certainly, the money allocated to the family was very slight indeed. The money allocated to the mother was $5 000; to the husband, who was in fact the step-father of the murdered child, it was $500; one of the sons, who lost his job as a result of the mental trauma, received $2 000, plus a rap over the knuckles since he expressed a desire for revenge; to another child, $500; to the child who lost her baby, $750; to another son, $2 500; to the child whose life had shrunk to one room, nothing at all; and to another child, who was particularly close to the murdered brother, again nothing at all.

From those paltry amounts, all the medical and funeral expenses had to be met, not to mention many of the other costs. The family, to seek seclusion, desperately wanted to move. They could not afford to do so because they just did not have the money to sell and buy another home. Certainly no money was left from the compensation findings to give them that source.

Perhaps I can sum up by using the words of a person who sat through that compensation hearing for the five days, who also knows the family very well, and who herself has been the victim of tragedy in which one of her children was murdered. She said:

Society has been very cruel to the family: not by the murder, that we can all see as the work of certain aberrant members, but by not providing any help when they needed it, by refusing to allow the mother to have her son cremated in accordance with her religious belief, [and I forgot to mention that before] by refusing to allow her to put 'A victim of man's inhumanity to man' on his

tombstone; by refusing to accept the testimony of those who know them best, and by allowing 'experts' to dissect and label their motives. All the mother wanted was a little support, some financial help, and someone to say: 'A terrible thing has happened to this family.' And our society, through its law courts, has said instead: 'If something like this happened to you, then it must have been your fault.'

We need to change the law. We need to change the structures by which we hope to help the victims of crime. The motion moved by the member for Playford is a positive step in this direction. I hope that it is eagerly supported by all members in this place and another place and that it is acted upon without delay so that other victims of crime in our society do not have to put up with the sequence of events that the family in my constituency had to put up with.

Mr GLAZBROOK secured the adjournment of the debate.

INCOME TAX

Adjourned debate on motion of Mr McRae:

That, in the opinion of the House, a Select Committee should be appointed to consider and report on the various methods, either in use or proposed for consideration, of apportioning income tax between the Commonwealth and the States, in particular this State, and to advise the Government on the various effects which may be induced by the 'New Federalism'.

(Continued from 23 September. Page 1124.)

Mr GUNN (Eyre): I rise to oppose this motion, and I do so for a number of well considered reasons. The first is that the honourable member for Playford has been talking about this scheme for a considerable time. However, in the course of his comments over a long time, the honourable member has failed to put forward any constructive machinery that will bring to fruition an arrangement which will serve the interests of the States and the Commonwealth on a long-term basis. All of us who believe in our system of Parliamentary democracy and those of us who believe in a Federal system of Government believe that there must be adequate funds so that Governments at all levels can discharge their responsibilities in a constructive and positive manner on behalf of the people whom they represent.

The first criterion to enable us to arrive at that set of circumstances is that all people who are interested in this area should get together in a constructive manner. It does not matter what we do in South Australia: it will have no effect upon the other Governments. Genuine attempts have been made. Unfortunately, the Labor Party's record in this area is abysmal. I found it interesting to listen to the member for Playford in relation to this matter, putting forward a Select Committee of inquiry into the financial relations between the State and the Commonwealth, when he belongs to a political Party that has on every possible occasion set out to centralise the financial affairs of this nation.

The writings of the previous Prime Minister, Mr Whitlam, made very clear where a future Federal Labor Government would take Australia; it would centralise all authority in Canberra and within a short time it would be impossible for the States to adequately manage their affairs in a responsible individual manner. The allocation of funds using tied grants was a shallow attempt to hide from the people of this State the real intentions of the Labor Party. I realise that the member for Playford on most occasions is a rational person. He is a great supporter of Select Committees and I am a member who believes that on most occasions Select Committees are a good thing. I believe that since I have been a member of this House whenever a Bill has been referred to a Select Committee in this State it has been greatly improved.

Mr Mathwin: The exception to that is the case of the unsworn statement, which was a shocking report.

Mr GUNN: I am not allowed to discuss that except to say that that was not a proper Select Committee. It was a political exercise and the results were a reflection on the intelligence of anyone who was forced to read it.

I believe that these matters can best be resolved by the Premiers and the Prime Minister coming together, with a genuine desire to achieve a workable agreement. We cannot have a situation where the Commonwealth believes it has ultimate authority or where the States want to take the ultimate authority away from the Commonwealth. I believe that the first step should be for representatives of the Commonwealth and the States to sit down and examine in a detailed and critical way the areas of agreement, and then they should attempt to put those agreements into effect. I believe that what usually happens is that the Federal Government puts forward what it believes is a responsible and workable arrangement and one or two Premiers attempt to gain short-term political kudos by being critical of the measure. Nothing will be achieved. I wish to make a number of more detailed considerations of this important matter, and I seek leave to continue my remarks later.

Leave granted; debate adjourned.

FIREARMS

Adjourned debate on motion of Mr McRae:

That, in the opinion of the House, a Select Committee should be appointed to investigate the increase of firearms in crimes of violence, advise on the suitability of the regulations on obtaining and keeping guns, and advise generally on what steps should be taken to control this problem.

(Continued from 23 September. Page 1126.)

Mr GUNN (Eyre): I think this is the second time that member for Playford has attempted to interfere with a set of circumstances about which he knows little. I have listened to the member on this subject until I have become absolutely fed up with the nonsense he has put forward. It is obvious that he knows nothing about firearms and their control and I doubt that he owns a firearm. I am confident that he knows nothing about using firearms, because he is attempting to penalise the law-abiding citizens of this State, those persons who require firearms to go about their business, those persons who require firearms for their sporting activities, and those people who are collectors. They are not the citizens who are causing problems. Those people are responsible and law abiding and all that has happened is that they are being subjected to continual criticism and their credibility has been doubted. They have been the subject of regulations and control, and in my view in many cases the taxpayer has been put to great expense and received little in return for it.

We had the ridiculous situation that, when this Government came into office, the previous Government had ordered a white elephant, a large computer, and I believe the results have been nothing spectacular. Now the member for Playford is getting on to the band waggon. He is attempting to create a situation whereby the Labor Party in this State can implement a policy similar to that which the Labor Party in Victoria is attempting to introduce on people who use firearms. However, recently a Mr Colin Greenwood, who is a person who has had a great deal of experience in the law relating to firearms control and who is an ex-policeman and a competitive shooter, visited this country.

It is a great pity that the member for Playford did not take the trouble to go along to hear what that gentleman had to say. I am confident that that member, who is normally a reasonable person, could not have helped but be impressed. Justice Roma Mitchell and the member for Mitcham attended, and I had the pleasure of hearing what he said about firearms. Recently, the Sporting Shooters Association of this State sent out a questionnaire to members. I wonder where the member for Playford and his colleagues stand.

Mr Hemmings: Did you fill yours in?

Mr GUNN: The Sporting Shooters Association is aware of my views on this subject. It knows full well where I stand on the subject.

Mr Hemmings: Did you reply to it?

Mr GUNN: Yes, I always reply to my correspondence. The first question was: do you possess a firearm licence? The first question I ask the member for Playford is whether he owns a firearm. The questions go on at great length to seek from members what their involvement is in relation to firearms. The Minister of Water Resources is an experienced person and he would know that the member for Playford has worked himself on this occasion into a considerable lather on this subject.

What have we achieved by the regulations? What would take place if this particular Select Committee was brought into existence and considered this motion? What other steps should be taken? We do not need to go to a Select Committee on firearms to take one positive step. I believe the firearms fraternity and the majority of people in this State believe that, if a firearm is used in the commission of an offence, the law should come down heavily on the people concerned and that there should be substantial gaol sentences.

I realise that the law, as it stands, provides for a lengthy gaol sentence, but unfortunately those provisions have not been implemented. I do believe it is necessary to increase greatly the penalties in relation to the illegal use of firearms. That does not mean to say that, if we have more regulations and more licences, we will prevent firearms from being used by criminals, because anyone who has any knowledge of the subject knows that it is possible to get a firearm if one wants one.

If anyone thinks that when a criminal gets a firearm he will go to the trouble of getting it registered, getting a licence, and then getting a hunting permit, he is living in cloud cuckoo land. The member for Playford wants to penalise law-abiding citizens, make life miserable for them, and allow criminals to go scot free. Regulations and licences will have very little effect upon criminals, but life will be made very difficult for law-abiding citizens.

The Sporting Shooters Association is a most responsible organisation, but it has just about had enough of the nonsense peddled around the community. I look forward to the Labor Party members standing up in the House and telling us what it believes about these issues. I issue a challenge to the member for Playford and his colleagues to come clean on these issues.

The Hon. W. E. Chapman: The member for Napier may.

Mr GUNN: The poor fellow would not know. First, I ask the member for Playford whether he supports the A.L.P. policy in Victoria, which states:

> The Victorian Branch of the Australian Labor Party at its State Conference on 13-14 June 1981 adopted a new policy relating to firearms. The following is the new paragraph 151 of the Party policy for the next State election.
>
> The reform of the law relating to the possession and use of firearms is a matter of priority for a Victorian Labor Government with a view to imposing proper and responsible control over the proliferation of the possession and use of firearms. Such reform to include:
>
> *(a)* The annual licensing of persons wishing to possess guns. Such licences only to be issued where:
>
> (i) the applicant can demonstrate competence in the safe handling of firearms; and
>
> (ii) that the applicant be able to provide a real guarantee of responsible use (such as by bona fide membership of a Government approved gun club, employment in an occupation for which firearms are essential or convincing evidence that it will be used only for responsible recreational purposes); and
>
> (iii) the applicant can demonstrate that he or she can guarantee the security of the gun; and
>
> (iv) the applicant is a fit and proper person to own a gun.
>
> *(b)* A person holding a gun licence shall only be entitled to possess one firearm unless a good reason can be shown why the licence holder should possess more than one firearm such as the shooter's pursuits requiring more than one type of firearm.
>
> *(c)* A person obtaining a licence shall not be permitted to acquire a firearm within a designated cooling off period after the initial grant of a licence unless a good reason can be shown why this should be waived.
>
> *(d)* The annual registration of firearms, including provision for the transfer of such registration and the notification of disposal.

Does the member support that provision?

Mr Hemmings: Do you?

Mr GUNN: I do not, and I make no apology for that.

Mr Hemmings: I didn't think you would.

Mr GUNN: The member is smarter than I thought. At least he can understand a small matter such as that. I now refer to an article which appeared some time ago in a magazine dealing with firearms and which is pertinent to this debate. It is headed 'Well Meaning But Without Understanding', and it states:

> Experience should teach us to be most on our guard to protect liberty, when the Government's purposes are beneficent. Men born to freedom are naturally alert to repel invasion of their liberty by evil-minded rulers. The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning, but without understanding.

Justice Louis D. Brandeis, of the United States Supreme Court, said that.

Mr Slater: You don't support the Americans, surely?

Mr GUNN: I will speak about that later. The article continues:

> Frequently, members of state legislatures are poorly informed on the pros and cons of firearms legislation. They may be impressed with the good intentions of some who propose such legislation but may fail to achieve the understanding unless those who have the greatest stake in preserving the right to bear arms energetically discharge their responsibilities.

I think those comments clearly indicate that the member for Playford falls into that category. He is well meaning: I do not think anyone doubts his sincerity, but he is somewhat confused. Not only is his thinking muddled, but he has no experience to make the judgment he has made. Previously, I offered him advice, but he failed to appreciate or understand it. He should take the trouble to attend one or two functions put on by bodies like the South Australian Gun Club or the Sporting Shooters Association and see what takes place.

The Hon. W. E. Chapman: How can he expect to, when there is not one member of the Labor Party—

Mr GUNN: It is unfortunate that certain members have not shown much interest in this subject, which is a very emotional issue. People such as bank officers and officials are concerned. Members of the Police Force quite properly point out that they have difficulty in dealing with armed offenders, and I appreciate their concern. It is often not appreciated that all the regulations one likes can be passed, but unfortunately this will not prevent villains in society from using firearms for improper purposes. As long as people have those intentions, one cannot prevent them from

obtaining firearms. We all know that there are devious people who will illegally bring firearms into a State or country, no matter what regulations or legislation are in force.

Mr Hemmings: So you're going to let that carry on?

Mr GUNN: If the member could contain himself and listen for a few moments, he may understand. I doubt it, from the manner in which he has been carrying on. I, as someone who has knowledge in these areas, who is concerned that common sense should prevail, and who wants action taken to assure the genuine long-term interests of citizens of this State, hope that he listens.

First, as I said, it is essential that the law relating to misuse of firearms be greatly strengthened. Secondly, before there are further attempts to amend regulations, it should be made clear and stated in legislation that law-abiding citizens have the right to own firearms. The shooting fraternity is concerned that a continued attack will be made on their rights. They see attempts such as this as a deliberate, devious and calculated attempt to prevent them from going about what they believe is their legitimate right to participate in their sport or be involved in collecting. One can bring in all the regulations one likes, but they will not prevent criminals from obtaining firearms.

This motion for a Select Committee will not achieve the objective that the member for Playford has. His first step should be to talk responsibly with members of the South Australian Sporting Shooters Association and other people in the field to understand how existing regulations operate and to find out the motives of these people. If he did that, he would be better able to make a responsible and considered judgment on the issue. Next, he should take the trouble to find out how they operate, what enjoyment they get from their sport, and how essential it is to allow those with a genuine need to own firearms.

At present, if you want to have a firearm you have to register it first, and you pay a fee of $1, and you then have to pay an annual licence fee of $6. You pay both those fees to the Police Department, but if you want to get a hunting permit you have to pay another fee, and that is paid at a post office. You pay another fee to the National Parks and Wildlife Division. It is quite obvious what should take place; both the hunting licence and the firearms licence should be one licence. It is nonsense having to annually get two licences. If a person wants to own a firearm and use it for limited purposes, he should have the licence or the choice to have a dual licence, but he should not have to pay two separate accounts and hold two bits of paper. In view of what I have said, and wishing to make further comments in this debate, I seek leave to continue my remarks later.

Leave granted; debate adjourned.

ACTS INTERPRETATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 23 September. Page 1126.)

Mr MATHWIN (Glenelg): I oppose this Bill. In so doing, I indicate to the Opposition, particularly the member for Playford, whose Bill it is and who seems to be having a bit of a rough spin this afternoon (this is about the third or fourth measure that has gone down the hatch) that the Government is currently investigating simplifying the Acts Interpretation Act. I know that the legislation is in an advanced stage of preparation and it should not be long before it is introduced in the House.

This Bill, however, rather than simplifying citation of an Act, could well add to further confusion, and there would be four possible ways to cite each Act. Citation by reference to year of enactment only would be simpler. The adoption of a single-year citation would bring South Australia into line with the Commonwealth and three other States. That would be most desirable; I think even the member for Playford himself would admit that. There are other problems relating to this matter. The Bill refers only to Acts and does not cover other statutory instruments such as rules, regulations, by-laws, and notices, etc. Neither is it clear whether the amendment is retrospective or whether the new method of citation will apply to Acts passed before the amendment to the mode of citation. Also, the amendment does not spell out in sufficient detail that, unless a contrary intention appears, a reference only to the short title and year of enactment is a reference to the Act as amended. With those brief remarks, I oppose the Bill.

Mr RUSSACK secured the adjournment of the debate.

WRONGS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 23 September. Page 1127.)

Mr MATHWIN (Glenelg): This is another Bill introduced by the member for Playford. It is indeed a very complex Bill and one that needs a great deal of thought and consideration. The Government opposes the Bill. It is identical to the one prepared by Parliamentary Counsel in 1971 to implement a report by the then Attorney-General, Mr Robin Millhouse. The Bill changes the basis of liability for animals causing damage and does so having regard to the recommendations of the Law Reform Committee of South Australia in its seventh report presented in early 1970 to the then Attorney-General (as I have said, Mr Millhouse).

The Bill is also identical to that prepared by Parliamentary Counsel and submitted to the next Attorney-General, under the Labor Government, the Hon. Len King, now Mr Justice King. However, because of pressure and resistance within Mr King's own Party, the Bill was never even introduced in all the time that the Labor Party was in Government in this State. As no reason was given for that by the then Attorney-General, the matter can be left to one's imagination, but the reason must have been pressure within the Party room and from the Party's supporters. The member for Playford, a very persistent gentleman, who has had not much luck today, in 1980 presented the Bill again.

The Bill provides that a keeper of an animal who negligently fails to exercise a proper standard of care to prevent an animal from causing loss or injury shall be liable in damages in accordance with the principles of the law of negligence to a person suffering loss or injury in consequence of his negligence (and that relates to clause 3 of the Bill). The proper standard of care is to be determined on the facts of the particular case, having regard to the nature and the disposition of the animal. In the absence of proof to the contrary, it shall be presumed that the keeper of an animal had prior knowledge of any vicious, dangerous or mischievous propensity the animal may have exhibited in causing loss or injury.

Clause 3 goes on to provide that regard must be had to measures taken by the keeper to ensure adequate custody and control of the animal and to warn against such propensities. The problem with legislation in this form is that it is not clear to the keeper of an animal what standard of care he should apply to his particular animal in his particular situation.

For example, a dairy farmer at Myponga, with land abutting the main road, may have a greater standard of care imposed upon him than would a cattle farmer in the

Mid-North, with no main roads for miles. Farmers may be unsure how much of their property must be fenced. The only way in which a keeper of an animal will know what standard of care properly applies to his animals in his circumstances is when an action arises before the court.

In spite of the objection that the required standard of care is uncertain, it may be argued that this is the general effect of the law of negligence in any event. The general principle is that a person must take reasonable care to avoid acts or omissions which foreseeably could injure some person closely or directly affected by the act or omission. There is no reason why the basic principle should not apply to keepers of animals in the same way as it applies to other people.

The honourable member spent a great deal of time in explaining the situation in the rural areas, and he mentioned *Searle v. Wallbank*. That was the main area of his concern. I understand that concern is being expressed in some of the rural areas and that discussions have been held by interested groups about the problems set out by the member for Playford in his explanation of the Bill. It is felt that the problems can be settled. If that is so, and when agreement has been reached, legislation of greater benefit to right the wrongs will be introduced.

Discussions are going on. There is concern within the community, certainly in the country areas, about this matter. When the situation has been talked out, and when some agreement has been reached, there is no doubt, as I understand it from the Attorney-General, that legislation could well be presented to the House at some time in the future. I oppose the Bill.

Mr RUSSACK secured the adjourment of the debate.

CASINO BILL

Adjourned debate on second reading.

(Continued from 30 September. Page 1303.)

Mr RUSSACK (Goyder): I wish to enter the debate on the Bill introduced by the member for Semaphore which, if passed into law, may result in the establishment of a casino in South Australia. I suppose one could speak at length on the moral and sociological aspects of the matter. However, I do not intend to do that, as I am sure most honourable members know my attitude to the establishment of such a gambling institution.

I would like to review the situation that existed when a similar Bill came before this House in 1973. I took the matter seriously, to the extent that I visited Tasmania in September 1973 to investigate the situation and to receive all the information that I could gather about whether a casino would help this State or whether it would be undesirable. On that occasion I had the privilege of gaining the assistance of the then Premier of Tasmania, and I spoke to the Leader of the Opposition in that State and to other members of Parliament who had been vigorously involved in the debate on the Bill when it was before them. With the permission of the Premier, I spoke to the Under Treasurer in Tasmania, and also to the police officer in charge of the crime squad, with whom I spent about an hour. I then visited the casino. I have visited it again since then, after a lapse of several years.

Mr Max Brown: And you lost your money.

Mr RUSSACK: How can one lose money when one does not invest? I recall vividly that, when I spoke on a similar matter in 1973, the member for Gilles asked a similar question. At that time he was on the Government side of the House, and I was on the other side. I think he asked whether I had had a flutter. No, I did not. I did not go to that extent with my research. However, I observed very closely those who were participating. I did not see a smile on any face, although I saw expectation and anticipation.

On my subsequent visit I saw no improvement; perhaps the atmosphere had declined, if anything. After speaking to the gentlemen I have mentioned, I spoke to the personnel manager in one of Hobart's largest retail stores; he in turn allowed me access to the credit manager. I spoke to taxi drivers and to people in ordinary walks of life. As I said in the 1973 debate, I gave my assurance that I would not disclose any of the confidential details that I was privileged to receive; I still hold to that view. What I was told and what I saw convinced me that South Australia would be just as well or better served without a casino.

I realise that this is a personal matter on which we have a free vote, a conscience vote, and I respect the viewpoint of others. I have every respect for the member for Semaphore, and I believe his wish to get some decision on this matter was one of the reasons why he introduced the Bill. I respect his attitude and his reasons for bringing in this measure. At the same time, I retain the right to express my view and the view of others who have approached me. I must be fair and say that, in 1973, there was more vigorous opposition to the measure than has been the case with this Bill. I recall many petitions, with thousands of signatures, in 1973, but on this occasion there has been—

Mr Peterson: Not one.

Mr RUSSACK: No. Also, there was vigorous opposition from church leaders. I recall receiving a letter some two months ago, as most members of Parliament would have done, from the Moderator of the Uniting Church. He expressed not only his own opinion but also that of the church, namely, that it was opposed to the proposal. However, to this day I have received nothing further. Also, I have received correspondence from the Women's Christian Temperance Union, and, of course, we know of their earnest and sincere views on these matters. I have received letters from constituents asking me not to support the Bill. Also, I have had discussions with constituents. I met at the Balaklava Show one gentleman who had just returned from Alice Springs and who indicated that he was not impressed and would not favour the establishment of a casino here in South Australia. Also, last week in this House I had a visit from two members who formed the subcommittee of a social justice committee associated with the Churches of Christ; they came here to seek information and to express their concern about the measure. After discussion there was no doubt in their minds and I was encouraged not to support the Bill. I have spoken to a number of people, but I can honestly say that I have not received any letters asking me to support the matter.

It is quite obvious that there is not the keen opposition and concern that existed in 1973. Personally, I am disappointed that there is not more opposition. However, I am still of the same opinion as that which I gained in 1973, and then a couple of years later, in Tasmania, I am still of the same opinion concerning the rejection of any casino establishment in South Australia. Since 1973, a number of other gambling methods or techniques have been introduced in South Australia. I refer to Instant Money, X-lotto and the soccer pools.

Mr Max Brown: All financing State Treasury.

Mr RUSSACK: Yes, I will give an idea of the amount of money that comes into the Government coffers from those other forms of gambling. However, only a limited amount of money can be invested in those forms of gambling. I refer to an article in the *News* of 2 July 1979 (I realise that is a couple of years ago) wherein Mr Minchin, the Lotteries Commission Manager—

Mr Slater: Who is a good one, too; a very capable man.

Mr RUSSACK: I am mentioning Mr Minchin's comments because I recognise his managerial expertise and his integrity in that position. He stated in that article:

> Lotteries at $8 600 000 had declined by $1 200 000 because of the success of Instant Money.

I make the point that it would appear that, as different forms of gambling and techniques are introduced, it affects other forms of gambling; and no doubt the soccer pools will do so.

Mr Slater: You didn't say that.

Mr RUSSACK: Did not? I thought a member might say that, so I will read what I said:

> I emphasise that I am not opposed to sport. In fact, our country would be much healthier if people of all ages participated in a sport appropriate to their age to keep them fit, instead of just being spectators. The Government is obliged to support those sporting bodies financially, but because of personal convictions and because I feel that money should be made available in another way, the way I have suggested earlier in my speech, namely, in the development of resources and then provided to organisations in need, after serious consideration and long deliberations I feel that on balance I must oppose the measure.

No physical vote was taken, because no-one else was opposed to the Bill. I think that I was the only one who opposed it in that way in the House. So it was Mr Minchin's opinion in 1979 that the Instant Money Game had affected the lotteries. He was also quoted as saying:

> It is pretty quiet now, but we expect a resurgence of gambling when people start getting their tax refunds.

Mr Slater: That's a thing of the past now, too, thanks to the Federal Government.

Mr RUSSACK: The honourable member should not worry. Quite a number of income tax cheques still come back. It is a shame that the Lotteries Commission were relying on the money from income tax refunds for further investment. Mr Minchin further stated:

> It is extraordinary, but people tend to gamble more during a period of economic decline.

That shows that people are desperate to get money somehow, by some means, and the Lotteries Commission is a means through which many people endeavour to obtain money.

Mr Slater: What about the trade promotion lotteries? One can go in them for nothing.

Mr RUSSACK: With regard to the introduction of further gambling methods, although I mention poker machines, I do so only in relation to further gambling methods such as a casino. I refer also to some comments that appeared in the *Sunday Mail* of 15 June last year. The Moderator of the Uniting Church of South Australia, the Reverend Keith Smith, was reported as saying:

> Poker machines would be an additional tax on the poor.

I emphasise the following point. He also said:

> There are enough forms of gambling as it is.

A spokesman for the T.A.B. said:

> Any additional form of gambling would have a significant effect on T.A.B. turnover. In turn, that would reduce the amount of money we could pass on to the three racing codes.

Although those comments were related to poker machines, the definite statement made there is that any additional form of gambling would have a significant effect. I would maintain, therefore, that the forms of gambling that we have in South Australia at the moment are adequate. A spokesman for the Catholic Church was reported to have said:

> The church has no official policy on poker machines, but is against the introduction of any new form of gambling.

The statements to which I have referred indicate that many people in this State see the introduction of any further form of gambling as superfluous and unnecessary, as we now have adequate means for people to invest in that type of interest.

Mr O'Neill: If it is the one gambling dollar being spent all round, what difference will it make?

Mr RUSSACK: I was amazed when I saw an article in a journal called *Choice*, which, I am sure, is well accepted and has a high standard. This is what it says about the gambling habits of Australians:

> At the beginning of this century a visitor to Australia described Australians as devoted to gambling and incapable of serious work. Some might level the same criticisms now. Australians are the world's heaviest gamblers—by a long shot. We make the rest of the developed world look like beginners when it comes to throwing money away in the pursuit of lady luck. It has been estimated that the per capita expenditure on gambling in Australia is $710 a year, compared with $440 a year in the U.S.A., $95 in the United Kingdom and $87 in Canada.

I am only quoting and, as I said at the outset, this magazine is accepted as a good standard magazine. Someone has done some research to come forward with those figures.

In addition to that, I have here with me a table. Before I refer to that, I would like to refer to the South Australian Totalizator Agency Board's 15th Annual Report, 1981. In this year, the totalisator turnover amounted to $120 903 603, an increase on last year, which was, in round figures, $112 000 000. The table states that in 1978-79 lottery ticket sales in South Australia were $43 400 000. The totalisator (and I understand that 'totalisator' would involve on-course betting), with the T.A.B. investments added, came in 1978-79 to $117 700 000. Investments with licensed bookmakers were $179 700 000, making a total for that year of $340 800 000. I will not go through those details, but in 1979-80 the amount was $352 800 000.

I have no reason to doubt this information, because it was very carefully compiled for me by the research officers in this House. Also, I was pleased that the Premier today spoke about South Australia's population. This is very interesting. I have here some figures from June 1974 to March 1981. In March 1981 South Australia had the highest population since 1974, so, when we come to people running away from South Australia, I cannot see how that adds up. We had 1 305 100 people in South Australia in March, the highest figure since 1974. If we compare that with $352 800 000 in those forms of gambling, we find that nearly $300 per head per year is invested by people in forms of gambling in South Australia.

I do not wish to weary the House any further. I have considered this matter and I assure the House that I always do. I expect that what a person has been accustomed to in life has a bearing on his beliefs, and this has a bearing on my beliefs. I am sure that, if I made an assessment throughout the electorate of Goyder, which admittedly is a country electorate in the main (except that it comes down and takes in areas in the Adelaide Plains), the greater percentage of the people would not be in favour of the establishment of a casino. So apart from my own opinion—

Mr Slater: They might be if you put it at Wallaroo or Kadina perhaps.

Mr RUSSACK: The honourable member has mentioned this. This is the very thing that happened in 1973, and is why I became so interested. I lived in Kadina in those days. The prime site for a casino to be established, as I understood it, was at Wallaroo. I was sent urgent telegrams by the local government authority in that area. I then realised, as member for Gouger, that the majority of people in that electorate were not in favour of the establishment of a casino.

Therefore, I assure the member for Gilles that I was in the hot seat in 1973. I remember one honourable member at Question Time asking a question of me, which is not often done in this House. That member asked me whether

I had received a telegram that day from the local government body urging me to favour the establishment of a casino, and what I was going to do about it. So, I answered the telegram and I said, 'For various reasons, I oppose it.' So, I was in that situation and that is the action I took.

To summarise, I refer to the moral and sociological viewpoint, and to the fact that we have sufficient gambling methods and techniques in the State. The thing to which I have not referred, but which has been suggested, is that it would be most helpful for tourism. The Minister of Tourism in this State (Hon. Jennifer Adamson) is an outstanding Minister indeed. In an article by Julian Stuart headed 'Casino is not the answer' she said, 'A convention centre would be better for South Australia. Do not put your money on a casino to cure South Australia's tourism problems.' I would take her advice on that.

I think it is fair for the House to know that I propose to vote against the Bill in the second reading. The honourable member who introduced the Bill said that he would like the Government to have more involvement. Therefore, he hoped that someone would move an amendment to that effect. So, the member feels that the Bill could be improved. If it passes the second reading, I will support any amendment that I feel will improve the Bill. Because I oppose the measure, I will oppose the third reading if it reaches that stage.

Mr MAX BROWN secured the adjournment of the debate.

[Sitting suspended from 6 to 7.30 p.m.]

MINISTERIAL STATEMENT: PROTECTED BIRDS

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

Leave granted.

The Hon. D. C. WOTTON: In this House, the member for Mitcham has continued to make allegations concerning the actions of some officers of the National Parks and Wildlife Service and Bureau of Customs in connection with the trapping and selling of protected birds between 1973 and 1978 during the period of the former Government. Despite my earlier report on 6 August last given in this House on the thorough investigation previously conducted, the member has persisted in demanding a further investigation into these matters. I would now like to give a detailed explanation of what transpired during that period in the belief that the facts are available and that the matter should be finally put to rest, and to put into their proper context all of Mr Millhouse's attempts to make political capital out of a matter that has already been fully and thoroughly investigated.

In 1972, responsibility for the control and conservation of fauna was transferred from the Department of Fisheries and Fauna to a newly established branch of the Department of Environment and Conservation known as the National Parks and Wildlife Service. The service was principally entrusted with the administration of the National Parks and Wildlife Act which had come into operation on 3 July 1972. The Act provided for the regulation of trade in fauna, with particular emphasis on trapping and selling which was prohibited in the absence of a permit. Such permits could be issued by the responsible Minister (at that time Mr Broomhill) or by any person to whom he delegated authority.

The Hon. R. G. PAYNE: On a point of order, if the Minister wishes to incorporate this statement, I believe the Opposition would be in agreement.

The SPEAKER: The provisions do not permit the incorporation of Ministerial statements. This is similar to the situation I mentioned last evening in relation to a motion. The only incorporation provided for in the Standing Orders is the second reading explanation of a Bill.

The Hon. D. C. WOTTON: At the relevant time Mr Robert Lyons, the Director of the National Parks and Wildlife Service, and Mr Brian Eves, a Senior Inspector of the service, held this authority. As the officers of the service were inexperienced in law enforcement and as it was believed that an extensive illegal trade in South Australian birds existed, the then Commonwealth Department of Customs and Excise was requested by the Department of Environment and Conservation to train the personnel in the inspection section in investigation. This training laid some emphasis on the recruitment of informers. Following the instructions he had been given by customs officers, Eves made contact with a Bertram Joseph Bryant Field, who was known to have an association with persons concerned in bird trafficking. Mr Field was requested in November 1973 to supply information as to the activities of these persons and was promised that his expenses in doing so would be met.

Between November 1973 and January 1974, Mr Field worked in co-operation with the National Parks and Wildlife Service and appeared to be a valuable source of detail as to the methods used and persons involved in the illegal bird trade. This trade included the transport of birds interstate and overseas. The Director of the National Parks and Wildlife Service, in conjunction with his senior inspector, therefore decided that the Department of Customs and Excise should be alerted as to Mr Field's potential value.

Mr Field was spoken to by Eves and indicated a willingness to work with customs. Accordingly, he was interviewed by Mr Geoff Morgan, a Senior Customs Officer based in Canberra, and assessed as a well motivated and useful contact. Morgan then informed Lyons and Eves that he desired to put a Customs Investigator known as 'Hedges' to work with Field who would pose as his nephew and accompany him when making contact with dealers and traffickers. It was suggested by Morgan that Field could gain greater credibility with offenders if Field himself established a reputation in this type of activity. To this end, Morgan asked that Field and the Customs Investigator Hedges, be allowed to trap a small number of birds known to be in pest proportions which could be fed into the illegal pipelines. In this way Morgan hoped to be able to trace each and every dealer involved in the route interstate and overseas. Arrests would be delayed until the substantial dealers could be identified and evidence gathered. The operation was to be referred to as 'Operation Cicero' and has also been referred to as 'Operation Uncle'.

The Minister at the time, Mr Broomhill, knew of and consented to a policy of co-operation with customs and in this context Lyons determined to provide support for Operation Cicero. The activities of Field and Hedges were therefore sanctioned by the issue of permits in false names by Eves. The idea was to foster a belief in the traffickers that birds were being taken by Field without authority. Field went on trapping and selling trips accompanied by Hedges between January and November 1974. Thereafter, Field came under the more direct control of two customs officers based in South Australia, Mr Bill O'Dell and Mr Bob Turrell.

Throughout the operation, National Parks and Wildlife Service officers worked in close contact with customs agents and received information both from Field and from the agents. Nevertheless, only one person was ever apprehended for an offence, a dealer referred to as 'Happy' Walker, who was arrested and charged in March 1975 with various

offences under this Act. This lack of positive results came about in consequence of Eves' belief that the objective sought to be achieved by customs, namely, the identification of the major dealers and exporters in this country and overseas, was of vital importance and should not be prejudiced by minor prosecutions.

During this time, Mr Field believed that he was primarily responsible to the National Parks and Wildlife Service, and it was to them that he should look for payment for his services. This belief was reasonably founded having regard to conversations he had had with Eves and his extensive association with that officer. In August 1978, however, the whole affair was exposed when Mr Field was charged with offences against the National Parks and Wildlife Act by an officer of the service who was unaware of Field's continued involvement with the service and customs.

After an investigation of the events by the Crown Law Office, it became clear that Mr Field had been acting in an undercover capacity both for the National Parks and Wildlife Service and for customs. Consequently, the charges were withdrawn on 19 June 1979. The responsible Ministers at the time were the Attorney-General (Mr Sumner) and the Minister for Environment (Dr John Cornwall). In addition, in May 1981, following litigation, Field was paid all money believed to be owed to him in consequence of his services between November 1973 and October 1978.

In addition to the payment so received, Field has also retained all profits totalling some $12 000 from the sales of birds made by him during the course of the operation. This has been acknowledged by Field, who has said that he did not share any of these moneys with any officer of the National Parks and Wildlife Service, nor was he ever asked to do so. Field further stated to Crown Law officers that he had no evidence and was not aware of any profits made by any person involved in the venture other than himself.

As a result of allegations made by Field to the Crown Law Office, the then Minister for Environment in the previous Government, Dr J. Cornwall, arranged for a police investigation into the Inspection Section of the National Parks and Wildlife Service in June 1979.

As reported in my previous statement to Parliament on 6 August last, the investigation team operated under the direction of the Crime Director, Senior Chief Superintendent K. Lockwood (now Assistant Commissioner, Crime) and included an inspector and five experienced detectives. In August 1979, as a result of consultation between the South Australian Police Commissioner, interstate Police Commissioners, and the Commonwealth Police Commissioner, a joint task force of State and Commonwealth police officers was established to assist in the investigation.

The investigation was thorough and ranged throughout Australia. In consequence of facts established, Eves and Lyons of the National Parks and Wildlife Service were arrested in this State, two customs officers were arrested in Western Australia and later extradited to South Australia, and action was commenced against a customs officer in Canberra. These men were charged with having conspired together and with others to take and sell protected animals as defined by the National Parks and Wildlife Act, between July 1973 and December 1974.

The court proceedings commenced in the Adelaide Magistrates Court on 14 April 1980. Up to that time Field had declined on legal advice, I believe from the member for Mitcham, to make a statement to the investigators, and therefore the court proceedings were commenced without his evidence being available. The charges could not be substantiated in view of the fact that Mr Field and the customs agent had been operating lawfully under the authority of permits from the beginning, albeit such permits not being issued in their correct names. In issuing the permits under false names, Lyons and Eves had not been guilty of any criminal offence and were not subject to any disciplinary action under the Public Service Act. Disciplinary action was not taken since, although the officers had been indiscreet, they had nevertheless endeavoured to faithfully discharge their duties. Nor is there any evidence that any other officer of the service has committed any offence or behaved in an improper manner. To infer this is the case as did Mr Millhouse in his statement to Parliament made on 4 August is completely reprehensible.

Mr KENEALLY: I rise on a small point of order, Sir. The Minister is continuously referring to the member for Mitcham as Mr Millhouse. I draw that to your attention.

The SPEAKER: Order! Technically, the honourable member is correct. I believe, though, that, if the honourable member were to take that matter in its true context, the honourable Minister is referring to the honourable member for Mitcham in the other role he has played in this as the solicitor for Mr Field. I believe we can leave it at that.

The Hon. D. C. WOTTON: In fact, the police investigation and the conduct of subsequent prosecutions were substantially hampered by Mr Field's failure to co-operate based on the advice of the member for Mitcham. The whole affair could have been resolved much more quickly and with far less distress to all involved had only Mr Field been allowed to provide the full details of his activities to the investigating team without his using his civil claim against the Government as a bargaining point.

The matter is now ended. Subsequent to the episode, Mr Eves was transferred from the National Parks and Wildlife Service on 23 March 1978 and consequently resigned from the Public Service on 7 December 1979, and Mr Lyons was transferred to the Woods and Forests Department on 6 November 1978. No action is or could be contemplated against other members of the service.

The whole affair reflects little credit on all its participants and not least of all upon the member for Mitcham and the former Government and Ministers under which it took place. The inquiries by the police and Crown Law Office were lengthy and exhaustive, and yet at the same time would have been unnecessary had there been open and frank disclosure by Mr Field at an earlier date.

Mr Field has since been interviewed by Crown Law officers on 19 October last to investigate the claim by the member for Mitcham of Field's possession of important evidence. The interview was, however, futile. Mr Field said that he had no more information than he had given the police. In addition, he said he had not provided the member for Mitcham with any more information than the member already knew had been communicated to the proper authorities.

Given the situation, the member for Mitcham has clearly abused the trust reposed in him as a Queen's Counsel and as a member of the House by constantly suggesting that there has been more to this affair than already disclosed. The member for Mitcham knew all along that this was not so and has used his position of privilege to slander members of the service and the service itself in a disgraceful manner. He has confused his duty to his client with a desire to embark on a course of political opportunism.

Mr Speaker, not only should this statement satisfy any queries regarding what occurred during the period under consideration, but I can assure the House regarding the future course of the National Parks and Wildlife Service. The appointment of a new Director is about to occur. After a series of acting and temporary appointments, this appointment should bring stability to the service.

The Law Enforcement Section is being reorganised and expanded. Recruiting is in progress to acquire six additional officers to bring the strength of the section to 10 and is

presently under the direction of a former Assistant Police Commissioner. The present staff has already received specialised training and this will be continued in the case of the new recruits. Field staff have also been trained to be able to cope better with their law enforcement responsibilities. Working arrangements are to be implemented to ensure better supervision of all law enforcement activities. Wildlife management is being reviewed. Approval has been given for the appointment of a Senior Wildlife Manager, and the annual registration system is being reorganised and computerised. Taken together, these changes will make for a much better trained, more efficient service able to cope with the difficulties of stamping out the reprehensible trade in native fauna.

The SPEAKER: Order! I draw to the attention of the House the fact that, in answering the point of order taken by the honourable member for Stuart, I inadvertently referred to the honourable member for Mitcham as a solicitor, when, in fact, I should have referred to him as a barrister.

RIVER TORRENS (LINEAR PARK) BILL

Adjourned debate on second reading.

(Continued from 21 October. Page 1487.)

Mr KENEALLY (Stuart): I wish to point out at the outset that the Opposition believes that this measure has reached us in a somewhat unusual way, and because of that, as I will explain later, we can give only cautious and guarded support to the Bill. It will depend very largely on the response that the Minister of Water Resources gives to the second reading speech and to the questions that he undoubtedly will have to reply to in Committee as to whether the Opposition will support what was the Labor Governments legislation, initially.

The Torrens River holds a very special place in the sentiments of South Australians and it has been variously praised or condemned, depending on people's points of view. Nevertheless, it has always been held with this degree of sentiment and it is a rather special river for us. The Torrens River valley demonstrates all that is good and bad in man's impact upon the environment. There are beautiful stretches which, apparently, have not shown any effect at all of man's presence, and there is the other extreme where the river is nothing more than an industrial sewer; but the overwhelming majority of the river is somewhere between the two.

I have a particular fondness for that stretch of the river between the weir and the bridge by the Adelaide Zoo. That is a circuit that I, as a sometime jogger, run around. I have been reliably informed that I have the 10 slowest recorded runs around that stretch. That stretch of the river is under the control of the Adelaide City Council; it is not a part of this measure. I understand that originally, when the Bill first came before the House in 1970 (and I will discuss that in a moment), it was decided that the Adelaide City Council was looking after its part of the Torrens River valley and that there was no need to incorporate that parcel of land in the Act. It is well that the Government is concerned to preserve what is good about the Torrens River and to repair what is bad. In 1970, the then Minister of Works (Hon. J. D. Corcoran, member for Hartley), in explaining the River Torrens Acquisition Bill, said:

> It is designed to remove obstacles that confront the Government and councils in attempting to improve and beautify the Torrens River. This river can and should be an important aesthetic feature in the countryside through which it passes . . . Consequent on this acquisition, the Minister is charged with the duty of performing such works as are necessary to ensure the unimpeded flow of waters over land acquired by him, and with the duty of improving and beautifying the river.

The Minister was therefore saying that in 1970 it was the then Government's intention to provide facilities to beautify the Torrens, to produce a linear park, and also to provide the flood mitigation schemes that we now see coming to fruition. In 1970 the only part of the current plan that was not envisaged was that part of the Torrens valley that will be required for the north-east transport corridor.

That is the only aspect that differs from what was in the mind of the previous Government in 1970. There was a very important provision in the 1970 legislation, which was amended in 1972, which gave protection to individuals who owned land and to councils within the Torrens Valley. That was section 3, and I think it should be read to the House, because it is the subject of one of our major queries. This provision is not in the current legislation, and we will be seeking to know why. Section 3 provides in part:

> 3. (1) If, in the opinion of the Minister, it is desirable to acquire land comprising, or adjacent to, any portion of the river, he may cause a survey to be made of, and a plan to be prepared delineating that land.
>
> (2) The boundaries of the land to be acquired shall be as close as practicable to the top of the river bank and shall not, at any point exceed a lateral distance of 60 metres from the top of the river bank.
>
> (3) When the plan has been prepared, the Minister shall cause a copy thereof to be sent to each council whose area comprises any portion of the land delineated on the plan and thereupon shall, by notice published in the *Gazette* and in a newspaper circulating generally throughout the State, give public notice that a copy of the plan will be available for inspection at the office of the Minister and the office of each such council for the period (being a period of not less than one month from the day on which the notice is last published under this subsection) specified in the notice, and that the Minister will, until the expiration of that period, entertain written representations as to whether the boundaries of the land to be acquired, delineated on the plan, should be altered.

The River Torrens Acquisition Act, 1970-1972, is still on the Statute Book and it includes that important provision. Therefore, the Opposition is wondering why it was necessary (I hope the Minister is listening, although obviously he is not) to bring into this Parliament a completely new Bill when the provision existed already in an Act which merely needed amendment. The Government could have amended the distance involved in any acquisition. It could have excluded the 60 metres and put in another figure that would have covered the land it wished to acquire. It could have quite easily incorporated in the existing Act the other very minor additions in the current Bill.

There must be one of two reasons, we suspect, for this strange behaviour—and strange behaviour it is—when we have on the Statute Book an Act that caters for what the Government is doing by this Bill. Why must we have a new Bill? One possibility is that the Government wants to grab some kudos publicly, to say, 'Here we are, with the 150th anniversary of the establishment of South Australia coming about, and we will have a new Act. Aren't we great fellows? We have done all this for South Australia. We will have a linear park, a flood mitigation scheme, and we will provide the tramway for the new O'Bahn system.' None of this is new, apart from the O'Bahn; the rest of it is old hat, because it follows the actions of the previous Government.

Either the Government is seeking this kudos, or there is something sinister about the Bill. It does not repeal existing legislation. It is an additional piece of legislation, and therefore it is confusing. How does this Bill relate to the River Torrens Acquisition Act and to the River Torrens (Prohibition of Excavations) Act? I ask the Minister, when he replies, to say why it was necessary for his Government to bring in a new piece of legislation when, I repeat, it was necessary only to amend an existing Act. Unless we are able to get assurances from the Minister that this is not a

back-door way of acquiring land for purposes that are not part of the linear park, so that people and councils would not have the facility to object, as they have under the River Torrens Acquisition Act, I give notice now that the Opposition will be opposing the measure in another place and will be moving the appropriate amendments.

We do not know what is in the mind of the Government in this legislation, and so the Opposition, in a sense, is in a cleft stick. Not until the Minister responds to close the second reading debate will we know what the Government is about, and then it will be too late to move the motion that the Opposition would need to move seeking to have a new clause inserted. I give notice that we will be following up this matter in the Legislative Council.

When the Labor Party, in Government, passed the River Torrens Acquisition Act, it charged consultants, Hassell & Partners, to prepare the River Torrens Co-ordinated Development Scheme, and a report was presented in three stages. The final stage, in a rather impressive looking document, was presented to the Hon. R. G. Payne, M.P., Minister of Water Resources, on 11 June 1979, and a covering letter signed by the Chairman, Mr J. P. Simons, states:

> The investigations involved in this scheme commenced in 1975 following the approval of the (then) Minister of Works (Hon. J. D. Corcoran, M.P.). His interest and support in the work of my committee during his term of office as Minister of Works is acknowledged and appreciated.

It is true that the linear park, the flood mitigation scheme and the north-east transport corridor are all part of the Labor Party policy, and it would be churlish of us at this stage to oppose this legislation outright. Had we been assured of the Government's goodwill in this matter, had we been assured that the Government, by introducing a separate piece of legislation, had nothing ulterior in mind, we would have been able to provide unqualified support. We are unable to do that, for the reasons I have mentioned.

The Bill consists of four clauses. It seems a very simple measure, but I believe it is of extreme importance, not only to the linear park concept, but to those people who own property along the Torrens River. It is those people whose rights might be compromised by this legislation whom we are seeking to protect. In his second reading explanation—and here again it was one of the very short second reading explanations that leaves everything up to the Opposition to research, providing no information at all to which I believe the Parliament is entitled—the Minister said:

> It is necessary because an examination of existing legislation reveals that none of the present Acts applicable to the river is quite apt to cover implementation of the scheme.

We would be very happy if the Minister could explain exactly where the River Torrens Land Acquistion Act, 1970-1972, is not adequate to provide the powers that he seeks. We have taken legal advice, and we believe that a number of Acts on the Statute Book would provide the Minister with that ability. We have this strange situation of a completely new Bill. It has been suggested that this Bill overrides existing legislation so that the Government can acquire land through power vested in it by this Bill alone. If that is the case, all the protection written into previous legislation has been negated.

That being so, we have a Government that will acquire land without notifying the community of the purpose of that acquisition and without giving the public an opportunity to object. By not displaying the plans for acquisition for the public to view and comment on, it has not given that opportunity. The Opposition submits that clause 3 of the existing legislation should be represented in the Bill that we have before us. I would be delighted if the Minister were to tell me that I am totally wrong. It has been suggested to me that acquiring land under the premise of needing it for public parks creates less opprobrium for the Government than does acquiring land for a tramway or for an O'Bahn system.

The purpose of this legislation is stated to be to provide for acquisition of land necessary for the purpose of carrying out flood mitigation works and establishing a linear park along the Torrens River, and with everyone believing that that is the purpose, the Government is using the Bill as a back-door way to acquire land for the O'Bahn system. I would like the Minister to assure members of the House that this is not the intention. I shall leave my remarks at that, because other members want to speak about some of the aspects of the linear park.

The Opposition is in sympathy with and support of the philosophical points behind this measure, namely, flood mitigation, the linear park and the north-east transport corridor, because, after all, they were all our policies, but the Opposition is very concerned about the way in which this legislation has been introduced. It is certainly separate legislation that could well have been dealt with under the River Torrens Acquisition Act, 1970-1972, or other Acts currently on the Statute Book. It is imperative for the Minister to inform the House of why the Government has acted in this way. If the Minister fails or refuses to do this in replying to the second reading debate, the Opposition will follow up these matters more closely again during the Committee stage.

Mr CRAFTER (Norwood): I wish to support the remarks of the member for Stuart in expressing the Opposition's concern about this measure which is before us tonight. There is no doubt that the Torrens River is a very important river in the history of this State, and at present it is of great interest not only to those who live nearby but also generally to the people of South Australia. Indeed, that river has had a proud history from the very foundation of the State. It was, indeed, the factor for deciding upon the placement of Adelaide. Colonel Light, in coming to this decision, said:

> I cannot express my delight at seeing no bounds to a flat, fine, rich-looking country with an abundance of fresh water lagoons, which, if dry in summer, convince me that one need not dig too deep a well to give a sufficient supply. The little river, too, was deep, and it struck me that much might hereafter be made of this little stream.

With those words, the city of Adelaide was established, and in the hearts of South Australians there has been a very important place for the Torrens River. It is in the continuance of those sentiments that I have been very critical of the actions of the Government with respect to the flood mitigation programme that has been carried out in recent months. I have not any criticism of the need for there to be a flood mitigation programme or for there to be a cleaning up of much of the unsightly aspects of the Torrens River that have been created since white settlers came to this State. I shall make some more specific comments about that in a moment.

The flood mitigation programme was indeed a concept envisaged by the previous Government, and in fact, those people who are very committed to it and who have worked towards bringing about the flood mitigation programme are very appreciative of the work that was done by the previous Government, in particular by the then Minister, the member for Hartley, and the impetus that he gave this programme during the years when he was the responsible Minister. The flood mitigation programme itself and the announcements relating to the establishment of the linear park have indeed been welcomed by those concerned about the Torrens River.

However, the way in which these matters have been handled by the Government and the way in which the work has been done leave much to be desired. The introduction of this measure can only further add to the mystique that the Government seems intent on creating in respect of the three matters that I think are pertinent to any consideration of acquisition of property along the Torrens River. First, there is the flood mitigation programme, which the Government has announced on many occasions will cost an estimated $4 200 000. Then there have been the announcements that $4 000 000 will be expended on environmental buffers or zones to minimise the impact of the O'Bahn busway on those persons who live in the suburbs adjacent to it.

There have been the various estimates of expenditure concerning the linear park, but generally they have been about $30 000 000. Therefore, we are talking about an amount of money of $38 000 000 or more. An enormous amount of money is to be spent, but there have not been any clear decisive analyses that I have seen about where this money is coming from, when it is to be spent, and who will be accountable for its expenditure. Most importantly (the member for Stuart referred to this), there has been no publication of final plans or drawings regarding how these works will be carried out and how they will be integrated. In fact, I have made many public statements calling for the publication of the final detailed drawings showing how these programmes are to be carried out and asking that interested persons in the community be allowed to comment on these proposals.

The Government has probably complied with the provisions of the River Torrens Acquisition Act, 1970-1972, to some extent, but it has not gone on in the spirit of that legislation and involved the community in the planning process. I think that is the reason that has caused much of the distrust, confusion and anxiety of local residents about the work that is being conducted along the Torrens River. One can only assume that, if such plans had been published and put on display and if there had been an involvement of the community in that process, the Government would have received much criticism with respect to the building of the O'Bahn busway. That is why such a display was not provided to the public.

The draft environmental impact statement was published. It was not easily available: it cost some $5 to obtain a copy, but it was on display at various local government offices and in Government departments, but once again, there was a period of only some 20 days for the public to study that report of about 200 pages and to make submissions to the Government on it. I have not seen how the Government amended the various plans as a result of that environmental impact statement, because they have not been put on public display. I have discussed it with all the relevant persons with whom I could have discussions, and I think there is some general agreement that it would have been a much easier process for those involved in it if there had been public participation in this whole project.

I want to refer, as the member for Stuart did, to the various pieces of legislation that are already on the Statute Book. As that member has suggested to the House, there is confusion, and there are some nice legal problems arising with respect to how these various pieces of legislation interact. We have the River Torrens Acquisition Act, last amended in 1972, which seems to cover all aspects of this current piece of legislation before us apart from one aspect, that is, the restriction on the Government to acquire land within 60 metres of the centre of the river. It seems that is the only pertinent difference between that legislation and this legislation we have before us tonight.

It would be interesting to find out why there is a need for a separate Bill to come before the House rather than an amendment to the existing legislation and what it is that this piece of legislation will achieve. I did not realise that there were properties to be acquired that were farther than 60 metres from the river. Secondly, we have the River Torrens Prohibition and Excavations Act. I imagine that, if we were to have a comprehensive approach to this whole problem of management of the Torrens River, that could have been included in a new piece of legislation, if that were seen as necessary. Further, the River Torrens Protection Act is another piece of legislation that is very sympathetic to the work of the Hassell Committee, the environmental impact statement, and the other reports that relate to the development of the Torrens River.

Then we have this linear park legislation that is before us tonight. It seems to me that there should have been an attempt to bring together all these various pieces of legislation into the one Act so that there could be, for the benefit of the public, local government, environmental groups, and the Government itself, one Act of Parliament that encompassed all these areas of protection and development of this important natural resource.

I refer also to the role of local government in this matter, because obviously the Government sees the continuing role of local government as paramount to the proper functioning of the Torrens River as a linear park. I refer to a letter that was sent by the Premier to local councils in February this year, wherein he said that the Government's proposals with respect to the Torrens River were that the Government would acquire the additional private land required in carrying out the earthworks, landscaping, tree planting, re-establishment of grass cover, and essential river structures. I suggest that a great deal of that has been done in my area without the passage of this legislation. He goes on:

1. These works will establish the linear park for all time and make the land available in a condition for ongoing developments by riparian councils in accordance with the River Torrens Development Scheme.
2. The Government will take responsibility for the cost of maintenance of the normal waterway only.
3. All Government-owned land will be transferred to riparian councils on completion of Government works.

This means that councils would then be responsible for maintenance of the land and for ongoing specific developments. Areas not further developed would require mimimum low-cost maintenance only.

I would suggest that therein lies a considerable problem for local government bodies. Indeed, there has been much criticism of the Government's activities and policies in this area by the various councils. In the areas of St Peters and Walkerville, I know there have been special considerations with respect to the ongoing costs and the initial cost to local government bodies because of the particular problems that they will experience as a result of the establishment of the O'Bahn busway. It would seem necessary that the rights and operations of local government bodies also be embodied in a piece of legislation dealing with the Torrens River, particularly at this stage where Parliament is giving the Minister authority to acquire properties for the purposes of a linear park and a flood mitigation programme.

I should have thought that all of those existing Statutes and the proposals, as they do involve as I have suggested, around about $40 000 000 of taxpayers' money, could have been embodied in a comprehensive piece of legislation which would have been available for all to use, understand, and receive those rights due to them, particularly where there is substantial acquisition to take place.

In correspondence, the Minister has told me that some 60 properties in my area are to be either in part or wholly acquired for the purposes of the establishment of the linear park, so we are not talking about a minor matter. This is

an important development. Obviously, it is one in which there is great interest throughout this State, and it does have important repercussions, yet we have this very flimsy and unexplained piece of legislation coming before us this evening.

We on this side of the House will be very interested to hear what the Minister has to say as to why this legislation in this form is necessary, how it relates to these three other Acts to which I have referred, and whether the rights that are given, particularly in the River Torrens Acquisition Act with respect to the public display of plans and the access of the public to plans and, further, the right to comment on those plans, will be transferred to this legislation, and whether the ability of the Government to compulsorily acquire land for the purposes of the linear park of the flood mitigation programme allow that land to be used at some later stage other than for those for which it was originally acquired, namely, the purpose of the construction of the O'Bahn busway. If that is so, we on this side of the House will need to review what attitude we take to the use of the acquisition legislation for those particular purposes.

I have received many representations from constituents about this matter. I have called on numerous occasions for the Minister to release the final sketches of the linear park plans to the public. I realise that draft drawings had to be provided, that they had to be co-ordinated with the construction of the O'Bahn busway, and that there was, in the early part of this year when the environmental impact statement was released, only that brief period for submissions from the public. The advertisements relating to the availability of that environmental impact statement were released on 19 March and submissions closed on 8 April.

From that time, we have heard nothing. I know that local government bodies have received sketch plans from the Minister's department and from other departments with respect to work being conducted along there, but they have told me that they are not authorised to put those plans on public display. I should have thought that it was only wise Government to involve the community in such an important project. I have said publicly that the residents welcome the implementation of the flood mitigation programme. However, the type and nature of work being carried out would indicate that the predominant factor is the rush to build the O'Bahn busway. That that is not so can be proved only by the publication of the plans.

Day after day I was called down to the Torrens River by angry residents who were very worried about the way in which the flood mitigation programme was being implemented. I refer the House to the draft environmental impact statement, because I believe that the flood mitigation programme has not been carried out in the way in which the River Torrens Committee Report envisaged it would be carried out. First, the full environmental impact statement stated that all of these measures, that is, the various components of the flood mitigation programme, were to be supplemented by a public information programme conducted by the Engineering and Water Supply Department.

That public information programme has been sadly lacking, unless we are to see it in the months ahead. Unfortunately, however, most of the clearing work that was required has already been undertaken in my electorate. In the appendix to the environmental impact statement, under the heading 'Guidelines and operational techniques for selective channel clearing', certain factors were to be taken into consideration. First, it says that the river is important as a habitat for many species of native fauna. It states:

> It is possible to encourage, in the long term, a more diverse range of habitats within the channel and adjoining flood plains to support a wider range of indigenous fauna.

I note the words 'in the long term'. Indeed, there were hundreds and hundreds of non-native trees cut down, with heavy bulldozing work, chain saws, and various herbicides used to kill off what was regarded as non-indigenous flora in that area. That was not 'in the long term', indeed, it was a very rapid short-term eradication that should have occurred over many years. Native reeds within the channel have little adverse effect upon flood flows, and yet we saw many of the native reeds being burnt out. I know of families who went daily to the river banks to feed by hand some of the bird life on the river because their natural feeding areas had been destroyed. Disturbance of the river bed and adjacent banks cause siltation and erosion, and there has been substantial disturbance to the river banks and the river bed. There have even been discussions on changing the course of the river bed in places. The appendix continues:

> Geological features are important and must not be disturbed. Obstacles such as logs and fallen trees presently across the river channel could be relocated parallel and against the bank. This could assist in bank protection and in maintaining fauna habitats, but the possibility of consequential dangers resulting from movement downstream must be considered.

That is an indication of the sensitivity with which it was envisaged that this work would be done. One day, however, I saw a large crane belting a tree on the bank of the river to knock the almonds off it. I suggest that there was an overriding plan, involving heavy clearing in particular areas. In recent months statements made by the Minister of Transport with respect to the lowering of the O'Bahn into the bowels of the river indicate plainly why such heavy clearing work was carried out in those areas. Further, the environmental impact statement states:

> There must be minimal disturbance to and interference with permanent pools and to the stream immediately upstream of such pools. The removal of exotic plants should be confined to only those which infest the channel, block the waterway and affect the regeneration of indigenous species.

Indeed, that has not been complied with. I could go to various areas of the bank on an afternoon and count, within eyesight, several hundred trees up the banks of the river that were felled and later bulldozed out. The statement continues:

> Heavy clearance of exotic vegetation could affect the microclimate of pools and environs. This could be short-term, depending on regrowth and/or planting of native vegetation.

We see there how it was envisaged that there would be, over a long period, a very sensitive approach taken to the flood mitigation programme and the cleaning up of the Torrens River so that that would be the forerunner for the establishment of the linear park. A great deal of assistance could have been provided to the officers involved. I accept that there were specialist officers involved from various Government departments who, with their expertise and with the best of will, were carrying out a programme asked of them by the Government. I accept, too, that there will be a regeneration in years to come; but in the short term and the way in which it was handled, particularly with the lack of public participation, great anxiety was caused in the community. One can only draw the conclusions that I drew.

I wrote to many constituents in May this year, after I had had discussions with some of the officers in the Minister's department, about when one might expect public information to be available about this. I was told that it would be within a few weeks. There has still not been put on display in those local areas that vital information. In March and April, I wrote to the Minister, and it was not until some months after that I received information about specific problems of acquisition along the Torrens. I understand there have been some legal problems associated with defining the boundaries of ownership of private property along the Torrens, many people whose part properties are to be acquired owning much more property than they originally thought they owned, and that the Government, when entering those properties and clearing them, initially did

not seek the approval because they thought that it was Crown land, but subsequently discovered that it was privately owned.

There was great confusion among constituents when officers of the Government belonging to survey teams were moving around, putting pegs in the ground and saying that the land would probably be acquired compulsorily for this or that purpose, and they mentioned an area of 60 meters, which was the farthest boundary that the Government could acquire, under the provisions of the River Torrens Acquisition Act. Many people realised that part of their properties could be acquired if that was to be taken.

So there was confusion and anxiety. I wrote to the Minister about this and eventually I received some information. Officers of the department visited many of the people concerned and explained the position to them. Now, many months afterwards, we have this legislation before us to authorise the acquisition of that property. A letter from the Engineering and Water Supply Department to a constituent states:

> Detailed proposals have not been finalised for this area, but essentially the land will be landscaped and trees will be planted.

If this applied to the backyard of your property adjacent to the Torrens River where you had lived for many years, enjoying that environment very much, you can imagine how unimpressed you would be receiving a letter which said that detailed proposals were not available but generally the land would be landscaped and trees would be planted. The letter continued:

> In order that the clearing work for the Torrens River channel can proceed, it would be appreciated if you would sign and return the enclosed letter thereby informing your verbal agreement to this clearing work.

It is those detailed proposals for which I have been asking but which have not been forthcoming. Much of the clearing work has been proceeded with. Much of the visual environment has been destroyed, and we still do not see how that environment will develop in the months and years to come.

I want to refer briefly to two further matters: first, the involvement of the north-east busway project team in the whole area. I have never been able to clarify, from the inquiries that I have made of the respective authorities involved, how they work together. I notice that the Chairman of the River Torrens Committee, Mr John Simons, is also the Manager of the north-east busway corridor project team. He is an officer who is highly regarded in the public service and well known for his work involving the Torrens River over many years.

It seems to me to be putting that officer in an incredibly hopeless position of conflict of interest to make him on the one hand the authority, the Chairman of the standing committee that has planned the development for the Torrens River over many years and, on the other hand, to make him the Manager of the O'Bahn busway corridor team which will undoubtedly destroy much of the environment of the Torrens River. I still have not been able to find out how that came about, why it came about and what are the respective relationships between the Highways Department and the E. & W.S. Department, the Transport Department and the Environment Department.

I just quote one example of a letter that was sent out to the various conservation and environment groups in this State by Mr Simons as Manager of Corridor Development, which is a detailed letter talking about the tree-planting programme along the busway corridor and brought about as a result of the flood mitigation programme and dovetailing in with the linear park programmes as well as the environmental protection programme that I referred to earlier costing $4 000 000 to avoid the more harmful effects of the O'Bahn busway. They are the problems that are raised with me quite often by my constituents in this matter and that is why I am suggesting that we need a comprehensive piece of legislation, not this piecemeal effort that the Minister has brought to the House this evening to seek approval to take away, I would suggest, the rights of people whose properties are to be acquired and, indeed, to carry on a very important public project with minimal explanation to the Parliament, and hence to the community, as to how the measure will be used.

There has been little legislative attempt to embody the role and the rights and responsibilities of local government in the linear park project itself. One can only assume that, if the Minister tells us that this legislation will not be used for any of the purposes associated with the busway, we will have specific legislation with respect to the acquisition of properties for that purpose and, further, we will have another piece of legislation with respect to the establishment of the linear park and the rights and responsibilities of the parties who are associated with the establishment of that park.

It would seem to me that, before councils committed themselves and their ratepayers over many years to increased costs for the establishment of that project, it is important that we have some legislative basis for that, and I can quite well understand many of the criticisms that have been made by local government bodies without knowing what legislation would be introduced to assist in the development of this important project. With the member for Stuart, I would be very interested indeed to hear the Minister's reply to this debate.

Mr SLATER (Gilles): I support the remarks made by my colleagues the member for Stuart and the member for Norwood. They have covered the matter fairly adequately but I want to express my reservations about this legislation and the real intention behind it. I think it may be expressed to some degree in the Minister's second reading explanation, as follows:

> This Bill confers upon the Minister of Water Resources the power to acquire land for the purpose of establishing the linear park along sections of the Torrens River extending from the sea to the Gorge Weir, but excluding the section of the river within the City of Adelaide. It includes power to acquire land for the linear park within the area between O.G. Road and Park Terrace; this particular section of the river is associated with the north-east busway.

I believe that the real purpose of the legislation is to empower the Government to compulsorily acquire land in connection with the north-east busway. The significance of this is borne out by the fact that another part of the river, from O.G. Road towards the eastern part of Adelaide, extending to Daly Road, where it is intended the busway will proceed, I understand has already been acquired by the Government, and there is no particular reference to that part of the river in this legislation.

Part of the river that has been cleared under the flood mitigation scheme may also be acquired for the purpose of the linear park, but it appears to me that the real purpose of the legislation is to assist in the acquisition of land predominantly in the electorate of the member for Norwood in regard to the north-eastern busway. I would also ask the Minister, as my colleagues have done, to express his views on the real purpose of the exercise and to say whether our suspicions regarding the purpose of the legislation are justified or not.

The Hon. P. B. ARNOLD (Minister of Water Resources): This has been quite an interesting debate because we have heard two quite divergent opinions expressed by the member for Stuart and the member for Norwood. On one hand, we have the member for Stuart saying there is no need for any legislation because there are sufficient powers in exist-

ing legislation and, on the other hand, we have the member for Norwood saying that we need comprehensive legislation to do this. The Bill is a very brief and simple Bill which, as the House will readily recognise in clause 4, expires on 31 December 1986. It is specifically for the purpose of creating a linear park, and it has been spelt out by the Government that the linear park is a 150-year celebration project.

I recognise that the proposal was commenced during the time of the previous Government. However, there was no programming or timing for this project to be put into effect. What is extremely important is the fact that, on our coming to office, there was considerable concern within the Engineering and Water Supply Department about the potential flood risk along the Torrens River, and unfortunately the previous Government did virtually nothing about coming to grips with that problem. One of the first projects undertaken was to establish a team within the E. & W.S. Department to look very closely at this problem and to determine just what had to be done to carry out the necessary work to protect people in the metropolitan area of Adelaide, including those in the eastern suburbs and certainly to a large degree those in the western suburbs, from a one-in-100-year flood.

Mr Slater: Floods out there are not from the Torrens River.

The Hon. P. B. ARNOLD: I would think the honourable member would do well if he sought a little more advice and knew a little more about this subject before making statements of that nature, because there are thousands of home owners in the metropolitan area of Adelaide who live with the risk of being completely flooded out by the Torrens River. Flooding can occur at any time.

It has often been said in more recent years that we will never see another 1956 flood in the Murray River. The member for Stuart believes that we are going to have another 1956 flood this year, so it can come at any time. I agree that you could have a one-in-100-year flood next year, and for the honourable member's information it is very close to 100 years since we had a flood of that magnitude. There is every likelihood, on the law of averages, that this will occur. In fact, the proposal that has been worked out and developed by the Engineering and Water Supply Department is a proposal that will protect the citizens of Adelaide to the extent of a one-in-200-year flood, which is 100 per cent protection over and above what is normally provided in other developed countries, which usually work on the basis of a one-in-100-year flood.

I am quite happy for the member for Norwood to keep on opposing this project, because it is overwhelmingly supported by the people of South Australia, particularly those people affected by a one-in-100-year flood. You only have to go and talk to people concerned and look at the flood plain maps that are readily available and have been on display. Fortunately, the previous Government did absolutely nothing about coming to grips with this problem and protecting the interests of the people—thousands of people whose homes—

Mr O'Neill: That's not true, and you know it.

The Hon. P. B. ARNOLD: It is perfectly true, otherwise, concern would not have been expressed to the extent that it was. Nothing had been done by the previous Government to come to grips with the potential flooding of the Torrens River. There is overwhelming support in the community for both the development of the linear park and the flood mitigation work which has been put forward by the Government. The member for Norwood has received very little support for his statements in the press and even less as a result of the potential flooding that was likely during the winter months. In fact, if it had not been for the clearing work already done along the Torrens, there would have been significant flooding in his area.

So there is no doubt in my mind and the vast majority of the people of this State that the linear park and certainly the flood mitigation works are works that should proceed as quickly as possible. The proposal has been overwhelmingly supported by riparian councils. The persons concerned with the land that is to be acquired for the development of the linear park and for flood mitigation processes have been written to, and the response from them has been exceedingly good; in fact, each person in turn will be interviewed, so there will be no misunderstanding whatsoever on the part of the person whose property it is necessary to acquire for the development of the flood mitigation works or the linear park. In fact, any problems arising will be discussed personally with each person concerned. So to suggest that people are being left in the air and do not know what is going to happen is completely untrue and certainly not the case. There has been a quite remarkable acceptance of this project by those persons who own property—

Mr Slater: Are they on the busway route?

The Hon. P. B. ARNOLD: —and by the councils concerned. The honourable member would know the route of the busway, because that is the route that was determined by the previous Government for the light rail transit system. I would hope that he can remember back that far, because if he cannot there is something radically wrong. The member for Norwood suggested that there was some conflict or problem with Mr Simons being the officer in charge of the development of this project. I can assure the House that Mr Simons is delighted with the job that he has; in fact, I have never seen an officer more wrapped up in his job and determined to see it carried out to the satisfaction of all concerned.

The reason for introducing this separate Bill is that it separately and clearly identifies exactly what we propose. The member for Norwood referred to legal advice; whether or not it is his own legal advice, I do not know, but if it is his legal advice it certainly does not match up with the Crown Law's advice. I think members opposite have been around long enough to realise that usual legislation is based on the recommendation of the Crown Solicitor as to what is necessary to carry out a given programme. That is precisely what is being done. I think the member for Stuart himself read out from the second reading explanation that legal advice, which comes from the Crown Law Department, was of the opinion that the existing legislation did not clearly give—

Mr Keneally: This legislation overrides—

The Hon. P. B. ARNOLD: Where is it indicated that this legislation overrides any other legislation? There is no indication of that, and to suggest it is absolutely absurd. As I say, this measure has come about as a result of very close co-operation between the Government, local government and the residents concerned. I recognise that the member for Norwood has done what he can to introduce as many obstacles as possible, going back to the early stages in relation to the flood mitigation. If it had been left to the honourable member to contend with flood mitigation problems in the Torrens and to protect the people in his electorate who would be affected by a one-in-100-year flood, these people would be waiting for a very long time. Quite obviously the honourable member would not be prepared to come to grips with that problem. As I said earlier, there are a vast number of people in that position in the lower reaches in the western suburbs of the metropolitan area whose properties would go under in a one-in-100-year flood.

This legislation provides for the construction of the linear park and for the flood mitigation works to be carried out, starting with the reconfiguration of the Kangaroo Creek

dam. I pay a tribute to the senior engineers of the Engineering and Water Supply Department, who were able to come up with a solution to the problem. It was envisaged when we started on the exercise that to come grips with a one-in-100-year flood would cost many millions of dollars. With the design worked out by the E. & W.S. Department, for little more than $4 000 000 the people of the metropolitan area can be protected from a one-in-200-year flood. I believe that that is worthy of recognition, even by members opposite.

The Bill is therefore precisely for the purpose stated: to provide for the acquisition of the land to develop the linear park and, above all else, it is vitally important that the people living in the low-lying areas of metropolitan Adelaide have protection from potential flooding. Let no-one think that it will not happen. It can happen at any time, just as it can happen on the Murray River, or elsewhere. We will not get the warning of a major flood in the Torrens River that we get on the Murray River. The member for Stuart can laugh as much as he likes. The Government is concerned about these people and about their houses being flooded. The fact that the honourable member lives at Port Augusta and will not be affected is fine, but we are concerned about those people, including those in Norwood, even if the honourable member does endeavour to oppose this proposal.

The proposal has wide acceptance in the community, especially from the riparian councils; in fact, the correspondence and negotiations between the Government and the riparian councils could not have been better. The Government is delighted with the co-operation it has received from the councils and from the landowners who will be affected by the process. Members opposite can laugh about it as much as they like, but the Government regards it as a serious matter. It is as a result of the Government's concern that the flood mitigation proposals have been worked out and incorporated with the linear park project. The fact that they blend so well together is a tribute to those engineers who have been involved in the development of the joint project.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Interpretation.'

Mr CRAFTER: I seek information about the clause, especially about the co-ordinated development scheme, the report, or the plan. Is it that report that will be implemented in the linear park scheme, or are there to be refinements to that report? I understand that the Dunstan playground, for instance, is the subject of detailed surveys being carried out at the moment, as to whether it will be relocated in part or in full, how it will be relocated, or what will be done with it. Many sections along the river bank are not included in specific detail in the report.

I suggest that the decision to route the O'Bahn busway in the bowels of the Torrens River will bring about some further changes to the reports referred to in the clause. This leads to my questions earlier as to the public display of the final drawings of the plan, so that the public will be aware of what is going on. Will the Minister say whether they are accurate and whether they will refer to what we will see in the months to come? When will the final plans be put on display, and is the description accurate?

I referred in my second reading speech to letters received by residents telling them that they would receive more detailed information in due course. I understand that they have not yet received that information, although the Minister has said that they will be interviewed, and no doubt they will be given some information on the final plans. Can the Minister say when that can be expected? The Minister referred to the route of the O'Bahn as being the same as the route of the l.r.t. That is the first time I have heard that statement. I understood that there would be some changes, if only slight ones, in the route, especially as there is to be a change in the way in which the construction of the busway is to be implemented. Does that bring about further amendments to the plans and reports referred to?

The Hon. P. B. ARNOLD: The honourable member referred to refinement. I think that is clearly spelt out in the correspondence that has gone to each council in that discussions with each council will continue. There is clear reference to refining the plans within each council area so that each council is happy with the total development plan. The honourable member referred to the O'Bahn busway. Fundamentally, it follows the same course. There might be some refinement, but fundamentally the course of the O'Bahn is the path that was to have been followed by the light rail.

Clause passed.

Clause 3—'Acquisition of land.'

Mr KENEALLY: The Minister has said that members of the Opposition are opposed to the purpose of this Bill, the linear park concept. I refute that; we are not. At no time have we said that, nothing we have said could lead the Minister to that conclusion, nor did we vote against the second reading. The Minister is trying to score some petty points. He said that the previous Government had done nothing in flood mitigation work, in the 'What a good boy am I' attitude that he has. I refer him to the Torrens River study. He inherited years of work and Acts on the Statute Book. He inherited from the then Minister of Water Resources, the member for Mitchell, a complete study of the Torrens River in relation to the linear park concept and flood mitigation. Let us put to rest this story that the Minister is the only one who has been concerned about flood mitigation.

The question the Opposition asked the Minister during the second reading debate which I believe he has failed to answer and which I think he should at least try to answer now, was whether the protections that currently exist in clause 3 of the River Torrens Acquisition Act will also apply in relation to this piece of legislation. He said that the reason why a new Bill was introduced into the House rather than amendments to existing legislation was that it was done on the advice of Crown Law.

The Minister is not the only one who has access to expert legal opinion. The legal opinion that we have received is that this Bill supersedes the River Torrens Acquisition Act. If that is the case, the protections that currently exists for people owning land on the banks of the Torrens River that is likely to be acquired, have gone. The Opposition considers that this is a very serious thing indeed. I would like the Minister to be able to assure members, not just say that Crown Law has advised him and that everything is all right, and give this Committee some definitive explanation of whether this Bill supersedes existing legislation, which would mean a *de facto* repeal of existing legislation, or whether the Minister says that this legislation is merely an addition to existing legislation. If the latter is the case, why was the River Torrens Acquisition Act not amended accordingly? I think almost all the Government had to do was amend the provision relating to the distance, measured from the middle of the Torrens River, that could be acquired.

What I am afraid of is that, if the Parliament agrees to the measure currently before us, the protections that already exist for the citizens of this State will have gone. The Government may not consider this a serious matter, but I can assure him that the Opposition does. I point out to the Minister again that the concepts of this Bill, namely, flood mitigation, the linear park, and the North-east trans-

port corridor, are not in dispute, so I do not want the Minister to waffle on about those issues. However, what is in dispute is exactly what this measure will do and what effect it will have on existing legislation concerning the rights of property owners and the people of this State who can be affected by land acquisition along the river.

The Hon. P. B. ARNOLD: I think the provisions are quite clearly spelt out in clause 3. I cannot see that there is any problem concerning the provisions, which state:

> The Minister may acquire any parts of the land that are required for the purpose of carrying out flood mitigation works or establishing a linear park along the river.

Subclause (2) states:

> The Land Acquisition Act, 1969-1972, applies to, and in relation to, the acquisition of land under this section.

That is perfectly simple. The purpose of acquisition is spelt out quite clearly; that is, to acquire the land that is necessary to enable the flood mitigation works to be carried out. If the land cannot be acquired, obviously the whole value of the flood mitigation works and the protection of thousands of people in the low-lying areas of the Torrens valley will not receive the benefits of flood protection. It is purely a matter of being able to acquire the land that is necessary to carry out the flood mitigation works. That is the critical part of the protection measures.

The linear park will be of value to all citizens to enjoy the park as an additional recreation area in the metropolitan area. However, the critical thing above all else concerns the protection of the thousands of home owners in the low-lying areas from inundation by flood. The floods will occur; the provision of the flood mitigation scheme for the protection of people is far more important than the linear park, even though the flood mitigation part accounts for only a small part of the expenditure for the works. As far as the protection of the public is concerned, one is looking at millions of dollars worth of damage if that flood mitigation work is not carried out.

Therefore, the provision is there to enable the Government to acquire additional land that is necessary principally for flood mitigation purposes, more so than for the linear park. As I said, the linear park will be of benefit to all concerned as an additional park and will be a tremendous development in the metropolitan area. However, the critical thing above all else is the protection of homes and the thousands of people who will be affected by floods. That is why the clause specifically states that the Minister may acquire parts of land and precisely spells that out.

Mr KENEALLY: The Opposition is not saying that the Government should not have powers to acquire land. We are saying that, under the River Torrens Acquisition Act, powers to acquire land already exist, but along with those powers of acquisition there are protections for the community. There is a whole list of them; they are there quite clearly in section 3. However, those protections are not present in the provisions of the Bill before the House. The Bill contains powers to acquire land, but there is no protection, which means prima facie, at least, that the Government will vest unto itself powers to acquire land with no protections for the community at all.

The Opposition accepts that the Government ought to have powers to acquire land in a matter of this magnitude, but we believe that, together with that power of acquisition, some protection ought to be available to the community, that the Government should not be able to simply arbitrarily acquire land, as this legislation provides for. I am not a Crown Law officer or a Parliamentary counsel, and neither is the Minister; it is quite obvious that the Minister does not know the answers to the questions I am asking. I am seeking the advice from the Government, because it appears to the Opposition that a very serious injustice could be done as a result of this legislation.

All the Opposition is asking the Minister to tell us is whether the protections in the existing River Torrens Acquisition Act and existing River Torrens Prohibition of Excavation Act (which does not exercise my mind as much as the first-named Act) for landowners bordering on the River Torrens are going to be lost as a result of this Parliament agreeing to this piece of legislation. I think the Minister should find out the answer. This is not an insignificant measure; we are not criticising the concept, but we are quite rightly bringing to the attention of Parliament a matter that I believe to be of extreme importance.

The longer this debate proceeds, the more I worry about it, because the more I am convinced that the Minister does not know the answers. How will one Act interact with another? I think the Minister ought to find out the answer. That is the problem that the Committee faces. I believe that the Minister does not know the answer or refuses to address himself to the matter. We agree with all the motherhood things about this Bill. I do not want to debate the value of flood mitigation, the linear park, or the transport corridor any more, but I want to concentrate on what is the really important issue, namely, whether this legislation will override the protections that already exist for members of the community whose properties border the Torrens River which are under the threat of acquisition.

The right to acquisition is not being challenged. We agree that the Government should have that right, but we also strongly believe that existing protection for the community should not now be denied them, and this Committee should address itself to that very point. I ask the Minister to do so.

The Hon. P. B. ARNOLD: If the member were to look at the correspondence that has gone out to the persons whose land will be acquired, he would see the extent to which the Government is going to negotiate and satisfy the requirements. The honourable member makes claims that he does not want to hear about the benefits of flood mitigation. That is precisely what the Bill is all about. The linear park is a secondary issue as far as flood protection is concerned. The prime concern is the protection of the homes that will be affected.

The extent of the damage that will occur has been clearly spelt out in recent months. Clause 3 clearly gives the Minister the authority to acquire the land that is necessary to prevent a flood of the magnitude of one-in-200-years. It clearly gives the Minister power to acquire that land for that specific purpose.

The Hon. D. J. HOPGOOD: I have a question for the Minister in relation to this particular clause. I set out the background to my concern by pointing out to the Minister that this is a Bill that has four clauses in it. One clause names the Bill. The next clause defines certain terms. The fourth clause establishes sunset legislation, so the active part of the Bill is the clause with which we are dealing at present. I have read through parts one and two very carefully indeed and I cannot find most of these definitions occurring in it at all. The question I ask of the Minister is: what is going on here? Why define terms that you are not putting to work in the Bill? Has there been part of clause 3 missed out?

The Hon. P. B. ARNOLD: No, there has not, because the reason for clause 2 is to define what is contained in the co-ordinated development scheme, the plan. That is exactly what is referred to as far as the plan is concerned. 'The plan' is the co-ordinated plan. From here on in, as a result of it, the plan from which the linear park will be developed will be referred to as 'the plan'. That is what clause 2

relates to. It relates to the total plan, to which the previous members were speaking.

Mr CRAFTER: I seek further explanation about this matter, because I think it is most important that it be clarified. This morning the member for Stuart and I were told that clause 3 provides a new procedure for compulsory acquisition, as provided in section 3 of the River Torrens Acquisition Act. In fact, section 3 of the River Torrens Acquisition Act of 1970-1972 provides for some conditions precedent to the acquisition of property; that is, the display of plans and the public comment on them.

That is the point that the member for Stuart has been making. There were built into that Act some safeguards for persons whose property was to be acquired. The point I was making is that the persons whose properties were to be acquired have not yet seen those plans as they have been promised. The Minister referred to the notices that were sent out to persons whose properties were to be acquired. I referred to that as well. The Minister wrote to me on 9 June 1981 and forwarded a copy of the letter that had been sent to the persons whose properties were to be acquired. I will read from that letter, as it is most important. He says:

> I forward herewith a copy of the letter which is being forwarded to those landowners who own, by title, the bed and banks of the River Torrens or part thereof. A copy of this letter has also been forwarded to the Payneham, St Peters and Walkerville councils.
>
> The procedures outlined in the letter, whilst appearing complicated, are in accordance with the provisions of the River Torrens Acquisition Act and the Land Acquisition Act.

We now find that those persons who received this letter are now having supplanted a different way or means by which they will have that property acquired. I suggest that the advice given to us is prima facie that a different set of conditions precedent will now be applying to those persons, and they may not have the safeguards—and that is our fear—that they would have had if that information provided to those persons in the Minister's letters and the letter to me dated 9 June of this year had been complied with; that is, that the properties would be acquired in accordance with the River Torrens Acquisition Act and the Land Acquisition Act. The Minister goes on in that letter to say:

> By following the procedures set down in the Acts, the owners are afforded that protection which ensures that they will receive fair compensation and provides them the right to dispute the valuation if not satisfied.

Then the Minister goes on to talk about the River Torrens Protection Act, 1949, to which I have referred earlier. I am most concerned that we are eroding some of those rights that the people anticipated and were told that they would receive by the Minister in that letter, not about the matters relating to the Land Acquisition Act; that is, the right to fair compensation and the right to dispute the valuation, but the right to know why the property is being acquired and specific details, and the right to object to the use of that property which they formally own, because that is the point that upsets them.

I also seek from the Minister an unequivocal statement that this Act will not be used to purchase property for the purposes of the O'Bahn busway, because it is quite open, I suggest, that the purposes of this Act can be complied with and land can be purchased for the linear park, and at some later stage this could be used for the purpose of the O'Bahn busway. Those persons who may well be pleased to sell for the linear park may not be so keen to sell on the same terms and conditions for the purposes of the O'Bahn busway. They have the right to know for which public purpose that land is to be acquired by compulsion.

Further, clause 3 refers to land that is required for the purpose of carrying out flood mitigation works or for establishing a linear park. The Minister has made much of the danger of flood and he referred to the imminent danger of flood in the winter just passed. I ask him what effect the construction of the O'Bahn busway will have on the danger of flooding along this level. I understand the busway will be placed below the 1931 flood level, which I think was the level to which the Minister was referring. I believe that some explanation is due about the effect that that proposal will have, not just on the environment but on the actual flood danger along the banks of the Torrens River.

The Minister accused me of acting against the various proposals for flood mitigation and clean up of the Torrens River and the linear park. I must say that I strongly support all of those particular plans. What I am opposed to are the methods by which the Government has tried to implement those, the departure from the reports recommending the way in which that should be done, and the concealment of information as to the real purpose of some of the work that has been done on the Torrens River.

The Hon. P. B. ARNOLD: The member for Norwood probably would be aware that in the 1931 flood there was quite extensive flooding outside the river banks.

Mr Slater interjecting:

The CHAIRMAN: The honourable member for Gilles will not be around if he continues to interject.

The Hon. P. B. ARNOLD: The object of the flood mitigation plan is to contain a one-in-200-years flood within the confines of the river proper and within the channel itself. A one-in-200-years flood is significantly bigger than the 1931 flood, which spread out over a large part of the metropolitan area of Adelaide. As a result of the flood mitigation work, the waters will be contained within the river itself. That is what this is all about. As far as the O'Bahn busway is concerned, it will not have any effect on the flooding of the river, because the whole development is to contain the river within the channel so that we do not have flooding outside of the banks of the river.

Mr KENEALLY: There is too much agreement between the Government and the Opposition on this measure for this debate to develop into a point-scoring exercise. Will the Minister seriously consider the points we have raised, because we think that they are important? Will the Minister advise the Minister who will have carriage of this matter in the Legislative Council as to whether the matters that we have raised are worthy of consideration and of amendment, so that this legislation, when it reaches the other place, can be debated with full information available to that House, which was not available here? I would like an assurance from the Minister that he would do that. We would obviously then let the measure pass.

The Hon. P. B. ARNOLD: I am sure that the members of the Legislative Council are capable of asking whatever questions they want to on this matter. I have given a clear explanation as to what clause 3 is all about. If the members of another place want to follow it further, they are at liberty to do so.

Mr CRAFTER: I ask the Minister to give the unequivocal statement I sought from him previously.

The Hon. P. B. ARNOLD: If the member is asking whether any of the land that is acquired as a requirement of the flood mitigation proposal of the Torrens boundaries will be used as far as the O'Bahn busway is concerned, obviously the path of the O'Bahn could cut across part of the land that has been acquired. I do not know the exact path of the O'Bahn system, but it is not being acquired specifically for the O'Bahn system. It is being acquired for the flood mitigation purposes, as indicated in the Bill. The path of the busway varies in distance from the banks of the river and obviously there is a likelihood that it could cut across, or partly touch on, some of the land that has been acquired. We are not going to divert the busway

around a piece of land that was required for flood mitigation purposes. That would be absurd.

Clause passed.

Clause 4 and title passed.

Bill read a third time and passed.

PUBLIC PARKS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 22 September. Page 1066.)

Mr HEMMINGS (Napier): As was an agreement tonight, I will be brief. When one looks at the Bill that was presented in another place, the Opposition was of the opinion that it was a fairly minor Bill and was prepared to support it. We are still prepared to give it our support, but there are certain aspects of the Bill that came out of the other place that I will deal with when we are in Committee. There was one amendment that was put in the other place on which I think the Minister needs to give an explanation. Therefore, in deference to the agreement that was reached earlier tonight, I will leave any questioning until we go into Committee.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Sale and disposal of parklands to which this Act applies.'

Mr HEMMINGS: Could the Minister give the Committee the real reason why new subsection (3) was inserted in the Upper House?

The Hon. D. C. WOTTON: As the member would know, there was consultation and it was decided that, because the matter needed more investigation, that progress should be reported. I am informed that there was negotiation between both sides of the House. I am told by the honourable member opposite that that was not the case, but I was informed that was so, and that an agreement had been reached. I certainly support the amendment that was put in as a result of those negotiations. Obviously, I will have to check with the Minister if there was not any negotiation. I am not sure whether the Opposition is saying that it does not support what is there. I would like an explanation on that.

Mr HEMMINGS: We were told in the second reading explanation that there would be close scrutiny before any local government body could dispose of public parks. As the Bill was presented in the Upper House, the Opposition was in agreement, and *Hansard* reports that agreement. The Hon. Mr DeGaris raised some objections, and progress was reported twice. I accept that there will be close scrutiny by the Government and that no council can dispose of land unless the Government of the day approves. However, we have another provision that is not really worth anything at all, because, if the Government of the day quite rightly subjects to close scrutiny any council's decision to dispose of public parks, that is all there is to it. There is no real point in the matter coming back and information being laid before the Parliament. What I am asking the Minister to tell the Committee is why the Government insisted on including this provision in clause 3.

The Hon. D. C. WOTTON: The honourable member has referred to the need for proper scrutiny.

Mr Hemmings interjecting:

The Hon. D. C. WOTTON: It was felt by Mr DeGaris particularly that it would be better still if the Parliament could be involved and that it should be brought back before the Parliament. I do not see anything wrong with that. In fact, it is obviously a very sensitive matter as far as the public is concerned, and I believe that, if the matter can be brought before Parliament and members of that House can be informed of what is happening and the reasons why it is happening, then that will only be for the good.

Mr HEMMINGS: The Hon. Mr DeGaris said that Parliament should look at any particular transfer of public parks before it takes place. Twice progress was reported. The Opposition was in no way consulted. Under clause 3, after the Governor authorises the sale, the Parliament shall be informed. That is not the point Mr DeGaris was making in the other place. Can the Minister say why the Minister of Local Government included the provision that the Parliament should be informed after the Governor had authorised the sale of the land? If the Minister cannot inform the Committee, there is no reason why this provision should be included.

The Hon. D. C. WOTTON: I have already said that it was regarded by Mr DeGaris and members of the Government in another place that the matter should come before Parliament, that the people should be advised of what was happening, what had taken place, and what the Government had recommended after it had happened. I see nothing wrong with that, because it means that at least the matter, bacause of its sensitivity, is brought out into the open through the Parliament.

Mr PETERSON: In relation again to clause 3, under which land can be transferred to a council or money advanced to a council for the purchase of land for parks, what is the situation—and it is not an inconceivable situation—where land could be obtained by a council, by one means or another (by being given to it or the council buying the land with a loan), if at some future date that land is disposed of or a decision is made to use it for some other purpose? What is the liability of the council in respect of the increasing value (because land values increase over the years, so there would obviously be a capital gain, I suppose you could say, to the council in a situation like that), and does this legislation now apply to situations where that has occurred in the past, where a council has been granted or given money to purchase land for park lands in the past?

The Hon. D. C. WOTTON: I know that that situation is covered, but I would need to get further information, and I would be quite happy to provide that for the honorable member.

Clause passed.

Title passed.

Bill read a third time and passed.

STATE TRANSPORT AUTHORITY ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 27 October. Page 1609.)

Mr O'NEILL (Florey): I rise to continue my remarks of last evening. However, because of the pressure of business on the House, I will be as quick as I can. Last night I indicated that the Opposition did not intend to oppose the second reading. However, because of subsequent events I am forced to qualify that statement, because today I received a letter from the Australian Tramway and Motor Omnibus Employees Association, which complains among other things that there was no previous consultation in regard to changing the substance of the Act, and a telegram from the A.R.U., South Australian branch, expressing concern at the Government's attitude in hastily amending the State Transport Authority Act before consultation with the union, and requesting that the Bill be delayed until consultations take place.

I ask that the Minister agree to defer consideration of this Bill until he has made time available for the unions so vitally concerned with public transport to consult with him. It is unfortunate that the Government, which on many occasions has indicated its willingness to confer with the trade union movement and with other groups in society, has failed to on this occasion, and as a consequence we now have, rightly or wrongly, severe concern being expressed by unions whose members are vitally concerned in this matter. I am fully aware that last night the Minister indicated in an interjection that the Bill did nothing but help the unions.

I ask the Minister to defer consideration of this Bill so that he can assure those unions that, in fact, that is the case. I have been assured by the Secretary of the United Trades and Labor Council that the unions involved would be quite willing to meet with the Minister as soon as possible for the purposes of conducting thorough appraisal of the ramifications of the Government's amending Bill. Therefore, with some regret, the Opposition has no alternative but to oppose the Bill unless the Minister can agree to a deferment to allow the organisations concerned time to consult with him on the effects of the proposed amendments.

Mr WHITTEN (Price): I support the member for Florey on what he has had to say about the lack of consultation with the unions. I know that the A.R.U. is upset, and so are the A.T.O.F. and the Australian Tramways and Motor Onmibus Employees Association. They claim that they have had no consultation whatsoever. One concern I have is that, with the repeal of the Bus and Tramways Act and also the Railways Act, there could be some detrimental effect on local government authorities.

Mr Randall: Come on!

Mr WHITTEN: I was addressing the Chair, and I hope the Minister has heard what I am saying. I believe repealing the Acts to which I have referred will have some detrimental effect on local government authorities. The Minister shakes his head, but when I look through the Bus and Tramways Act I notice that in section 33, which is being repealed, the authority 'shall not commence to operate any of its motor omnibuses on any road on which any motor omnibuses have not been operated within the period of five years . . .'

It says that they shall not commence to operate on that road without the consent of the authority, which I take to be the local government authority. Section 33 (2) provides:

> A road authority may refuse its consent under subsection (1) of this section only on the ground that the operation of motor omnibuses on the road would cause unreasonable damage to the road.

Could the Minister say whether there is provision there for the local government authority to have some input? It provides for consent, but Division III of the Bill gives the authority power to carry out works without any consent of the council whatsoever.

It appears to me that, with the repeal of the Railways Act, there is no provision for the Appeals Board, whereas in regard to the A.T.O.F. as far as salaried officers are concerned, there is provision for appeal. I want to know what is the situation concerning daily-paid persons. As I say with the repeal of the Railways Act, there does not appear to be any provision in that regard.

Mr PETERSON (Semaphore): One thing that concerns me is the continued reference to consultation with the unions and the Government. Time and time again we hear it in the House, and time and time again it transpires that there has not been this consultation. Power exists for the Government to negotiate with the unions, and it concerns me that the unions are not being recognised correctly, even though they are a force to be reckoned with in the community and recognised by all Government Ministers.

Mr HAMILTON (Albert Park): I also express my concern that the Minister has chosen not to consult with the unions concerned. Having represented employees in the industry, after this Bill was introduced last Thursday I took it to the State Secretary of the Australian Railways Union (the Minister knows my connection with that union), and I was told on the Friday by its State Secretary that they had not been consulted at any stage, and he had no knowledge that this Bill had been introduced in Parliament. He was amazed that the Minister had chosen not to consult with that union. As my other colleagues have pointed out, other unions also have not been consulted on this.

It would appear to me that the Minister, if he is sincere about wanting to consult and to work with the trade union movement, particularly in his position as a Minister, could at least have extended the courtesy to those unions of consulting with them, because it is a very serious situation when employees decide to take industrial action. We hear so much from members opposite about the ramifications of industrial disputation. I can quote many instances where Government Ministers have said that they wanted to work with the trade union movement, but here is a classic example where they have not.

Concern has been expressed by a number of employees to whom I have spoken about the miscellaneous parts of the Bill and about its source. Is it sourced from *Adelaide into the 80's*? I would certainly like the Minister to provide me with that information. Is it based on that document? If so, which parts of the document are involved? We would certainly like to know. We see a reference in the miscellaneous section to 'any automated or semi-automated vehicular system'. Also, information is required regarding private bus operators in the industry, and there are other sections relating to the opportunity for employees to take reasonable action to put a person off a particular conveyance.

All of these questions have to be canvassed, but unfortunately time does not permit that tonight. I ask the Minister, as have my colleagues, to reconsider giving the unions an opportunity to be consulted on this, and to reintroduce the Bill later.

The Hon. M. M. WILSON (Minister of Transport): I think I should make quite plain at the outset that this is a draftsman's Bill and, as such, is very difficult for members of Parliament to understand. The member for Albert Park wanted to know whether this Bill was based on a document prepared for the Government by Ecoplan International entitled *Adelaide into the 80's;* in fact, that was a plan commissioned by my predecessor, and it is a most important document. This Bill is not based on *Adelaide into the 80's.* This work was in train within the State Transport Authority well before I became Minister. The consolidation of the old Railways Act and the Bus and Tramways Act had been under consideration by the authority for many years, and this is a draftsman's Bill.

It is a very difficult job for the Parliamentary Counsel to draft a Bill to repeal two Acts which have been in force for a very long time, as the member for Albert Park would well know, and to bring in a new Bill covering the main points in both of the repealed Acts. In making my remarks on this subject, I am also answering similar points made yesterday by the member for Florey. This excellent piece of drafting brings about a consolidation of two old Acts. Members opposite should not try to read anything sinister into this Bill; there is nothing sinister in it.

Mr Hamilton: Then why didn't you consult the unions?

The Hon. M. M. WILSON: The member for Albert Park will get his answer. I have a lot of questions to answer, most of which were put by the member for Florey, and the member for Albert Park has just sat down. It is an excellent piece of drafting. The Bill was introduced into this House last week, and it is not my fault if members opposite have not had time to get their act together.

Mr O'Neill: That's not the case.

The Hon. M. M. WILSON: It is the case. I was prepared to debate this Bill at any length last night, and honourable members opposite know that. However, I take the point that the member for Florey raised, and I respect the reasons he gave. I do not wish to canvass that any more.

In reply to the member for Albert Park, let me say that this Bill is not sourced in any fashion other than a consolidation of the old Railways Act and the Bus and Tramways Act. I compliment the Parliamentary Counsel on this fine piece of work. In the drafting, the language has been altered to bring it up to date. The member for Elizabeth is a great proponent of having more readily understood language in Bills, and I agree with him. That is what has occurred in this Bill, and that is why there are some differences between it and the old Railways Act especially, the Act on which honourable members opposite have concentrated.

Before turning to the main point at issue, the consultation with the trade unions, I want to deal with some points made by members opposite, because it might save some time in Committee. The member for Price was concerned about what would happen to local authorities if bus routes were instituted on council roads. I refer him to clause 20 (2), which provides that the authority shall make good any damage to a street or road arising from works carried out under Division III, and, subject to any agreement with the relevant road maintenance authority, which includes councils, as well as authorities such as the Highways Department. I will not read the rest of the clause. Honourable members may check that if they wish.

The member for Price also mentioned appeals, as did the member for Florey yesterday. I am dealing with this as quickly as I can, because I know the pressure of time. The appeal provisions of the Railways Act were repealed by Act 105 of 1975 when Part III of the principal Act contained elaborate employment provisions resulting from the railways transfer agreement legislation, because all persons employed under Part III were transferred to Australian National. They were repealed by my predecessor. Most rail employees, as the member for Albert Park knows, are made available by Australian National. With regard to direct employees of S.T.A., under the State Transport Authority of South Australia Salaried Officers Award, there is power to appoint a board of reference which handles appeals against promotions, classification of positions, and disciplinary matters. If at some future date other direct employees of the authority wish to have such a tribunal, it would be established by application to the Australian Conciliation and Arbitration Commission for variation of award, or by some administrative arrangement. I can give honourable members an assurance on that. I move:

That the time for moving the adjournment of the House be extended beyond 10 p.m.

Motion carried.

The Hon. M. M. WILSON: The member for Florey mentioned the matter of connecting with wharves and sidings. I assure him that he has no worry in this regard. I quote Divisions III and IV of the Bill, clauses 19 and 22. I will not read them out, but I refer him to them. It says that the authority may carry out such works as are necessary for the establishment, maintenance, extension, etc., of a public transport system, and it provides that the authority may determine the routes along which public transport services are to be provided and the places at which stations, stops, or other points are to be established. Wharves and sidings are not required for passenger railways. I am being fairly quick, although I would like to spend more time on this.

The member for Florey raised the matter of freight. He was worried that the Bill would do away with the authority's ability to carry freight. We must remember that the authority is a metropolitan public transport organisation, but the Bill does not exclude it from carrying freight or parcels.

Mr O'Neill: It is not restricted to the metropolitan area of Adelaide.

The Hon. M. M. WILSON: In the main, its charter is to provide public transport for the metropolitan area of Adelaide. It has the S.T.A. Roadliner, which goes outside the metropolitan area, but I assure the honourable member that we can carry freight and parcels, although we are not in the business of carrying freight on its own *per se*. The member for Florey mentioned the directive power of the Minister and drew a comparison between the provisions in the principal Act and those of the Bill. This is just a rewording, bringing it up to date with more modern language. There is no difference in the directive power of the Minister. In other words, when this Bill becomes law, I will have the same directive power, no more and no less, as Geoff Virgo had.

The member for Florey was worried about the differences in wording concerning the power of delegation. I point out that the authority can delegate its powers to some person or persons but that those persons cannot then delegate the power again. It is an axiom in law that powers that have already been delegated cannot be delegated again. If the person or persons to whom the power is delegated by the board or the authority is or are no longer able to carry out the delegated power, the authority must make another delegation. Powers cannot be delegated down the line continually. I think the member for Florey would agree with that. That probably covers the main things that the member for Florey raised. I think that he was worried about two other matters. With regard to fencing, I assure the member for Florey that the Fences Act, 1975, covers the situation as far as the authority is concerned. If properties bounding the authority's permanent way are of a certain size, they must be fenced, and that situation is covered by the Fences Act, 1975.

I refer now to the question of automated and semi-automated vehicle systems. Members opposite are reading far too much into this. There is no need for them to be worried. The provision has been inserted to cover such futuristic forms of transport as mono-rail. It is extremely unlikely it would ever come to South Australia. The honourable member may be thinking of the BART system in San Francisco, where there are driverless vehicles (which I think are the honourable member's main worry), but these are not even worthy of consideration. The provision is merely to enable some Government of the future, perhaps in the year 2000, to pick up the latest technology in public transport. It does not refer to automatic ticketing systems, and the power to do that is there anyway at present.

Mr O'Neill: What about automated signalling devices?

The Hon. M. M. WILSON: The power is there in the old Act at the moment. One cannot restrict an authority from new technology. However, there is no commitment to that, anyway. Finally, I want to deal with the question of consultation with the trade unions. I am very surprised that honourable members opposite, at this late stage, wish to oppose the second reading. I find it extremely hard to understand.

Not very long ago I appointed the highest union official in this State to the board of the State Transport Authority.

I did not have to do that; I did not have to recommend to the Government that Mr Gregory be appointed to the authority. I did it willingly because I believe that Mr Gregory makes a great contribution to the running of the State Transport Authority, and I believe that he represents the interests of trade unionists on that authority very well indeed.

Mr O'Neill: He wants it clearly understood that he is there in his own right.

The Hon. M. M. WILSON: I know that he is, and he has made that quite plain to me. I have a great deal of respect for his ability and, although I do not always agree with him, I know that Mr Gregory has a very hard grain of common sense. Under no circumstances am I prepared to delay this measure. It will not be debated in the Upper House for at least 10 days.

I give Opposition members an assurance that I will see the unions, the A.R.U. and the A.T. and M.O.E.A, if they wish, next week, even though I have a very tight schedule next week, because I have to spend some time interstate concerning airports. However, I give that undertaking that I will see them and that I will make an officer available to go through the Bills with them before the legislation passes the other House. However, I am not prepared to delay the legislation at this late stage. I have explained that this is a draftsman's Bill. There is nothing sinister in the Bill. I am not taking away the right of members opposite to query the clauses in their endeavours in this place to represent the people that helped to elect them.

Mr Mathwin: Isn't Bob Gregory allowed to talk to the unions?

The Hon. M. M. WILSON: The member for Glenelg makes a very good point. The fact is that I am not prepared to delay the measure, but I will give an assurance, if the unions are so worried about this (and I cannot for the life of me understand why, when there are several protections in here) that—

Mr O'Neill: If you had spoken to them you would know.

The Hon. M. M. Wilson; The point is that I will—

Mr O'Neill interjecting:

The SPEAKER: Order!

Mr Mathwin: He doesn't talk with the unions.

The SPEAKER: Order! The second reading stage is being concluded by the last available speaker, that is, the Minister who introduced the measure.

The Hon. M. M. WILSON: Thank you, Mr Speaker. I reiterate that I consult with Mr Gregory quite often. I will see the A.R.U. and the A.T. and M.O.E.A. next week if they wish before the Bill passes through Parliament.

The House divided on the second reading:

Ayes (21)—Mrs Adamson, Messrs Allison, P. B. Arnold, Ashenden, Becker, Billard, Blacker, Chapman, Evans, Glazbrook, Goldsworthy, Gunn, Lewis, Mathwin, Oswald, Randall, Rodda, Russack, Schmidt, Wilson (teller), and Wotton.

Noes (17)—Messrs Abbott, Bannon, Crafter, Hamilton, Hemmings, Hopgood, Keneally, Langley, McRae, O'Neill (teller), Payne, Peterson, Plunkett, Slater, Trainer, Whitton, and Wright.

Pairs—Ayes—Messrs Brown, Olsen, and Tonkin. Noes—Messrs L. M. F. Arnold, Corcoran, and Duncan.

Majority of 4 for the Ayes.

Second reading thus carried.

In Committee.

Clause 1—'Short title.'

The Hon. M. M. WILSON: In view of my magnanimous gesture of co-operation in consulting with the unions, I believe the members opposite would be happy for us to take the clauses as one. I am in your hands, Sir, on that, but I understand that that would be so.

Clause passed.

Remaining clauses (2 to 8) and title passed.

Bill read a third time and passed.

ESSENTIAL SERVICES BILL

Consideration in Committee of the Legislative Council's amendments.

(Continued from 27 October. Page 1609.)

The Hon. E. R. GOLDSWORTHY: With the permission of the Committee, I will deal with all of these amendments together, as the Government does not intend to accept any of them. The first amendment is an amendment to the definition of 'emergency'. That matter was canvassed at great length here and I think a similar amendment was moved. The Government did not see fit to accept it on that occasion, nor did we see that it added anything of significance, except that it was an attempt to be more prescriptive, when in fact those words are open to interpretation. As I pointed out during the debate, it is open to an interpretation which could be as wide as the existing clause.

Amendment No. 2 seeks to reduce the time which would be required for the calling together of the Parliament from 28 days to 14 days. That was also canvassed in this place. The Government has not been persuaded by any further arguments that have been evinced that that amendment is desirable.

Amendment No. 3 also refers to industrial action and industrial conscription. That was also canvassed with some heat by both sides in this Chamber. The fact is that the Government believed that the Bill would be worthless if industrial conscription as we understand it meant that trade unions would be given an exemption from the operation of the Bill. Then the Bill, in our view, would be worthless, so we cannot accept amendment No. 3.

Likewise, amendment No. 4 was canvassed in this House. That is in regard to the ability to sue the Minister. The Government also rejected that amendment when it was moved in this place. Nothing has happened in the intervening period to cause us to change our mind. It seems to us that the only course to follow from here on in is to transmit that to the Upper House and in due course to seek a conference. All these matters were canvassed here at great length previously, and the Government has seen nothing that has transpired in the intervening period to change our views with respect to these amendments.

Mr BANNON: The Deputy Premier is right when he says that these matters were canvassed very fully in this place. I would have thought that, while the Government did not see fit to accept any amendments in this Chamber, the opportunity presented itself in another place to reconsider that position and to try to improve the legislation. In fact, we would support only three of the four amendments that have been proposed by the Legislative Council. We would not support No. 3, simply because it does not go far enough.

In other words, for the opposite reasons to the Government's, which wants to include industrial conscription in the Bill, we believe that that particular amendment just does not go far enough. However, because of the various procedural requirements, we are prevented from making that distinction. I guess it is true to say that, were this the only option available, it would certainly be better than nothing at all. For that reason, I indicate that the arguments we put in support of the principles lying behind all of those amendments are arguments to which we still strongly subscribe. We think it is a great pity that the Government has not seen fit to make any compromise in the matter. I

indicate that we strongly support the amendments put by the Legislative Council, and reject the motion.

The Committee divided on the motion:

Ayes (21)—Mrs Adamson, Messrs Allison, P. B. Arnold, Ashenden, Becker, Billard, Blacker, Chapman, Eastick, Evans, Glazbrook, Goldsworthy (teller), Lewis, Mathwin, Oswald, Randall, Rodda, Russack, Schmidt, Wilson, and Wotton.

Noes (18)—Messrs Abbott, Bannon (teller), M. J. Brown, Crafter, Hamilton, Hemmings, Hopgood, Keneally, Langley, McRae, O'Neill, Payne, Peterson, Plunkett, Slater, Trainer, Whitten, and Wright.

Pairs—Ayes—Messrs D. C. Brown, Olsen, and Tonkin. Noes—Messrs L. M. F. Arnold, Corcoran, and Duncan.

Majority of three for the Ayes.

Motion thus carried.

The following reason for disagreement was adopted:

Because the amendments make the Bill unworkable.

FORESTRY ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 15 September. Page 856.)

The Hon. D. J. HOPGOOD (Baudin): The Opposition supports this measure. The forest reserves form a very important part of the natural heritage of this State. That is something that I have turned my attention to and, I hope, turned the attention of the House to on several occasions since I took up the shadow portfolio for the Labor Party.

If one consults the 1979-80 report of the Woods and Forests Department, one finds that 26 000 hectares of the State is given over to native forest and woodland, under the control of the Minister of Forests. Although that is only small compared to the 3 000 000 hectares of land under various categories in the National Parks and Wildlife Act, we must remember that half of that latter amount is given over to the unnamed conservation park in the north of the State and that these 26 000 hectares are in the high rainfall areas of the State and are therefore more valuable in the ecological picture of the State than those vast areas of arid land.

I am glad that the Government has seen fit to introduce a measure that I believe will take us a little further towards the preservation of some of our forest reserves for the environmental aspect, rather than the developmental aspect. No-one expects *pinus radiata* forests to be used for other than commercial development. Where we have eucalyptus and other native species in forest reserves, and where we can preserve these areas, they should be preserved.

I wish to comment on two specific matters in the Bill and I will deal with them in greater detail in Committee. The first is in relation to the machinery whereby a native forest reserve is proclaimed. This is laid down in clause 4 of the Bill. It introduces a new section in the parent Act. I understand that the effect of this is that the Minister will be able to proclaim a particular area as a native forest reserve and that proclamation shall include a statement of the purposes for which the native forest reserve has been established.

If those purposes are to be changed the Minister must then, as provided later in this new section, bring down a new proclamation, and this has to be laid before the House for 14 sitting days and would therefore be subject to the normal process of disallowance that applies to any subordinate legislation. The problem is that there is no proper definition at this stage of 'native forest reserve'. The only definition we would have is in the purposes set out by the Minister and therefore we could get a situation where the purposes laid down were other than for conservation and natural vegetation. There is nothing in the parent Act or this amendment to provide for this to happen.

Hence, the amendment, which I cannot canvass at this stage, but which I have circulated, would in effect ensure that these purposes were adhered to within the over-arching purpose of native conservation. I suppose the Minister of the day could always bring down a proclamation that did other than that, but it would be *ultra vires* the Act. The only other way around this is to provide for a machinery of disallowance in relation to the initial proclamation as applies to any subsequent proclamation.

Having taken advice, it has been suggested to me that a simple definition (as I will canvass later), overcomes that and is less unwieldy. With that qualification, and the further qualification that I may ask a question of the Minister in relation to clause 16, the Opposition supports the Bill.

The Hon. W. E. CHAPMAN (Minister of Agriculture): I am pleased to learn that the Opposition has no objections to the principles incorporated in the Bill. As the member for Baudin has indicated, he wishes to canvass further a couple of points during the Committee stage, and I look forward to his doing that.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—'Forest reserves and native forest reserves.'

The Hon. D. J. HOPGOOD: I move the amendment which has been circulated in my name. It reads as follows:

Page 2, line 15—Before 'declare', insert—'if he considers it desirable to do so in order to preserve native trees and vegetation'.

I have already canvassed the objection, although not the verbiage I just placed before the committee. The Minister can declare an area to be a native forest reserve. That is not subject to disallowance by the Parliament. If subsequently he wishes to alter the use, he has to bring down a further proclamation, and that is subject to disallowance. There is no Parliamentary scrutiny over the initial proclamation, which is the important one. Furthermore, there is no proper definition of native forest reserve. The only definition would be under the parent Act and this amendment in whatever the Minister spells out in the purposes. What this does is require that the purposes shall be within the general ambit of preserving native trees and vegetation.

The Hon. W. E. CHAPMAN: I would like to comment briefly on the amendment. I think the member has really misunderstood the intention of the Government to incorporate into the Forestry Act specific provisions for proclaiming additional land other than that which it holds now. If I can just explain that a little further, of all of the land held by the Forestry Department, the major portion is either already planted to exotic varieties or is subject to planting to exotic varieties, in particular *pinus radiata*.

Other than that majority of the land held by the Forestry Department we have, as has already been identified, a significant area of land that has on it native vegetation and it is not the policy, nor has it been for a number of years the policy of the Department of Forestry, and indeed the policy of the respective Governments, to develop that native covered land for exotic plantings.

It is not our Government's intention to do that, either. However, so as to enable the Government to either accept by grant, gift, or bequest or purchase or acquire additional native vegetated land, the machinery is incorporated for that purpose and it is spelt out very clearly how it will be done; that is, if it is to be proclaimed by the Government for the purpose of having it afterwards identified and proclaimed as forestry reserve land. It will be noted that in

this instance it covers Crown lands in particular and it is recognised that there are sections of Crown lands still within the State that would be best served for this purpose.

To suggest that the reasons be restricted to those identified in the amendment, that is, for the purposes of preserving native trees and vegetation alone, in my view is too restrictive, because it may well be (and I would like to just cite a few examples) that there is a parcel of land available for acquisition and subsequent proclamation for the purposes outlined, that is, for the purposes of the Government then ensuring the continuity or security of that land for reserve purposes, and on that land there are native plants that can, first, be cultivated and thickened, and secondly, be spread on those areas that are not already covered, or propagated and taken from that land to other reserves that are not adequately covered, so to preserve the *status quo* in that situation would be restrictive on the Government for the purposes of advancing or developing native vegetation.

The very words 'to preserve' for those two identified purposes as outlined in the amendment have no flexibility about it at all. If an area were to be razed, flooded, or blown away, the cultivation of native trees on the area would not be allowed if we were so far restricted, so I think that the provision is perfectly honourable in its intention.

We are absolutely protected from any devastation or any use of that land for purposes other than the purposes embraced in that reserve, but it may well be that we want to incorporate recreation, as it is in our other forestry areas, and therefore it has to be open and available for that broad use in the reserve sense. The reserve in itself, I think, clearly implies the intention. It sets up the machinery.

It is subject to proclamation on acquisition and, as has already been appreciated and recognised by the Opposition, if there is any other purpose, it must come back and be identified if there is a change, if someone wanted to build a house on it or set up a fire-spotting station, or if it was wanted for any other protective or related reserve purpose. In that case, I do not believe it would be desirable to be restricted in the sense that I believe the amendment would cause us to be.

I have only just, as the Chairman and members of this Committee would know, received the amendment and I have tried to discuss it with my Director of Forestry this evening and I am unable to contact him. He is not available at his home number, but in the meantime, as between this Chamber and the other place, I am quite prepared to do so and, if in his opinion the restriction element does not apply, I would be prepared to say to our people in the Legislative Council that they should accept an amendment of this kind. I leave the matter at that level because I can only give my interpretation of what appears to be appropriate in this circumstance and therefore must decline acceptance of that amendment.

The Hon. D. J. HOPGOOD: I appreciate the Minister's sincerity in this matter and, therefore, after a couple of brief remarks, I will seek leave to have my amendment withdrawn on the assurance he has given. Certainly one of my colleagues in the Upper House would be in a position to move the same sort of amendment or something that had the same intention.

I just make a couple of points in relation to what the Minister has said. In fact, of course, the constraints that would be built in by an amendment such as this would still be less than, say, are enjoined upon his colleague the Minister of Environment and Planning in relation to the national parks, yet that does not prevent the Minister of Environment and Planning from building interpretative centres or perhaps a house for a ranger or something like that on a national park. He does not have to come back here and get a motion through both places because what he is doing does not strictly conform to the intention of that national park.

The second point that the Minister mentioned was what we might call an act of God, where an area is burnt out or something like that and it is the obvious thing to do to plough it up and use it for some other purpose. In that case, I would say that, if the subsequent action was in conflict with the statement of purpose that is set out, he would still have to bring in a proclamation under the later part of the clause, so that still applies anyway. I do not really think my amendment is as restrictive as the honourable gentleman suggests but, in view of the assurance we have been given, I seek leave to withdraw my amendment, if we have to go through that machinery.

Leave granted; amendment withdrawn.

Clause passed.

Clauses 5 to 7 passed.

Clause 8—'Appointment of forest wardens.'

The Hon. D. J. HOPGOOD: I have looked at this very carefully alongside the National Parks and Wildlife Act and a lot of the verbiage is word for word what is written into that Act for wardens who, for the most part, are the rangers appointed under that Act.

Is it intended that what we might call a new service is to emerge in the Woods and Forests Department which will parallel what the rangers do in the National Parks and Wildlife Service? Which people carry the powers laid down here or, rather, does the Minister intend to use people like police officers and so on—people who already have certain duties? Secondly, if the reply to my first question is 'Yes', that there will be some modest development of a new service of forest rangers similar to the National Park rangers, has this been checked out with the Public Service Association for the possible industrial implications of having two sorts of people under different Ministers doing similar sorts of jobs?

The Hon. W. E. CHAPMAN: I do not think there is any conflict of duty currently or intended. Whilst the forest reserves in many instances are adjacent or very closely related to the park reserves, in other cases they are many miles apart. I accept that the wording of this particular provision was done in consultation with the officers attached to the Parks and Wildlife Department, so that there would not be any conflict or other than a parallel-type duty applicable to each. They are under two separate potfolios dealing with two separate parcels of land ownership; indeed, they require their own detail to apply to each. In the second reading explanation I thought this was spelt out as well as a reference to those powers of authority that are currently held by the Police Force and would continue to operate in parallel with the wardens to be appointed.

The Hon. D. J. HOPGOOD: Will we see a new class of people? Are we going to see advertisements from the Minister for people to act as forest rangers, or is he going, for the most part, to use Police officers and people already involved in some other policing function?

The Hon. W. E. CHAPMAN: The situation at present is that we have Public Service employees with the Woods and Forests Department to carry out this very specific function of acting as wardens on site, both on working weekdays and in some cases on weekends to ensure that the sort of properties that we are talking about are not unduly damaged by the public. Whether or not, as a result of acquiring or proclaiming additional lands for this purpose, we will need to employ more wardens in that category will undoubtedly be determined at the time, but I am not aware of any proposed advertisement seeking additional employees in the immediate future.

Clause passed.

Clauses 9 to 15 passed.

Clause 16—'Repeal of section 22.'

The Hon. D. J. HOPGOOD: This clause takes out of the Act the reference to Parliament appropriating moneys for the Woods and Forests Department. The Minister has explained in his second reading speech that, in fact, this has not been necessary for many years because the department is self-financing. Does he concede, even with this amendment, it is still possible for the Parliament, if it wishes to do so, to appropriate such moneys under the Public Finance Act?

The Hon. W. E. CHAPMAN: I would reserve my comment on that one. I have not studied the avenues through which the Parliament may appropriate funds to the Minister of Forests in the form that is incorporated in the question. I can say to this Committee that in recent past years and certainly in the current year and in the foreseeable future the Woods and Forests Department will be self-generating in its financial areas, for the purpose of its own expenditure, plus, indeed, as has been demonstrated in this financial year, a contributor to the general revenue fund. I can further say to the Committee that as of the end of next financial year it is not anticipated to require any further loan funds for the purposes of maintaining and expanding our forestry operations in South Australia. So against the current and foreseeable financial background there is no need for section 22 to remain in the Act; hence its repeal at this time.

Clause passed.

Title passed.

Bill read a third time and passed.

HISTORIC SHIPWRECKS BILL

Adjourned debate on second reading.

(Continued from 15 September page 858.)

The Hon. D. J. HOPGOOD (Baudin): In this day and age there are still those people who are very nervous about air and sea travel. I guess that such a person if he or she is sitting in an aeroplane and it is coming in to land, often breathes a sigh of relief because the journey is nearly over, not realising that that is one of the two most hazardous parts of the journey, the take-off and the landing. It is the same for a ship. Shipwrecks usually occur along a coastline because there is something to run into. They do not occur in the middle of the ocean where there is nothing much around. Where they do occur in the middle of the ocean they are very difficult to get at; where they do occur along the coast they are rather easier to get at, and that is one of the reasons for the legislation we have before us. Shipwrecks are an important part of archeology these days. They can also bring certain material rewards to those who discover them or endeavour to excavate them. Therefore, it is important, because of what one might call the commercial aspect of this, that there be certain protections for what is part of our human heritage, whereas in the previous Bill we were talking about our native heritage.

In view of the lateness of the hour I do not intend to go into any great detail on this. There is plenty of information around about shipwrecks along the South Australian coast and the contribution that some degree of investigation of them has already played in our history. Indeed, in this morning's paper we read of the work that is being done in locating the remains of the brigantine *Tigress* in only five metres of water, discovered by divers from the Society for Underwater Historical Research. In view of the proximity of this wreck to the mouth of the Onkaparinga River I can claim to be its local member.

Members interjecting:

The Hon. D. J. HOPGOOD: I do not think that, despite my extreme age, compared with some members of this Chamber, I can be held responsible for a wreck which apparently occurred in 1840, in the same year as perhaps the most famous wreck in South Australia's history, the brig *Maria*, which contributed in part to the writing of a book *Paving the Way* by Simpson Newland, one of the great books which, though a novel, is based in part on South Australian history.

I would like at this stage, before getting into one or two details of the Bill, to pay a tribute to my colleague in another place, the Hon. John Cornwall, who, as Minister for the Environment in 1979, gave considerable encouragment for the move for increased interest in under-water archaeology. In about June 1979 he officially opened Australia's first congress on under-water archaeology. He provided through his miscellaneous line on one occasion $2 000 to the society to do some work. He enabled a good deal of contact to occur between the society and the department, and I guess it is because of that contact that there is, as I understand it, a fully qualified under-water archaeologist operating within the Minister's department at this stage. This is all very good, and long may it continue. Now we have before us a Bill which in large part mirrors the 1976 legislation of the Commonwealth, thereby extending those provisions from the Commonwealth territorial waters to the State.

I have said about as much as I want to say, although it is a fascinating topic and I would have liked the opportunity to go on for an hour and a half. You have been mercifully spared from that, Sir, and so have other members, because of the time. There is, as far as I can see, a strong element of retrospectivity in the Bill, with which I do not quarrel, but I simply remind the Minister that certainly his colleagues, if not he, in Opposition, put on turns from time to time about retrospectivity in legislation.

Take the case that the Minister's maternal great-grandfather found a piece of eight on the Coorong coast in 1911, that it has been handed down through the family, and that one of the Minister's second cousins has present possession of what is regarded as a family heirloom. It would be quite possible under this legislation for the Minister to require that second cousin to surrender that coin, even though it is not something that was discovered last week, but was discovered in 1911. I have tried to follow through the Bill. As far as I can see, that is an unlikely but a possible outcome of the Minister's slavishly adhering to the scheme set out in the Bill. I do not quarrel with that. I simply remind the House that we should understand what we are doing when we pass such legislation.

There is no indication in the legislation of what happens to some of these artifacts, once surrendered. Obviously, the Minister will not keep them in a cupboard in his office. Will they be given to the Museum, or what will happen? I understand the piece of machinery that provides that the Minister can direct that the material remain in the possession of the discoverer, but must be preserved under certain conditions to prevent deterioration. It may well be that that is what will happen with the majority of those heirlooms that come to the notice of the Minister or, indeed, things that are discovered in future. What about where something is to be surrendered to the Minister? How in fact is it to be cared for by the Minister?

Finally, and I will return to this when we go through the clauses in Committee, clause 12 refers to a register. It seems to me that such a register has to be kept. The Bill is virtually unworkable without it. It would be most unfair on people who ran across a wreck, who did not know whether or not it was on the register, and who could be

subject to penalty if they did not inform the Minister that it was a new discovery. There is no point in informing the Minister if it is an old discovery. He could know that only by inspecting the register. What concerns me is how much detail will be given. Unfortunately, there are people around who do not always share the care and concern that most of us have for the preservation of these materials. They could be vandals who want to blow it up, or avaricious people who want to pinch what is in the remains of the ship.

A register that gives too specific directions of where to find these things is something that will blow the whistle to the vandals or the avaricious people who may want to appropriate these materials for their own use. I think we should have some assurance from the Minister as to how that matter will be overcome. With those few remarks, I indicate that the Opposition does not oppose the measure, nor will we be moving any specific amendments in Committee.

Mr PETERSON (Semaphore): I think one or two of the points made by the member for Baudin are very relevant. One relates to the keeping of relics and artifacts from wrecks. A recent television program on a wreck recovered off the Irish Coast from the Spanish Armada showed the great difficulty encountered in preserving timber and relics from such wrecks, and I wonder whether we have the capacity in this State to do that if we come across something of significance. Even Western Australia, with a fairly well set up system, has some difficulty. The other point was the register, which we can talk about in Committee.

I am very interested in this Bill. I have always had an interest in the sea and the history of the State, and the two are very much inter-twined. As the Minister said in his second reading explanation, in our 150 years, 340 wrecks were recorded in this State, and only a quarter of those have been located. I do not believe that in South Australia we have so far shown enough interest in this aspect of our history. We have managed to gloss over it, and it is hiding a very colourful, romantic, heroic, and tragic part of our history. The stories linked with the craft that have come to grief are quite moving. The number of wrecks on our coast reflects the great difficulties and dangers that faced mariners trading with South Australia in the early days. We have a particularly unforgiving coastline. It also reflects our absolute dependence on sea transport until well into this century for all our interstate, intrastate, and overseas trade. Vast fleets of ships of all shapes and sizes traded into and out of the State. At one stage, although it is hard to imagine today, there was a Port Wakefield Shipping Company. I think copper and grain came out of there.

The Hon. D. J. Hopgood: Mainly wheat, surely.

Mr PETERSON: Wheat, and I believe copper was shipped from there at one stage. That is part of our history. The advent of steam power made a difference to shipping, and although steam seemed to come into force in the 1840s, it had no significant effect on shipping until early in this century. With improved sources of power and improved navigation aids, the wreck record seemed to diminish somewhat, and shipping safety improved, although by no means did it eliminate the risk, as is evident today. Ships run aground, even today.

In his second reading speech, the Minister said that South Australia did not have the Dutch shipwrecks found in Western Australia, but I do not know whether that is necessarily true. We have traced only about a quarter of those we know about. That is why I think the legislation is good; we need to look at protecting what is there. No-one seems to know what is around us, but there are rumours in the under-water fraternity about a wreck of some historic significance in this State. It may be the *Tigress*—I do not know; but there are rumours around. We may have something of more significance to be declared yet.

As the member for Baudin mentioned, even today we were notified of another wreck found in an area where one would have thought it would have been stumbled upon quite easily, an area well used by people, where one would have thought it would have shown up before now. In the *News* last evening there was an item about a seminar on shipwrecks which shows an increasing interest in our maritime past, and one that I am pleased to see. Maritime archeology is a relatively new area which I suppose has been developed only since self-contained underwater breathing apparatus came into its own and enabled people to go below the water and spend some time having a look around. Since the introduction of that equipment the number of wrecks reported has increased. I read somewhere that a shipwreck is a time capsule and that every item on it is of great interest, and I believe that to be true. Even vessels that were of no great consequence in their day are today quite significant because of what they tell us about life and the way things happened in those days. Therefore, the equipment, the effects and the cargo of those vessels are quite important in assessing just what happened in those days.

Of course, in other parts of the world wrecks are considered with great interest; they are protected and recovered. There are some great ships. I believe that the *Vasa,* a Swedish ship that went down 500 or 600 years ago, was recovered out of Stockholm harbor. Also, as I have mentioned, work has been taking place on a ship off the Irish coast, and I think there is one in the Thames estuary, the *Rose* I think it is, an old warship being raised from the mud there. There is interest around the world in this matter, and I think that, with South Australia's maritime links, we should show much more interest. As mentioned by a previous speaker, these irreplaceable vessels are in great danger. There was a classic case in Western Australia involving a Dutch ship, the *Tryal,* which sank in 1622 and which was possibly the oldest recorded wreck to be discovered off the Australian coast. That was 66 years before Dampier's voyages and 148 years before Captain Cook discovered Eastern Australia. This ship sank off Australia, so obviously it is a time capsule.

The Hon. D. J. Hopgood: Also there is reputed to be a Portuguese ship somewhere along the Victorian coast.

Mr PETERSON: Yes, there are rumours that it is in the sandhills somewhere, the *Flying Dutchman,* I think it may be called. We may not yet have discovered the great shipwreck of the century off the coast of South Australia. The *Tryal* was discovered in 1969 off the Western Australian coast in relatively deep water, and apparently in very good condition, considering the time it had been there. In 1971, when the team from the Western Australian Museum went back to do some research on the vessel they found that it had been blown to pieces, absolutely destroyed; the explosion had blown the wreck to pieces and brought a cliff down on top of it, and it was totally ruined. Although the legislation is appropriate, it will be of no use unless ways can be found to ensure that it is enforced, otherwise what I have just outlined will happen. Western Australia had shipwreck legislation, the Wrecks Act, since 1887 to protect wrecks, but these things still happened.

After the incident concerning the *Tryal,* Western Australia enacted a Maritime Archeology Act in 1973, but of course that did not save the vessel that was blown to pieces. It is interesting to note that, even though Western Australia had legislation in 1887, modified in 1973, the Commonwealth did not see its way clear to legislate in this field until 1976, when the Historical Shipwrecks Act was enacted

as a result of the Piggott report titled 'Museums in Australia 1975'. In chapter 14 of that report, the comment is made:

A wealth of historical material lies beneath the waters of the Australian coast. Over 500 shipwrecks have already been located and identified but the total number is probably in the thousands.

It is significant that we are only now working on protecting the wrecks we know when there are many more, known and unknown. The report of 1975 mentions the flaws in the legislation to protect shipwrecks. Chapter 14, paragraphs 5, states:

In most of the States there is no law or an inadequate law to protect wrecks from pillage. Only South Australia and Western Australia have relevant legislation. In South Australia the Aboriginal and Historical Relics Preservation Act, 1965, might apply to marine relics but it is understood that the legislation has never been so applied.

I checked that piece of legislation, part of the definition of 'Crown land' in section 3 (1) contains the words 'and includes the bed of the sea extending for three miles from the mean low water mark'.

Also in that section, the definition of 'relic' states, in part:

any trace or remains of the exploration and early settlement considered of sufficient importance by the Minister to warrant protection under this Act.

Fortunately or unfortunately, that Act was amended in 1979 to become the Aboriginal Heritage Act, 1979, and all reference to the protection of relics on the sea bed was removed. From that time until now, it would appear that there has been absolutely no protection for wrecks on the sea floor. Chapter 14, paragraph (5) of the Piggott Report mentions conventions for the protection of wrecks, and states:

The relevant conventions are:
The Convention for the Protection of the World Cultural and Natural Heritage
The UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property
The Convention on the Territorial Sea and the Contiguous Zone
The Convention on the Continental Shelf

I am not sure how many of those are still as they were in those days, but it is to be hoped that those appropriate to this legislation will improve protection for wrecks. Also, in the second reading explanation, the Minister states:

Under the Bill, the Minister is authorised to declare as historic shipwrecks or historic relics the remains of ships or items from them that are of historic significance. These then become subject to the provisions of the Bill. Under these provisions persons finding or having possession of such items are required to notify the Minister. The Minister is then empowered to give directions as to how the items are to be dealt with, and he may also issue permits for the exploration or recovery of shipwrecks and relics, subject to such conditions as are considered appropriate.

I do not know how these provisions will be enforced. As the previous speaker mentioned, many people have mementoes from shipwrecks and from the sailing days and maritime past of this State. I know many people in my electorate, especially with its connection with the sea, who have pieces of wrecks and personal effects, linked with wrecks of the past. There are certainly large collections in the Port Adelaide area. The oldest nautical museum in Australia is at Port Adelaide; it was established by the Port Adelaide Institute in 1859, and it was a general museum from 1872 onwards. In 1933 Mr Vernon Smith, who was very well known in that area converted it to a nautical museum. That is an old nautical museum, as I say, supposedly the oldest in Australia, with a vast (I believe the largest) collection in Australia of ships' figureheads and many other relics. They are all from the era of sail from 1859 onwards, and many of those I would think would be considered as relics under this legislation. Other large personal collections of relics are set up, and a maritime museum is also about to be set up in Port Adelaide. There are a few problems there in defining the who, what and where of many of these pieces and what will happen.

I welcome the legislation; I think it is good. I am concerned though, about how it will be policed and enforced. As I have said, there are many known and unknown wrecks, and the point is that a lot of them are in an inaccessible situation, so it will be very hard to enforce registration of some of these wrecks when they are found because they will not always be on a public beach where people will see them. Such is the case of the *Tigress*. I am a bit concerned about the effect of the legislation on people who have collected relics over the years. I hope that the legislation foreshadows an increased concern by this Government and by future Governments about our maritime history and the value of these relics to the State. I hope it is a sign that we recognise the debt we owe to the many mariners and ships they manned in the development of this State, and that we also make some other recognition of this.

In closing, I would again emphasise that, just as the finding of the *Tigress* was notified to us today, there are many, many other wrecks to be found. I use the odd phrase, 'Wrecks are where you find them.' They will pop up but they will be somewhere. So I think with the right conditions from Government and the right conditions from Government departments, I am sure many other wrecks will come to be recognised and notified and, hopefully, we well may have a *Gilt Dragon* of our own.

The Hon. D. C. WOTTON (Minister of Environment and Planning): I am very mindful of the time, but I would just like to thank both the members who have spoken in this debate for their support of the legislation. The Government believes that it is very important legislation in regard to the heritage of South Australia. I agree with the member for Baudin that it has been a joint effort on the part of both the previous Government and the present Government. We have both been very anxious to have this legislation come in.

I agree with the member for Semaphore with regard to his concern for the policing of the legislation. As I have said so many times before in relation to these matters, I doubt very much whether we will ever have enough people to police them, but I give an assurance that the Government is very serious about what we are doing in this legislation and would look in every way to police the legislation appropriately.

A couple of other points have been raised to which I would like to refer very briefly. One relates to what is likely to happen to the artefacts after they have been excavated from the shipwrecks. Of course, they will go on public display, as is spelt out in the legislation, but I need to say that at this stage I am negotiating with the Minister of Arts as to the best way in which to house these relics. Obviously, the documentation and research work must be carried out by my department, but we certainly do not have the facilities—and I do not not believe we should have the facilities within that department—to be able to house them appropriately.

However, negotiations are taking place with my colleague with regard to the assistance in providing facilities through museums, etc. The member for Semaphore has referred to some of these already, those that are already in existence and those that are proposed, particularly the Maritime Museum in Port Adelaide. I have recently learnt something of that project. It is a very exciting project, and I believe, it will do a great deal for South Australia and will promote the heritage of this State significantly.

The other matter was brought up by the member for Baudin with regard to the register. It is to be housed and

maintained by the Heritage and Conservation Branch of the Department of Environment and Planning. I take the point the honourable member makes that once the register is provided it does afford the opportunity to those who are less than responsible to take action. I would suggest, though, that it will not be just a matter of having them broadcast on the streets. They will have to go into the department and make specific inquiries with regard to the register. I doubt very much whether people would go to that extreme to seek out that information. The point is taken. I really do not know what we can do about that, because I think we would all recognise the need to have such a register. We believe that this legislation is very important, and I thank the members who have spoken for their support in this debate.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Interpretation.'

Mr PETERSON: We have Commonwealth legislation on our waters. Just how are the territorial waters of the State defined now? Is it three miles, under the harbors legislation?

The Hon. D. C. WOTTON: I need to seek that information. An adequate definition of 'territorial waters of the State' would mean the waters within the State limits, or the waters adjacent to the State, which are not covered, of course, by Commonwealth legislation. I am told that the definition refers to the waters within the gulfs and bays, which are part of the territory of South Australia.

The Hon. D. J. Hopgood: Coffin, Streaky and Encounter Bays.

The Hon. D. C. WOTTON: Right, yes.

Mr Peterson: How far offshore?

The Hon. D. C. WOTTON: I do not know; I will have to get that information. I do not have a copy of the Commonwealth legislation with me.

Clause passed.

Clause 4 passed.

Clause 5—'Certain shipwrecks and relics may be declared to be historic.'

The Hon. D. J. HOPGOOD: Clauses 5 and 10 are really the guts of the legislation. This is where I see a degree of retrospectivity operating. I wonder whether the Minister can very briefly outline to us how this will be administered, so as to be fair to people who are quite genuine in the fact that they have had possession of an article for a long time that they have reason to believe is now theirs.

Without wanting to extend beyond this clause in the strict definition of Standing Orders, if the Minister can satisfy me in relation to the rest of these clauses, I will not ask any more question until we get to section 12. In view of the slightly fanciful example that I gave about the Coorong Coast in the second reading speech, can the Minister reply with this in mind?

The Hon. D. C. WOTTON: I doubt whether I can satisfy the Minister on this as I will have to seek more information on it. Regarding retrospecitivity generally in relation to clause 20, the member will have recognised that revesting in the Crown applies only to relics that are discovered after the commencement of the Act. That is spelt out in clause 20 (3), which provides that no notice may be published under subsection (1) in respect of a historic shipwreck or historic relic lawfully in possession of a person at the commencement of this Act.

Clause passed.

Clause 6—'Provisional declaration that shipwrecks and relics are historic.'

Mr PETERSON: Why does the notice referred to in subclause (5) remain in force, unless sooner revoked, until the expiration of 12 months?

The Hon. D. C. WOTTON: We think that 12 months is long enough and provides sufficient time for research to be carried out to determine whether the shipwreck or relic warrants declaration under clause 5. A time had to be selected, and it was put to us that 12 months was adequate.

Clause passed.

Clauses 7 to 11 passed.

Clause 12—'Register of Historic Shipwrecks.'

The Hon. D. J. HOPGOOD: I was somewhat reassured by what the Minister said in relation to this clause when he closed the second reading debate. Can the Minister give us an assurance that the register will only contain as much information as is necessary for the proper functioning of the Act? That would seem to be a way around it. I am concerned about spelling out in a public document the precise latitude and longitude of these things.

The Hon. D. C. WOTTON: Yes.

Clause passed.

Clauses 13 to 20 passed.

Clause 21—'Appointment of inspectors.'

The Hon. D. J. HOPGOOD: Will the Minister say how officers of the Police Force fit in with this clause? Will they need to have identity cards, as is envisaged in subclause (2)?

The Hon. D. C. WOTTON: Yes, they will. Obviously, we intend to work closely with the Police Force in this matter. There may be a need to appoint inspectors outside the Police Force. This matter was raised earlier. Both the Department of Marine and Harbors and the Department of Fisheries, as the member would know, employ officers whose duties take them to areas where offences under this Act are likely to be committed. It may be appropriate that those officers are appointed as inspectors under this Act as well. This matter is currently being discussed with my colleague, the Minister of Fisheries and the Minister of Marine. Any inspector appointed from outside the Police Force will carry an identity card.

Clause passed.

Clauses 22 and 23 passed.

Clause 24—'Seizure and forfeiture.'

The Hon. D. J. HOPGOOD: Without canvassing the exact contents of this clause, can the Minister say what happens if the seized equipment is sold? Does the money from this sale go into general revenue, or does it go to the Minister's department or into some special fund set up for the further administration of this Act?

The Hon. D. C. WOTTON: I do not have that information, but I will obtain it for the honourable member.

Clause passed.

Clauses 25 to 29 and title passed.

Bill read a third time and passed.

RACING ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 17 September. Page 999.)

Mr SLATER (Gilles): This Bill proposes a number of amendments to the principal Act that were recommendations of the Committee of Inquiry into Racing. The Bill contains a number of diverse proposals, and in general the Opposition support the amendments contained therein. However, there are some aspects that we believe could be improved, and we will be submitting amendments to clauses of the Bill at the appropriate time. We could aptly call this Bill the second instalment of the amendments to the Racing Act arising out of the racing inquiry.

The House will no doubt recall that late last year the Government introduced a number of measures relating to

the provisions of additional finance to the racing industry. These measures came into effect on 1 January 1981. There are proposals in this Bill which affect the racing codes, the racing industry and the racing public, and they need to be carefully considered in the interests of all concerned, to ensure that maximum benefit is achieved and that sections of the code are not disadvantaged one against the other. For all the codes and industry to prosper, a proper perspective must be maintained.

I now turn to the amendments proposed in the Bill. Clauses 3 and 4 propose to amend the principal Act by substituting or striking out 'dog' and inserting in lieu thereof 'greyhound' in the various sections of the principal Act. It is a simple amendment, and the Opposition supports the proposed change. There is no doubt that it will be a far more appropriate terminology if 'greyhound' is used, because it is the only form of dog racing in the State. The terminology will bring it into line with other States. Clause 5 proposes to amend section 10 of the principal Act. I believe this is one of the major clauses in the Bill and it seeks to reconstitute quite substantially the composition of members of the board, that is, members of the Trotting Control Board.

It is proposed that the new Trotting Control Board will have five members and the proposal is that the Chairman and Deputy Chairman will be appointed by the Minister: one shall be a person nominated from a panel of three by the governing body, the South Australian Breeders, Owners, Trainers and Reinsmens Association. One shall be nominated by the Minister from a panel of three by the committee of the South Australian Trotting Club Incorporated, and one shall be a person nominated by the Minister from a panel of three nominated by a resolution passed at a meeting constituted of one delegate from each of the registered trotting clubs other than the South Australian Trotting Club by a majority of those delegates.

The present Trotting Control Board has seven members and under section 10 of the Act the board presently comprises the following: one is appointed as Chairman on the recommendation of the Minister, one is nominated by the governing body, the South Australian Breeders, Owners, Trainers and Reinsmens Association, and two are nominated by the committee of the South Australian Trotting Club. Three are nominated by a meeting of delegates of country clubs. The functions of the board are to regulate and control the sport of trotting and to conduct the trotting race meetings within the State and to promote the sport of trotting within the State.

It is fairly obvious that conflicts and problems have arisen in general in respect to the present board, but we believe that the reconstitution of the Trotting Control Board will certainly be beneficial to the code, and therefore in general principle we support the amendments to the Act. However, we believe that the general principle that the respective bodies should nominate one person rather than a panel of three persons, and that the Minister should not be able to choose a nominee. We believe that that principle is quite wrong, and we will propose in Committee that the South Australian Trotting Club, the country clubs and the Breeders, Owners, Trainers and Reinsmen Association should submit one nomination rather than a panel of three. We will be submitting, at the appropriate time in the Committee stages, amendments to that effect.

Clause 6 of the Bill proposed the term of office for members of the board shall be three years rather than four years. We support that particular change. Clause 7 also changes the number of members on the board in relation to quorums of meetings, there now being three. Of course, we have no objection to that particular amendment. Clause 9 is a consequential amendment and substitutes a division in the principal Act, which will now be the controlling authority for greyhound racing. Clauses 10 to 18 seek to reconstitute the Greyhound Racing Control Board in the same way as reconstituting the Trotting Control Board, that is, there will be five members of the board.

Clause 12 indicates that the board will consist of five members appointed by the Governor, of whom two shall be appointed on the recommendation of the Minister and one shall be Chairman and the other Deputy Chairman, one shall be a person nominated by the Minister from a panel of three, nominated by the Adelaide Greyhound Racing Club, one shall be a person nominated by the Minister from a panel of three persons nominated by resolution passed at a meeting constituted of one delegate from each of the registered greyhound racing clubs other than the Adelaide Greyhound Racing Club, by a majority of those delegates. One shall be a person nominated by the Minister from a panel of three persons nominated by the Greyhound Owners, Trainers, Breeders Association of South Australia Inc.

Clause 13 alters the term of office from four to three years. I have noted with interest the comments of the racing inquiry in respect of the organisation that is now called the Dog Racing Control Board, but will be called the Greyhound Racing Control Board, which currently has six members. The racing inquiry indicated that as far as the Adelaide Greyhound Racing Club was concerned and the control of the situation as far as the board was concerned, they could find no justification for altering that particular board. One might suggest that they are being changed to give some degree of uniformity between the Trotting Control Board and the Greyhound Racing Control Board.

If we are going to have uniformity, and if it is going to be the criterion regarding various racing codes controlling body, we could ask why the horseracing control body is not affected in this Bill. It is appointed under a different criterion. In fact, the racing control authority is the major metropolitan club, the South Australian Jockey Club. It has 14 committee members who are in actual fact the racing control body of this State. Let us look again at the report of the racing inquiry (page 55) on this particular matter, where it says:

> In South Australia and each of the States of Australia the control of galloping traditionally has been a province of a metropolitan club. The South Australian Jockey Club is the controlling body for thoroughbred racing in South Australia and has approximately 1 500 full members. Eleven of the 14 members of the committee are elected by club members, the remaining three are nominated respectively by the Provincial Racing Clubs Association of South Australia, the South Australian Country Clubs Association and jointly by the South Australian Trainers Association and the South Australian Jockeys Association.

The Hon. M. M. Wilson: Do you support a racing control board?

Mr SLATER: I am suggesting that, if the greyhound people are going to be required to reduce the number of members on the board from six to five and if there is going to be a uniformity of criterion, perhaps that may be a suggestion.

The Hon. M. M. Wilson: You are not telling me whether you would support such an alteration.

Mr SLATER: I would support such an alteration, because I think there is a conflict there (I will come to that later in my speech), about the conflict that exists between the South Australian Jockey Club and some of the later amendments indicate that. I will point that out later in my speech.

The Opposition also believes that the method proposed of submitting a panel of three names from which the Minister chooses a nominee is not in the best interests of the club. We believe, as I suggested for the Trotting Control Board, that the greyhound racing people and the various bodies should have the opportunity to submit a nominee,

rather than submitting a panel of three names. At the appropriate time, I shall be moving to amend that provision in the Bill.

Clause 19 deals with the alteration of the application of the funds of the board. It amends section 56 of the principal Act and will provide certain requirements relating to the quarterly distribution of T.A.B. surplus to the controlling authorities for horse racing, trotting, and greyhound racing. Subsection (5) was inserted only last year, and I understand that there are some administrative problems with regard to the payments to the respective bodies. As a consequence, I understand that an amendment is necessary, and I support the changes to that part of the Bill.

Clause 20 is the most controversial clause in the Bill. It proposes to amend section 62 of the principal Act by striking out subsection (2) and substituting the following new subsection:

(2) Except as otherwise directed by the Minister, the board shall pay the dividend on every off-course totalizator bet as soon as practicable after the completion of the race on which the bet was made.

T.A.B. after-race pay-outs exist in all States except South Australia and Victoria, and I understand that consideration is being given to their introduction in Victoria. However, there are no doubt problems associated with the introduction of after-race pay-outs from the point of view of the T.A.B. and the night racing code. There has been a very strong resistance from sections of the racing fraternity to the introduction of this system over a number of years, and probably the most vigorous in their opposition have been the South Australian Jockey Club and the Bookmakers League. Both bodies made submissions to the racing inquiry opposing after-race pay-outs.

However, the racing inquiry, in spite of those submissions, came out quite conclusively in favor of after-race pay-outs. My personal view is that such pay-outs are not likely to affect on-course attendances, but many people still have visions, I am afraid, of former betting shops, and tend to make a comparison with the T.A.B. Of course, there is a considerable difference between the two. It is most unlikely that clients of the T.A.B. will remain there all day to collect their winnings and re-invest. I believe the racing public is entitled to the best facilities available, and after-race pay-outs are an extenstion of those facilities. The Opposition will support the amendment, because we believe that the punters, the racing public of South Australia, support the introduction of these pay-outs.

As I have said, one of the most vociferous in its opposition, the South Australian Jockey Club, has moderated its opposition, and I quote from its annual report for 1981, as follows:

Another major recommendation of the committee of inquiry was that legislation should be amended to empower T.A.B. to pay dividends after each race. Your committee has previously expressed opposition to what is known as after-race payout, however, in light of the adjustments made to T.A.B. distributions, on-course totalisator and bookmakers taxation, the committee reviewed its previously stated opposition. It must be emphasised that the S.A.J.C. Committee cannot be confident that the stated returns resulting from after-race payout will offset loss in on-course revenue—gate receipts and betting revenue. It is the responsibility of this committee to ensure the financial security of the industry and to this extent certain financial assurances have been sought from the Government prior to the possible introduction of after-race payout by T.A.B.

So, the South Australian Jockey Club has moderated its previously stated opposition to the introduction of after-race pay-outs.

Those people who have telephone accounts with the T.A.B. have the privilege at the moment, and have had for some time, of being able to collect their winnings immediately after the race, and then ringing up and reinvesting them on the next race. It is fairly significant, from the T.A.B. report of this year, that telephone betting with T.A.B. has increased quite considerably, to the extent that about 25 per cent of T.A.B's business is done by telephone. Those persons already have that facility available to them, and I do not see why it should not be available to the racing public generally. I am a strong supporter of after-race pay-outs. We should have had them many years ago. I have been a supporter of that prinicple for some years, and I am pleased that it will be introduced.

An honourable member: What about country clubs?

Mr SLATER: We will come to that in a minute. It is part of my speech, and I have not got time to go into that at the moment.

The Hon. M. M. Wilson: Do you commend the Government for bringing this measure in?

Mr SLATER: I commend the Government for introducing after-race pay-outs. I have given my view on the matter, and I have the support of members on this side. However, I must bring one or two complications to the attention of the Minister. I have only limited time, because I am told that I must seek leave to continue my remarks. I have a lot of remarks to make, and I hope I will have an opportunity to go as far as possible tonight without interruption, and perhaps I can satisfy the Minister's inquiries as we go along.

The night codes, trotting and greyhounds, are very concerned about the effect on their activities of after-race pay-outs. At present, T.A.B. distribution is based on a percentage of turnover of the three codes, with about 65 per cent going to racing, 22 per cent to trotting, and 13 per cent to the greyhounds. It has been suggested to us in correspondence that it would be a reasonable proposition for the night codes to suggest that they are looking for a fixed percentage of the turnover of the T.A.B. They make out a case in regard to what has happened in other parts of Australia. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

ADJOURNMENT

At 11.50 p.m. the House adjourned until Thursday 29 October at 2 p.m.